

# F I N A L R E P O R T

## WATER QUALITY STUDY COMMITTEE

January, 1986

The Legislative Council established the Water Quality Interim Study Committee to conduct a study of groundwater and surface water pollution during the 1985 legislative interim. The following members were appointed to the Committee:

Senator Larry Murphy, Co-chairperson  
Representative David Osterberg, Co-chairperson  
Senator Charles Bruner  
Senator Hurley Hall  
Senator Forrest Schwengels  
Senator Arne Waldstein  
Representative Dennis Black  
Representative Paul Johnson  
Representative Don Paulin  
Representative Vic Stueland

The Committee held its initial meeting on September 18, 1985 with the morning session being a joint meeting with the Hazardous Waste Disposal Site Interim Study Committee at which Director Stephen Ballou and several other representatives of the Department of Water, Air and Waste Management made a presentation of the subject matter and existing programs, studies and problems. In the afternoon session, a presentation was made by the Geological Survey and State Geologist Don Koch. At the morning meeting, the two Committees resolved to hold hearings about the state for the receipt of testimony by citizens. These hearings were held as follows:

October 15th - Waukon  
October 16th - Des Moines, Clinton and Waterloo  
October 21st - Cedar Rapids  
October 28th - Storm Lake

On October 30th the Committee convened again and received extensive testimony from the following:

1. Dr. Peter Isaacson, Department of Preventative Medicine and Environmental Health, University of Iowa, regarding the relationship between volatile organic compounds in drinking water and the incidence of certain cancers.
2. Joann Muldoon and Ken Choquette, Department of Health, regarding studies about the LaBounty hazardous waste site near Charles City.

3. John Eure, Department of Health, regarding the State Technical Advisory Committee on Toxicology.
4. Dr. James Baker, Department of Agricultural Engineering, Iowa State University, regarding practices to reduce the loss of agricultural chemicals and subsequent degradation of water quality.
5. Phil Svano, Energy Policy Council and David Hogan, Iowa Society of Solid Waste Operations, regarding the recommendations of the Solid Waste Task Force.
6. Jerry Dumke, Upper Exporerland Regional Planning Commission, regarding solid waste disposal in northeast Iowa.
7. Professor R. Rajagopal, Department of Geography, University of Iowa, regarding the planning or design of groundwater research projects.
8. Kevin Kessler, Wisconsin Department of Natural Resources, regarding the impetus for, and enactment and implementation of, the Wisconsin groundwater water quality law.

The Committee's scheduled December 2nd meeting was cancelled by a snowstorm and was rescheduled to December 16th. At that meeting the Committee discussed and amended bills and recommendations suggested by the members. Since only two senators participated in the deliberations, the Committee was unable to make any recommendations to the Legislative Council.

The Committee received Legislative Council authorization to hold an additional meeting during the 1986 session. The Committee met briefly on January 14, 1986 and recommended the following bills:

1. LSB7774, which requires the Water, Air and Waste Management to adopt rules for the certification of sanitary landfill operators, including surety bonding and requires operators to be certified by January 1, 1990.
2. LSB7776, which provides a state mandate that municipal waterworks and rural water districts have their water supplies tested for the presence of synthetic organic compounds and pesticides to the extent prescribed by the Department of Water, Air and Waste Management by January 1, 1989.
3. LSB7777, which requires the Department of Water, Air and Waste Management to establish drinking water standards for bottled drinking waters and makes it a consumer fraud to advertise a water purification device as being more effective than the State Hygienic Laboratory is willing to certify.

4. LSB7780, which requires monitoring in perpetuity of landfills associated with sanitary disposal projects operating under a state permit that close in the future or have closed in the last twenty years.

Copies of the bills recommended are attached. More extensive accounts of the Committee's deliberations are reflected in the minutes of meetings and hearings and testimony submitted which are on file at the Legislative Service Bureau.

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED WATER QUALITY  
STUDY COMMITTEE BILL).

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

**A BILL FOR**

1 An Act to require the certification of sanitary landfill  
2 operators and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.133, Code 1985, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 8. Establish and adopt by rule minimum  
4 standards for the certification of sanitary landfill  
5 operators, including surety bonding requirements, terms of  
6 certificates, and procedures for issuance and renewal.

7 Sec. 2. NEW SECTION. 455B.311 LANDFILL OPERATOR  
8 CERTIFICATION -- PENALTY.

9 Sanitary landfill operators shall be certified by the  
10 commission in accordance with the rules adopted by the  
11 commission. Applications for certification shall be on forms  
12 prescribed and furnished by the commission and shall not  
13 contain a recent photograph of the applicant. An applicant is  
14 not ineligible for certification because of age, citizenship,  
15 sex, race, religion, marital status, or national origin  
16 although the application may require citizenship information.  
17 The commission may consider the past felony record of an  
18 applicant only if the felony conviction relates directly to  
19 the practice of operation of sanitary landfills. Character  
20 references may be required, but shall not be obtained from  
21 certificate holders. The commission shall set the fees for  
22 certification.

23 A person operating a sanitary landfill after January 1,  
24 1990 without a certificate issued by the commission is guilty  
25 of a serious misdemeanor.

26 **EXPLANATION**

27 This bill requires the water, air and waste management  
28 commission to establish standards for certification of  
29 sanitary landfill operators, including surety bonding re-  
30 quirements. The bill provides that any landfill operator not  
31 certified by the commission after January 1, 1990 is guilty of  
32 a serious misdemeanor.

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SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED WATER QUALITY  
STUDY COMMITTEE BILL)

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

**A BILL FOR**

1 An Act to require a one-time, extensive test for water  
2 contaminants in public water supplies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. The intent of this Act is to provide a rela-  
2 tively extensive and comprehensive analysis of the  
3 contaminants in the water supplies of the state and to  
4 identify any patterns and problems with those contaminants.  
5 Each municipal waterworks and rural water district shall have  
6 its water tested for the presence of synthetic organic  
7 chemicals and pesticides. Those waterworks which participated  
8 in the department of water, air and waste management's prior  
9 synthetic organic chemical survey are exempt from this  
10 requirement. Those waterworks and districts which serve more  
11 than five thousand persons shall complete the testing by  
12 January 1, 1988 and the remainder shall complete the testing  
13 by January 1, 1989. The department of water, air and waste  
14 management shall adopt rules prescribing the extent of the  
15 tests, the laboratories approved to conduct the tests, and the  
16 reporting of the test results to the department.

17 EXPLANATION

18 This bill provides a state mandate that municipal  
19 waterworks and rural water districts in the state have their  
20 water tested for the presence of synthetic organic compounds  
21 and pesticides to the extent prescribed by the department of  
22 water, air and waste management.

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HOUSE/SENATE FILE \_\_\_\_\_  
BY (PROPOSED WATER QUALITY  
STUDY COMMITTEE BILL).

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

A BILL FOR

1 An Act relating to the purification of certain waters, and  
2 incorporating a penalty.

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

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1 Section 1. Section 455B.173, Code Supplement 1985, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 10. Establish, modify, or repeal rules  
4 relating to drinking water standards for water sold in  
5 containers for human consumption. The standards shall  
6 establish the maximum permissible level of any physical,  
7 chemical, biological, or radiological substance in the water  
8 and shall be as stringent as those established under the  
9 federal Safe Drinking Water Act.

10 Sec. 2. Section 714.16, subsection 1, Code Supplement  
11 1985, is amended by adding the following new paragraph:

12 NEW PARAGRAPH. f. The term "water purification device"  
13 means a device intended to remove contaminants from water  
14 which is affixed to a drinking water system in a residence.

15 Sec. 3. Section 714.16, subsection 2, Code Supplement  
16 1985, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. h. The advertisement for sale, lease, or  
18 rent of a water purification device which claims or implies a  
19 removal of contaminants to a greater extent than that to which  
20 the Iowa state hygienic laboratory has certified is an  
21 unlawful practice.

22 EXPLANATION

23 This bill requires the department of water, air and waste  
24 management to establish drinking water standards for bottled  
25 water. The bill also makes it a consumer fraud to advertise a  
26 water purification device as being more effective in the  
27 removal of contaminants than the Iowa state hygienic  
28 laboratory is willing to certify.

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HOUSE/SENATE FILE \_\_\_\_\_  
BY (PROPOSED WATER QUALITY  
STUDY COMMITTEE BILL)

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

**A BILL FOR**

1 An Act relating to monitoring at sanitary disposal projects.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.304, unnumbered paragraph 1, Code  
2 Supplement 1985, is amended to read as follows:

3 The commission shall establish rules for the proper  
4 administration of this part 1 of division IV which shall  
5 reflect and accommodate as far as is reasonably possible the  
6 current and generally accepted methods and techniques for  
7 treatment and disposition of solid waste which will serve the  
8 purposes of this part 1 of this division, and which shall take  
9 into consideration the factors, including others which it  
10 deems proper, such as existing physical conditions,  
11 topography, soils and geology, climate, transportation, and  
12 land use, and which shall include but are not limited to rules  
13 relating to the establishment and location of sanitary  
14 disposal projects, sanitary practices, inspection of sanitary  
15 disposal projects, collection of solid waste, disposal of  
16 solid waste, pollution controls, the issuance of permits,  
17 approved methods of private disposition of solid waste, the  
18 general operation and maintenance of sanitary disposal  
19 projects, and the implementation of this part 1 of this  
20 division. The rules shall require that each sanitary disposal  
21 project has a sufficient number of water wells to adequately  
22 monitor the quality of ground water adjacent to the sanitary  
23 disposal project site and to require that the monitoring  
24 continue in perpetuity after the project's closure. Prior to  
25 issuance of rules or amendments to rules, the commission shall  
26 hold at least one public hearing on the proposed rules or  
27 amendments, and shall give notice of the hearing at least  
28 thirty days in advance by publishing notice in a newspaper of  
29 general circulation in the state.

30 Sec. 2. The requirement of monitoring provided in section  
31 1 of this Act applies to all sanitary disposal projects in  
32 operation and those landfills associated with sanitary  
33 disposal projects which have been in operation under a state  
34 permit during the twenty years prior to the effective date of  
35 this Act.

EXPLANATION

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This bill requires monitoring of groundwater at sanitary disposal projects in perpetuity after the project's closure. The requirement is retroactive to landfills that were associated with sanitary disposal projects operating under a state permit that have closed in the last twenty years.