

Amended 3/21/83 By Pass 3/22 (p. 891)

Reprinted 3/23/83

FILED MAR 4 1983

SENATE FILE 355

BY COMMITTEE ON NATURAL RESOURCES

(FORMERLY SSB 61)

Approved 3/2/83 (p. 642)

Passed Senate, Date 3-22-83 (p. 892) Passed House, Date \_\_\_\_\_

Vote: Ayes 46 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to procedures, forms, and fees for permits  
2 and conditional permits issued by the department of  
3 water, air and waste management.

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

SENATE FILE 355

S-3224

1 Amend Senate File 355 as follows:

2 1. Page 1, by striking lines 18 and 19 and in-  
3 serting in lieu thereof the following:

4 "(3) The typical costs of the particular types of  
5 projects or activities for which permits or conditional  
6 permits are required, provided that in no circumstances  
7 shall fees be in excess of the actual costs to the  
8 department."

S-3224 FILED

BY BASS VAN GILST

MARCH 14, 1983

Adopted 3/22/83 (p. 892)

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1 Section 1. Section 455B.105, Code 1983, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. a. Adopt, by rule, procedures and forms  
4 necessary to implement the provisions of this chapter relating  
5 to permits or conditional permits. The commission may also  
6 adopt, by rule, a schedule of fees for permit and conditional  
7 permit applications and a schedule of fees which may be  
8 periodically assessed for administration of permits and  
9 conditional permits. In determining the fee schedules, the  
10 commission shall consider:

11 (1) The reasonable cost to the department of reviewing  
12 applications and issuing, implementing, and enforcing permits  
13 and conditional permits, excluding court costs associated  
14 with enforcement actions.

15 (2) The relative benefits to the applicant and to the  
16 public of permit and conditional permit review, issuance,  
17 and enforcement.

18 (3) The typical costs of the projects or activities for  
19 which permits or conditional permits are required.

20 b. The fees collected by the department under this  
21 subsection shall be remitted to the treasurer of state and  
22 credited to the general fund of the state.

23 Sec. 2. Section 455B.173, subsection 5, Code 1983, is  
24 amended by striking the subsection.

25 Sec. 3. Section 455B.278, subsection 1, Code 1983, is  
26 amended to read as follows:

27 1. The commission shall adopt, modify, or repeal rules  
28 establishing procedures by which permits required under this  
29 part shall be issued, suspended, revoked, modified, or denied.  
30 The procedures shall include provisions for application, an  
31 ~~application-fee-sufficient-to-pay-the-administrative-costs~~  
32 ~~of-the-permit-process,~~ public notice and opportunity for  
33 public hearing, and contested cases.

34 Sec. 4. Section 455B.305, Code 1983, is amended to read  
35 as follows:

1 455B.305 CERTIFICATION OF PLANS BY DIRECTOR. The executive  
2 director shall ~~certify-if-disposal-projects-operated-or-planned~~  
3 ~~to-be-operated-by-or-for-cities,-counties-and-those-operated~~  
4 ~~by-private-agencies-meet-the-standards-provided-for-by-this~~  
5 ~~part-1-of-division-IV-and-the-rules-of-the-commission,-by~~  
6 ~~issuing-a-permit-for-existing-disposal-projects-which-fully~~  
7 ~~comply,-and-for-planned-sanitary-disposal-projects-whose-plans~~  
8 ~~fully-comply,-with-all-provisions-of-said-part-and-rules~~  
9 ~~issued-pursuant-thereto.--Permits-shall-be-issued-for-existing~~  
10 ~~disposal-sites-which-have-not-met-all-the-provisions-of-said~~  
11 ~~part-and-rules-issued-pursuant-thereto,-if-a-comprehensive~~  
12 ~~plan-for-compliance-within-the-time-limitations-required-by~~  
13 ~~said-part-is-developed-by-a-city,-county-or-private-agency~~  
14 ~~and-is-approved-by-the-executive-director.--Every-city-or~~  
15 ~~county-of-this-state-and-every-private-agency-involved-in~~  
16 ~~the-final-disposal-of-solid-waste-shall-qualify-for-a-permit~~  
17 ~~by-the-first-of-July-1975-or-be-subject-to-such-legal-actions~~  
18 authorized-by-section-455B-307 issue, revoke, suspend, modify,  
19 or deny permits for the construction and operation of sanitary  
20 disposal projects.

21 Permits A permit shall be issued ~~without-fee~~ by the  
22 executive director or at ~~his-or-her~~ the executive director's  
23 direction, by a local board of health, for each sanitary  
24 disposal project operated in this state. ~~Such-permits~~ The  
25 permit shall be issued in the name of the city or county or,  
26 where applicable, in the name of the public or private agency  
27 operating ~~such~~ the project. Each sanitary disposal project  
28 shall be inspected annually by the department or a local board  
29 of health. The permits issued pursuant to this section shall  
30 be in addition to any other licenses, permits or variances  
31 authorized or required by law, including, but not limited  
32 to, the provisions of chapter 358A. A permit may be suspended  
33 or revoked by the executive director if a sanitary disposal  
34 project is found not to meet the requirements of ~~the-provisions~~  
35 ~~of~~ part 1 of this division or rules issued under part 1 of

1 this division. The suspension or revocation of a permit may  
2 be appealed to the commission.

3 Sec. 5. Section 455B.334, Code 1983, is amended to read  
4 as follows:

5 455B.334 WASTE DISPOSAL SITE. The commission may approve  
6 or prohibit the establishment and operation of a nuclear waste  
7 disposal site in this state by a private person. In  
8 determining whether to grant or deny a ~~license~~ permit to  
9 establish and operate a nuclear waste disposal site, the  
10 commission shall consider the need for a nuclear waste disposal  
11 site and the existing physical conditions, topography, soils  
12 and geology, climate, transportation, and land use at the  
13 proposed site. If the commission decides to issue a ~~license~~  
14 permit to establish and operate a nuclear waste disposal site,  
15 it shall establish, by rule, standards and procedures for  
16 the safe operation and maintenance of the proposed site.  
17 The commission shall also require the ~~licensee~~ permittee to  
18 provide a sufficient surety bond or other financial commitment  
19 to insure the perpetual maintenance and monitoring of the  
20 nuclear waste disposal site.

21 Sec. 6. Section 455B.335, subsections 1 and 2, Code 1983,  
22 are amended to read as follows:

23 1. Shall enforce any rules adopted under ~~the provisions~~  
24 ~~of~~ this part 2 of division IV and furnish a copy of ~~such~~ the  
25 rules to each applicant for ~~any license~~ a permit required  
26 under ~~said~~ this part.

27 2. May ~~license~~ issue a permit to any person transporting,  
28 handling, or storing any radioactive material under rules  
29 adopted by the commission.

30 Sec. 7. Section 455B.415, subsection 1, Code 1983, is  
31 amended to read as follows:

32 1. Except as provided in subsections 2 and 4, a person  
33 shall not construct or operate a facility for the treatment,  
34 storage or disposal of a hazardous waste listed under section  
35 455B.412, subsection 2 unless the owner or operator has

1 obtained a permit for the facility from the executive director.

2 Sec. 8. Section 455B.148, Code 1983, is repealed.

3 EXPLANATION

4 This bill establishes uniform authority for the issuance  
5 of permits and the collection of fees for permits issued by  
6 the department of water, air and waste management. The bill  
7 authorizes, but does not require, the water, air and waste  
8 management commission to establish fee schedules for permits  
9 issued by the department. Current law requires fees for  
10 wastewater, water withdrawal, flood plain construction, and  
11 water supply permits, prohibits fees for solid waste disposal  
12 permits, authorizes fees for air pollution sources, and is  
13 silent on fees for nuclear waste and hazardous waste  
14 facilities

SENATE FILE 355  
FISCAL NOTE

REQUESTED BY SENATOR VAN GILST

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 355 pursuant to Joint Rule 17.

Senate File 355 is an Act relating to procedures, forms, and fees for permits and conditional permits issued by the Department of Water, Air and Waste Management (DWAWM). This bill would establish uniform authority for issuance of permits and the collection of fees for permits issued by the department.

The DWAWM administration is proposing that new fees be set under this authority for air quality construction, solid waste operation and hazardous waste treatment. Any fee structure would require approval of the DWAWM commission.

In establishing fee schedules, the DWAWM commission is to consider reasonable cost for the permits, relative benefits, and typical costs. DWAWM has projected that it would be reasonable to collect the state match requirement based on federal funds for these programs. These would be:

	FY 84	FY 85
Air Quality Construction	\$ 281,000	\$ 281,000
Hazardous Waste Treatment		130,000
Solid Waste		116,000
Total Projected New Fees	\$ 281,000	\$ 537,000

SOURCE: DEPARTMENT OF WATER, AIR, AND WASTE MANAGEMENT (126S, 83-382, AHS)  
FILED: BY LEGISLATIVE FISCAL BUREAU  
MARCH 21, 1983 DENNIS C. PROUTY, DIRECTOR

Natural Resources: Groth, Chair; Stueland and Tabor.

Amended per 3575 & Do Pass 4/7/83

SENATE FILE

355

BY COMMITTEE ON NATURAL RESOURCES

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 1983)

Re Passed Senate, Date 4-19-83 (p.1313) Passed House, Date 4-12-83 (p.1249)

Vote: Ayes 45 Nays 0 Vote: Ayes 96 Nays 1

Approved May 24, 1983

*Repassed House as further amended by Senate  
4-26-83 (p.1570)  
94-0*

### A BILL FOR

- 1 An Act relating to procedures, forms, and fees for permits
- 2 and conditional permits issued by the department of
- 3 water, air and waste management.
- 4 BE IT ENACTED BY THE GENERAL ASSMBLY OF THE STATE OF IOWA:

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#### SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 355

H-3831

- 1 Amend the House amendment S-3570 to Senate File
- 2 355 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 5, by striking the words "portion
- 5 of the actual direct" and inserting in lieu thereof the
- 6 word "reasonable".

H-3831 FILED APRIL 21, 1983

RECEIVED FROM THE SENATE

*House concurred 4/26/83 (p.1549)*

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14 with enforcement actions.

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16 public of permit and conditional permit review, issuance,  
17 and enforcement.

18 (3) The typical costs of the particular types of projects  
19 or activities for which permits or conditional permits are  
20 required, provided that in no circumstances shall fees be  
21 in excess of the actual costs to the department.

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32 The procedures shall include provisions for application, ~~an~~  
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6 ~~by-private-agencies-meet-the-standards-provided-for-by-this~~  
7 ~~part-I-of-division-IV-and-the-rules-of-the-commission,-by~~  
8 ~~issuing-a-permit-for-existing-disposal-projects-which-fully~~  
9 ~~comply,-and-for-planned-sanitary-disposal-projects-whose-plans~~  
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16 ~~and-is-approved-by-the-executive-director.--Every-city-or~~  
17 ~~county-of-this-state-and-every-private-agency-involved-in~~  
18 ~~the-final-disposal-of-solid-waste-shall-qualify-for-a-permit~~  
19 ~~by-the-first-of-July-1975-or-be-subject-to-such-legal-actions~~  
20 authorized by section 455B.307 issue, revoke, suspend, modify,  
21 or deny permits for the construction and operation of sanitary  
22 disposal projects.

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24 executive director or at ~~his-or-her~~ the executive director's  
25 direction, by a local board of health, for each sanitary  
26 disposal project operated in this state. ~~Such-permits~~ The  
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28 where applicable, in the name of the public or private agency  
29 operating ~~such~~ the project. Each sanitary disposal project  
30 shall be inspected annually by the department or a local board  
31 of health. The permits issued pursuant to this section shall  
32 be in addition to any other licenses, permits or variances  
33 authorized or required by law, including, but not limited  
34 to, the provisions of chapter 358A. A permit may be suspended  
35 or revoked by the executive director if a sanitary disposal

1 project is found not to meet the requirements of ~~the-provisions~~  
2 of part 1 of this division or rules issued under part 1 of  
3 this division. The suspension or revocation of a permit may  
4 be appealed to the commission.

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8 or prohibit the establishment and operation of a nuclear waste  
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11 establish and operate a nuclear waste disposal site, the  
12 commission shall consider the need for a nuclear waste disposal  
13 site and the existing physical conditions, topography, soils  
14 and geology, climate, transportation, and land use at the  
15 proposed site. If the commission decides to issue a ~~license~~  
16 permit to establish and operate a nuclear waste disposal site,  
17 it shall establish, by rule, standards and procedures for  
18 the safe operation and maintenance of the proposed site.  
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25 1. Shall enforce any rules adopted under ~~the-provisions~~  
26 of this part 2 of division IV and furnish a copy of ~~such the~~  
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28 under ~~said~~ this part.

29 2. May ~~license~~ issue a permit to any person transporting,  
30 handling, or storing any radioactive material under rules  
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32 Sec. 7. Section 455B.415, subsection 1, Code 1983, is  
33 amended to read as follows:

34 1. Except as provided in subsections 2 and 4, a person  
35 shall not construct or operate a facility for the treatment,

1 storage or disposal of a hazardous waste listed under section  
2 455B.412, subsection 2 unless the owner or operator has  
3 obtained a permit for the facility from the executive director.  
4 Sec. 8. Section 455B.148, Code 1983, is repealed.

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SENATE FILE 355

H-3575

1 Amend Senate File 355, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 11 through 14 and  
4 inserting in lieu thereof the following:  
5 "(1) The state's portion of the actual direct  
6 cost of reviewing applications, issuing permits and  
7 conditional permits, and checking compliance with  
8 the terms of the permits."  
9 2. Page 1, by striking line 17, and inserting  
10 in lieu thereof the following: "and monitoring  
11 compliance."  
12 It is the intention of the legislature that permit  
13 fees shall not cover any costs connected with  
14 correcting violation of the terms of any permit and  
15 shall not impose unreasonable costs on any  
16 municipality."

H-3575 FILED APRIL 8, 1983

BY COMMITTEE ON NATURAL RESOURCES

*(Adopted 4/12/83 (p 1249))*

SENATE FILE 355

H-3704

1 Amend amendment H-3575 to Senate File 355 as amended,  
2 passed and reprinted by the Senate as follows:  
3 1. By inserting after line 2 the following:  
4 "1. Page 1, line 5, by inserting after the word  
5 "permits." the words "A rule shall not be more  
6 restrictive than required by federal regulation unless  
7 the rule is approved by enactment of the general  
8 assembly. A rule which adopts a federal regulation  
9 which is subsequently revised by the federal government  
10 to become less restrictive does not adopt the less  
11 restrictive federal regulation unless the rule is  
12 repromulgated by the department to do so. A rule  
13 shall not be adopted which exceeds federal regulations  
14 at the time of the rule's adoption."

H-3704 FILED APRIL 12, 1983

BY SCHROEDER of Pottawattamie

LOST (p 1249)

HOUSE AMENDMENT TO SENATE FILE 355

S-3570

1 Amend Senate File 355, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page J, by striking lines 11 through 14 and  
4 inserting in lieu thereof the following:

5 "(1) The state's portion of the actual direct  
6 cost of reviewing applications, issuing permits and  
7 conditional permits, and checking compliance with  
8 the terms of the permits."

9 2. Page 1 by striking line 17, and inserting  
10 in lieu thereof the following: "and monitoring  
11 compliance.

12 It is the intention of the legislature that permit  
13 fees shall not cover any costs connected with  
14 correcting violation of the terms of any permit and  
15 shall not impose unreasonable costs on any  
16 municipality."

S-3570 FILED

RECEIVED FROM THE HOUSE

APRIL 18, 1983

*Senate amended & concurred 4/19/83 (p. 1213)*

SENATE FILE 355

S-3599

1 Amend the House Amendment S-3570 to Senate File  
2 355 as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 1, line 5, by striking the words "portion  
5 of the actual direct" and inserting in lieu thereof the  
6 word "reasonable".

S-3599 FILED & ADOPTED  
APRIL 19, 1983 *(p. 1213)*

BY BASS VAN GILST  
FORREST SCHWENGELS

SENATE FILE 355

AN ACT

RELATING TO PROCEDURES, FORMS, AND FEES FOR PERMITS AND  
CONDITIONAL PERMITS ISSUED BY THE DEPARTMENT OF WATER,  
AIR AND WASTE MANAGEMENT.

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

Section 1. Section 455B.105, Code 1983, is amended by  
adding the following new subsection:

NEW SUBSECTION. a. Adopt, by rule, procedures and forms  
necessary to implement the provisions of this chapter relating  
to permits or conditional permits. The commission may also  
adopt, by rule, a schedule of fees for permit and conditional  
permit applications and a schedule of fees which may be  
periodically assessed for administration of permits and  
conditional permits. In determining the fee schedules, the  
commission shall consider:

(1) The state's reasonable cost of reviewing applications,  
issuing permits and conditional permits, and checking  
compliance with the terms of the permits.

(2) The relative benefits to the applicant and to the  
public of permit and conditional permit review, issuance,  
and monitoring compliance.

It is the intention of the legislature that permit fees  
shall not cover any costs connected with correcting violation  
of the terms of any permit and shall not impose unreasonable  
costs on any municipality.

(3) The typical costs of the particular types of projects  
or activities for which permits or conditional permits are  
required, provided that in no circumstances shall fees be  
in excess of the actual costs to the department.

b. The fees collected by the department under this  
subsection shall be remitted to the treasurer of state and  
credited to the general fund of the state.

Sec. 2. Section 455B.173, subsection 5, Code 1983, is  
amended by striking the subsection.

Sec. 3. Section 455B.278, subsection 1, Code 1983, is  
amended to read as follows:

1. The commission shall adopt, modify, or repeal rules  
establishing procedures by which permits required under this  
part shall be issued, suspended, revoked, modified, or denied.  
The procedures shall include provisions for application, an  
~~an application fee sufficient to pay the administrative costs~~  
~~of the permit process,~~ public notice and opportunity for  
public hearing, and contested cases.

Sec. 4. Section 455B.305, Code 1983, is amended to read  
as follows:

455B.305 CERTIFICATION OF PLANS BY DIRECTOR. The executive  
director shall ~~certify if disposal projects operated or planned~~  
~~to be operated by or for cities, counties and those operated~~  
~~by private agencies meet the standards provided for by this~~  
~~part of division IV and the rules of the commission, by~~  
~~issuing a permit for existing disposal projects which fully~~  
~~comply, and for planned sanitary disposal projects whose plans~~  
~~fully comply, with all provisions of said part and rules~~  
~~issued pursuant thereto. Permits shall be issued for existing~~  
~~disposal sites which have not met all the provisions of said~~  
~~part and rules issued pursuant thereto, if a comprehensive~~  
~~plan for compliance within the time limitations required by~~  
~~said part is developed by a city, county or private agency~~  
~~and is approved by the executive director. Every city or~~  
~~county of this state and every private agency involved in~~  
~~the final disposal of solid waste shall qualify for a permit~~  
~~by the first of July 1975 or be subject to such legal actions~~  
~~authorized by section 455B.307 issue, revoke, suspend, modify,~~  
~~or deny permits for the construction and operation of sanitary~~  
~~disposal projects.~~

Permits A permit shall be issued without fee by the  
executive director or at his or her the executive director's  
direction, by a local board of health, for each sanitary  
disposal project operated in this state. Such permits The

permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating ~~such~~ the project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The permits issued pursuant to this section shall be in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, the provisions of chapter 359A. A permit may be suspended or revoked by the executive director if a sanitary disposal project is found not to meet the requirements of ~~the provisions~~ of part 1 of this division or rules issued under part 1 of this division. The suspension or revocation of a permit may be appealed to the commission.

Sec. 5. Section 455B.334, Code 1983, is amended to read as follows:

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1. Shall enforce any rules adopted under ~~the provisions~~ of this part 2 of division IV and furnish a copy of ~~such~~ the rules to each applicant for ~~any license~~ a permit required under ~~said~~ this part.

2. May ~~license~~ issue a permit to any person transporting, handling, or storing any radioactive material under rules adopted by the commission.

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1. Except as provided in subsections 2 and 4, a person shall not ~~construct or~~ operate a facility for the treatment, storage or disposal of a hazardous waste listed under section 455B.412, subsection 2 unless the owner or operator has obtained a permit for the facility from the executive director.

Sec. 8. Section 455B.148, Code 1983, is repealed.

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 355, Seventieth General Assembly.

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate

Approved May 24, 1983

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor