

FILED MAR 7 1994

SENATE FILE 2308  
BY COMMITTEE ON ENVIRONMENT  
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 2024)

Passed Senate, <sup>(P. 669)</sup> Date 3-15-94 Passed House, Date \_\_\_\_\_  
 Vote: Ayes 45 Nays 5 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to dumping of solid waste by a private or public  
2 agency.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF-2308

1 Section 1. Section 455B.307, Code 1993, is amended to read  
2 as follows:

3 455B.307 DUMPING SOLID WASTE DISPOSAL -- WHERE PROHIBITED  
4 -- PENALTY.

5 1. A private agency or public agency shall not dump or  
6 deposit or solid waste, permit the dumping or depositing of  
7 any solid waste, maintain a solid waste disposal site, or  
8 allow any solid waste to remain at any place other than a  
9 sanitary disposal project approved by the director unless the  
10 agency has been granted a permit by the department which  
11 allows the dumping or depositing of solid waste, the  
12 maintaining of a solid waste disposal site, or allows solid  
13 waste to remain on land owned or leased by the agency. The  
14 department shall adopt rules regarding the permitting of this  
15 activity which shall provide that the public interest is best  
16 served, but which may be based upon criteria less stringent  
17 than those regulating a public sanitary disposal project  
18 provided that the rules adopted meet the groundwater  
19 protection goal specified in section 455E.4. The  
20 comprehensive plans for these facilities may be varied in  
21 consideration of the types of sanitary disposal practices,  
22 hydrologic and geologic conditions, construction and  
23 operations characteristics, and volumes and types of waste  
24 handled at the disposal site. The director may issue  
25 temporary permits for dumping or disposal of solid waste, for  
26 maintaining a solid waste disposal site, or for allowing solid  
27 waste to remain at disposal sites for which an application for  
28 a permit to operate a sanitary disposal project has been made  
29 and which have not met all of the requirements of part 1 of  
30 this division and the rules adopted by the commission if a  
31 compliance schedule has been submitted by the applicant  
32 specifying how and when the applicant will meet the  
33 requirements for an operational sanitary disposal project and  
34 the director determines the public interest will be best  
35 served by granting such temporary permit.



1 to remain in violation of the dumping prohibitions, to clean  
2 up the site and dispose of the waste at an approved sanitary  
3 disposal site. It provides that if the dumping or depositing  
4 occurred on land used for farming, the owner of the land shall  
5 only be required to clean up the site and dispose of waste  
6 that was dumped or deposited on or after July 1, 1994.

7 This bill may include a state mandate as defined in section  
8 25B.3.

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SENATE FILE 2308

S-5217

1 Amend Senate File 2308 as follows:  
2 1. Page 2, by striking lines 4 through 12 and  
3 inserting the following: "the part. The director  
4 may, as to actions taken on or after July 1, 1994,  
5 order the party responsible for dumping or depositing  
6 or permitting the dumping or depositing of solid  
7 waste, to clean up the site, in accordance with rules  
8 adopted under chapter 17A. The rules shall permit  
9 disposal of solid waste at the site if approved by the  
10 department. If the dumping or depositing occurred on  
11 land used for farming, as defined in section 9H.1, the  
12 owner of the land shall only be required to clean up  
13 the site and dispose of waste that the owner knowingly  
14 permitted to be dumped or deposited on or after July  
15 1, 1994. The attorney general".

By H. KAY HEDGE  
BERL E. PRIEBE

S-5217 FILED MARCH 15, 1994  
ADOPTED

SENATE FILE 2308

S-5190

1 Amend Senate File 2308 as follows:  
2 1. Page 1, line 13, by inserting after the word  
3 "agency" the following: "as part of the permitting  
4 process. This subsection does not prohibit the  
5 retention of coal combustion residues on-site pending  
6 final disposal".

By MICHAEL E. GRONSTAL

S-5190 FILED MARCH 14, 1994

*Adopted*  
*3-15-94*

SENATE FILE **2308**  
BY COMMITTEE ON ENVIRONMENT  
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 2024)

(AS AMENDED AND PASSED BY THE SENATE MARCH 15, 1994)

\_\_\_\_\_ - New Language by the Senate

Passed Senate, Date <sup>(P.1299)</sup> 4-15-94 Passed House, Date \_\_\_\_\_  
Vote: Ayes 48 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to dumping of solid waste by a private or public  
2 agency.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2308

H-5638 SENATE FILE 2308

1 Amend Senate File 2308, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, by striking lines 6 through 16 and  
4 inserting the following: "the part. The director may  
5 order the party responsible for dumping or depositing,  
6 permitting the dumping or depositing, or maintaining  
7 or allowing solid waste to remain in violation of  
8 subsection 1, to clean up the site and dispose of the  
9 waste at an approved sanitary disposal site. The  
10 attorney general shall, on request of".

By COMMITTEE ON ENERGY AND  
ENVIRONMENTAL PROTECTION  
RAFFERTY of Scott, Chairperson

H-5638 FILED MARCH 23, 1994

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1 Section 1. Section 455B.307, Code 1993, is amended to read  
2 as follows:

3 455B.307 DUMPING SOLID WASTE DISPOSAL -- WHERE PROHIBITED  
4 -- PENALTY.

5 1. A private agency or public agency shall not dump or  
6 deposit or solid waste, permit the dumping or depositing of  
7 any solid waste, maintain a solid waste disposal site, or  
8 allow any solid waste to remain at any place other than a  
9 sanitary disposal project approved by the director unless the  
10 agency has been granted a permit by the department which  
11 allows the dumping or depositing of solid waste, the  
12 maintaining of a solid waste disposal site, or allows solid  
13 waste to remain on land owned or leased by the agency as part  
14 of the permitting process. This subsection does not prohibit  
15 the retention of coal combustion residues on-site pending  
16 final disposal. The department shall adopt rules regarding  
17 the permitting of this activity which shall provide that the  
18 public interest is best served, but which may be based upon  
19 criteria less stringent than those regulating a public  
20 sanitary disposal project provided that the rules adopted meet  
21 the groundwater protection goal specified in section 455E.4.  
22 The comprehensive plans for these facilities may be varied in  
23 consideration of the types of sanitary disposal practices,  
24 hydrologic and geologic conditions, construction and  
25 operations characteristics, and volumes and types of waste  
26 handled at the disposal site. The director may issue  
27 temporary permits for dumping or disposal of solid waste, for  
28 maintaining a solid waste disposal site, or for allowing solid  
29 waste to remain at disposal sites for which an application for  
30 a permit to operate a sanitary disposal project has been made  
31 and which have not met all of the requirements of part 1 of  
32 this division and the rules adopted by the commission if a  
33 compliance schedule has been submitted by the applicant  
34 specifying how and when the applicant will meet the  
35 requirements for an operational sanitary disposal project and

1 the director determines the public interest will be best  
2 served by granting such temporary permit.

3 2. The director may issue any order necessary to secure  
4 compliance with or prevent a violation of the provisions of  
5 this part 1 of division IV or the rules adopted pursuant to  
6 the part. The director may, as to actions taken on or after  
7 July 1, 1994, order the party responsible for dumping or  
8 depositing or permitting the dumping or depositing of solid  
9 waste, to clean up the site, in accordance with rules adopted  
10 under chapter 17A. The rules shall permit disposal of solid  
11 waste at the site if approved by the department. If the  
12 dumping or depositing occurred on land used for farming, as  
13 defined in section 9H.1, the owner of the land shall only be  
14 required to clean up the site and dispose of waste that the  
15 owner knowingly permitted to be dumped or deposited on or  
16 after July 1, 1994. The attorney general shall, on request of  
17 the department, shall institute any legal proceedings  
18 necessary in obtaining compliance with an order of the  
19 commission or the director or prosecuting any person for a  
20 violation of the provisions of the part or rules issued  
21 pursuant to the part.

22 3. Any person who violates any provision of part 1 of this  
23 division or any rule or any order adopted or the conditions of  
24 any permit or order issued pursuant to part 1 of this division  
25 shall be subject to a civil penalty, not to exceed five  
26 thousand dollars for each day of such violation.

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Delaney - Chair  
Bronstad  
Kersten

SSB 2024  
Environment + Energy  
Utilities

SENATE/HOUSE FILE 2308  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to dumping of solid waste by a private or public  
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30 this division and the rules adopted by the commission if a  
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33 requirements for an operational sanitary disposal project and  
34 the director determines the public interest will be best  
35 served by granting such temporary permit.



1 25B.3.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

4 A recent Iowa supreme court decision has placed in question  
5 the ability of the department of natural resources to require  
6 the cleanup of open dumps. This limitation will hinder the  
7 cleanup and may in fact encourage the disposal of waste on  
8 vacant lands. This bill is intended to establish the  
9 department's authority to clean up these sites. "Public  
10 agency" and "private agency", for purposes of definition for  
11 part 1 of division IV of chapter 455B, are defined in section  
12 28E.2. Public agencies include federal, state, and local  
13 units of government and private agencies include individuals  
14 and business entities.

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