

MAR 24 1987

WAYS & MEANS CALENDAR

HOUSE FILE 631
BY COMMITTEE ON WAYS AND MEANS

(Formerly House File 606)

Passed House, Date 4-2-87 (p. 1114) Passed Senate, Date 4/24/87
Vote: Ayes 81 Nays 16 Vote: Ayes 40 Nays 5
Approved June 9, 1987

A BILL FOR

1 An Act relating to public health and safety by establishing
2 measures to improve and protect groundwater quality and to
3 manage substances which pose health and safety hazards, by
4 establishing goals, policies, funding mechanisms, including
5 taxes and fees, and administrative provisions for the
6 measures, by establishing programs relating to the management
7 of agricultural activities, solid waste disposal, household
8 hazardous wastes, storage tanks, fertilizers, pesticides,
9 landfills, and watersheds, by providing penalties,
10 establishing effective dates, and by providing for other
11 properly related matters.

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

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HF 631

1 The general assembly finds that:

2 1. Groundwater is a precious and vulnerable natural
3 resource. The vast majority of persons in the state depend on
4 groundwater as a drinking water source. Agriculture,
5 commerce, and industry also depend heavily on groundwater.
6 Historically, the majority of Iowa's groundwater has been
7 useable for these purposes without treatment. Protection of
8 groundwater is essential to the health, welfare, and economic
9 prosperity of all citizens of the state.

10 2. Many activities of humans, including the manufacturing,
11 storing, handling, and application to land of pesticides and
12 fertilizers; the disposal of solid and hazardous wastes; the
13 storing and handling of hazardous substances; and the improper
14 construction and the abandonment of wells and septic systems
15 have resulted in groundwater contamination throughout the
16 state.

17 3. Knowledge of the health effects of contaminants varies
18 greatly. The long-term detriment to human health from
19 synthetic organic compounds in particular is largely unknown
20 but is of concern.

21 4. Any detectable quantity of a synthetic organic compound
22 in groundwater is unnatural and undesirable.

23 5. The movement of groundwater, and the movement of
24 contaminants in groundwater, is often difficult to ascertain
25 or control. Decontamination is difficult and expensive to
26 accomplish. Therefore, preventing contamination of
27 groundwater is of paramount importance.

28 Sec. 104. NEW SECTION. 455E.4 GROUNDWATER NONDEGRADATION
29 GOAL.

30 The goal of the state is to prevent further deterioration
31 of the quality of the groundwater of the state, and if
32 necessary to restore the groundwater to a precontaminated
33 state, regardless of present condition, use, or
34 characteristics.

35 Sec. 105. NEW SECTION. 455E.5 GROUNDWATER PROTECTION

1 POLICIES.

2 1. It is the policy of the state to prevent further
3 contamination of groundwater from any source to the maximum
4 extent practical.

5 2. The discovery of any groundwater contamination shall
6 require appropriate actions to prevent further contamination.
7 These actions may consist of investigation and evaluation or
8 enforcement actions if necessary to stop further contamination
9 as required under chapter 455B.

10 3. All persons in the state have the right to have their
11 lawful use of groundwater unimpaired by the activities of any
12 person which render the water unsafe or unpotable.

13 4. All persons in the state have the duty to conduct their
14 activities so as to prevent the release of contaminants into
15 groundwater.

16 5. Documentation of any contaminant which presents a
17 significant risk to human health, the environment, or the
18 quality of life shall result in either passive or active
19 cleanup. In both cases, the best available technology or best
20 management practices shall be utilized. The department may
21 specify which cleanup actions shall be taken as well as the
22 level of cleanup required to meet the goals of the state, and
23 the method for determining the party responsible.

24 6. Adopting health-related groundwater standards may be of
25 benefit in the overall groundwater protection or other
26 regulatory efforts of the state. However, the existence of
27 such standards, or lack of them, shall not be construed or
28 utilized in derogation of the groundwater nondegradation goal
29 and protection policies of the state.

30 7. The department shall take actions necessary to promote
31 and assure public confidence and public awareness. In
32 pursuing this goal, the department shall make public the
33 results of groundwater investigations.

34 8. Education of the people of the state is necessary to
35 preserve and restore groundwater quality. The content of this

1 groundwater protection education must assign obligations, call
2 for sacrifice, and change some current values. Educational
3 efforts should strive to establish a conservation ethic among
4 Iowans and should encourage each Iowan to go beyond
5 enlightened self-interest in the protection of groundwater
6 quality.

7 Sec. 106. NEW SECTION. 455E.6 LEGAL EFFECTS.

8 This chapter shall be liberally construed to effect its
9 purpose. This chapter supplements other legal authority and
10 shall not restrict or abrogate any remedy which any person or
11 class of persons may have under other statutory or common law
12 and which serves the purpose of groundwater protection.

13 Sec. 107. NEW SECTION. 455E.7 PRIMARY ADMINISTRATIVE
14 AGENCY.

15 The department is designated as the agency to coordinate
16 and administer groundwater protection programs for the state.

17 Sec. 108. NEW SECTION. 455E.8 POWERS AND DUTIES OF THE
18 DIRECTOR.

19 In addition to other groundwater protection duties, the
20 director, in cooperation with other state and local agencies,
21 shall:

22 1. Develop and administer a comprehensive groundwater
23 monitoring network, including point of use, point of
24 contamination, and problem assessment monitoring sites across
25 the state, and the assessment of ambient water quality
26 standards.

27 2. Include in the annual report required by section
28 455A.4, the number and concentration of contaminants detected
29 in groundwater. This information shall also be provided to
30 the director of public health and the secretary of
31 agriculture.

32 3. Report any data concerning the contamination of
33 groundwater by a contaminant not regulated under the federal
34 Safe Drinking Water Act, 42 U.S.C. § 300(f) et seq. to the
35 United States environmental protection agency along with a

1 request to establish a maximum contaminant level and to
2 conduct a risk assessment for the contaminant.

3 4. Complete groundwater hazard mapping of the state and
4 make the results available to state and local planning
5 organizations by July 1, 1991.

6 5. Establish a system or systems within the department for
7 collecting, evaluating, and disseminating groundwater quality
8 data and information.

9 6. Develop and maintain a natural resource geographic
10 information system and comprehensive water resource data
11 system. The system shall be accessible to the public.

12 7. Develop and adopt by administrative rule, criteria for
13 evaluating groundwater protection programs by July 1, 1988.

14 8. Take any action authorized by law, including the
15 investigatory and enforcement actions authorized by chapter
16 455B, to implement the provisions of this chapter and the
17 rules adopted pursuant to this chapter.

18 9. Disseminate data and information, relative to this
19 chapter, to the public to the greatest extent practical.

20 10. Develop a program, in consultation with the department
21 of education, regarding water quality issues which shall be
22 included in the minimum program required in grades seven and
23 eight pursuant to section 256.11, subsection 4.

24 Sec. 109. NEW SECTION. 455E.9 POWERS AND DUTIES OF THE
25 COMMISSION.

26 1. The commission shall adopt rules to implement this
27 chapter.

28 2. The commission may adopt groundwater standards if
29 deemed necessary by the director or if required for
30 participation in federal groundwater protection programs.

31 Sec. 110. NEW SECTION. 455E.10 JOINT DUTIES -- LOCAL
32 AUTHORITY.

33 1. All state agencies shall consider groundwater
34 protection policies in the administration of their programs.
35 Local agencies shall consider groundwater protection policies

1 in their programs. All agencies shall cooperate with the
2 department in disseminating public information and education
3 materials concerning the use and protection of groundwater, in
4 collecting groundwater management data, and in conducting
5 research on technologies to prevent or remedy contamination of
6 groundwater.

7 2. Political subdivisions and their agencies are
8 authorized and encouraged to jointly and concurrently
9 implement groundwater protection policies within their
10 respective jurisdictions, provided that implementation is at
11 least as stringent as provided in the rules of the department.

12 Sec. 111. NEW SECTION. 455E.11 GROUNDWATER PROTECTION
13 FUND ESTABLISHED.

14 1. A groundwater protection fund is created in the state
15 treasury. Moneys received from sources designated for
16 purposes related to groundwater monitoring and groundwater
17 quality standards shall be deposited in the fund.
18 Notwithstanding section 8.33, any unexpended balances in the
19 groundwater protection fund and in any of the accounts within
20 the groundwater protection fund at the end of each fiscal year
21 shall be retained in the fund and the respective accounts
22 within the fund. The fund may be used for the purposes
23 established for each account within the fund.

24 2. The following accounts are created within the
25 groundwater protection fund:

26 a. A solid waste account. Moneys received from the
27 tonnage fee imposed under section 455B.310 and from other
28 sources designated for environmental protection purposes in
29 relation to sanitary disposal projects shall be deposited in
30 the solid waste account.

31 The department may use the account for any of the following
32 purposes:

33 (1) The administration of a groundwater monitoring program
34 related to sanitary disposal projects.

35 (2) The development of guidelines for groundwater

1 monitoring at sanitary disposal projects as defined in section
2 455B.301, subsection 3.

3 (3) Development and implementation of projects for
4 landfill alternatives to solid waste disposal including
5 recycling programs.

6 (4) Abatement and cleanup of threats to the public health,
7 safety, and the environment resulting from a sanitary landfill
8 if an owner or operator of the landfill is unable to
9 facilitate the abatement or cleanup. However, not more than
10 ten percent of the account may be used for this purpose in any
11 year without legislative authorization.

12 (5) Five percent of the moneys deposited in the account
13 annually is appropriated to the Iowa state water resources
14 research institute in order to provide competitive grants to
15 colleges, universities, and private institutions within the
16 state for the development of research and education programs
17 regarding alternative disposal methods and groundwater
18 protection.

19 (6) Grants to cities and counties required to establish
20 and operate sanitary disposal projects under section 455B.302
21 for the purpose of developing or updating plans required to be
22 filed under section 455B.306. The grants shall be governed by
23 section 455B.311.

24 b. An agriculture management account. Moneys collected
25 from the groundwater protection fee levied pursuant to section
26 206.8A, one-half of the fees collected pursuant to section
27 206.12, subsection 3, moneys appropriated for the animal waste
28 management grant fund, and other moneys designated for the
29 purpose of agriculture management shall be deposited in the
30 agriculture management account.

31 The agriculture management account shall be used for the
32 following purposes:

33 (1) One million five hundred thousand dollars is
34 appropriated annually for the Leopold center for sustainable
35 agriculture at Iowa State University.

1 (2) One million dollars is appropriated annually to the
2 department of natural resources to fund county sanitarian
3 programs or designated agencies providing the services of a
4 county sanitarian. These moneys shall be distributed on the
5 basis of rural population and the number of rural water wells
6 in a county. The department shall develop a funding formula
7 based on these criteria.

8 (3) Any moneys not expended for the purposes of
9 subparagraphs (1) and (2) are appropriated to the department
10 of agriculture and land stewardship for the purposes of cost-
11 sharing programs and the carrying out of agriculture
12 groundwater programs.

13 c. A household hazardous waste account. The moneys
14 collected pursuant to section 455F.8 shall be deposited in the
15 household hazardous waste account. The account shall be used
16 to fund Toxic Cleanup Days programs.

17 d. A storage tank management account. All fees collected
18 pursuant to section 455B.473, subsection 4, and section
19 455B.479, shall be deposited in the storage tank management
20 account. Funds shall be expended for the following purposes:

21 (1) Five hundred thousand dollars of the moneys deposited
22 in the account annually are appropriated to the department of
23 natural resources for the administration of a state storage
24 tank program pursuant to chapter 455B, division IV, part 8,
25 and for programs which reduce the potential for harm to the
26 environment and the public health from storage tanks.

27 (2) For the fiscal year beginning July 1, 1987, and ending
28 June 30, 1988, twenty-five thousand dollars is appropriated
29 from the account to the division of insurance for payment of
30 costs incurred in the establishment of the plan of operations
31 program regarding the financial responsibility of owners and
32 operators of underground storage tanks which store petroleum.

33 (3) The remaining funds in the account are appropriated
34 annually to the department of natural resources for the
35 funding of state remedial cleanup efforts pursuant to federal

1 requirements.

2 e. A municipal water account. Ten percent of the moneys
3 collected annually for deposit in the solid waste account,
4 agriculture management account, household hazardous waste
5 account, and storage tank management account shall be
6 transferred to the municipal water account at the time of
7 deposit.

8 The department of natural resources shall, with funds
9 deposited in the municipal water account, develop and
10 implement a loan program to assist public water systems when
11 those systems must be upgraded due to contamination from human
12 activities.

13 Sec. 112. Section 455B.133, subsection 4, unnumbered
14 paragraph 1, Code 1987, is amended to read as follows:

15 Adopt, amend or repeal emission limitations or standards
16 relating to the maximum quantities of air contaminants that
17 may be emitted from any air contaminant source. ~~The standards~~
18 ~~or limitations adopted under this section shall not exceed the~~
19 ~~standards or limitations promulgated by the administrator of~~
20 ~~the United States environmental protection agency or the~~
21 ~~requirements of the federal Clean Air Act as amended to~~
22 ~~January 17, 1979. This does not prohibit the~~ The commission is
23 not prohibited from adopting a standard for a source or class
24 of sources for which the United States environmental
25 protection agency has not promulgated a standard.

26 Sec. 113. Section 455B.172, subsection 2, Code 1987, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 2. The department shall carry out the responsibilities of
30 the state related to private water supplies and private sewage
31 disposal systems for the protection of the environment and the
32 public health and safety of the citizens of the state.

33 Sec. 114. Section 455B.172, Code 1987, is amended by
34 adding the following new subsections after subsection 2 and
35 renumbering the subsequent subsections:

1 NEW SUBSECTION. 3. Each county board of health shall
2 adopt standards for private water supplies and private sewage
3 disposal facilities. These standards may be more stringent
4 but shall not be less stringent than the standards adopted by
5 the commission. If a county board of health has not adopted
6 standards for private water supplies and private sewage
7 disposal facilities, the standards adopted by the commission
8 shall be applied and enforced within the county by the county
9 board of health.

10 NEW SUBSECTION. 4. Each county board of health shall
11 regulate the private water supply and private sewage disposal
12 facilities located within the county board's jurisdiction, in-
13 cluding the enforcement of standards adopted pursuant to this
14 section.

15 NEW SUBSECTION. 5. The department shall maintain juris-
16 diction over and regulate the direct discharge to a water of
17 the state. The department shall retain concurrent authority
18 to enforce state standards for private water supply and
19 private sewage disposal facilities within a county, and
20 exercise departmental authority if the county board of health
21 fails to fulfill board responsibilities pursuant to this
22 section.

23 NEW SUBSECTION. 6. The director, subject to approval by
24 the commission, shall make grants to counties for the purpose
25 of employing supporting personnel to carry out county health
26 department responsibilities relative to private water supply
27 and private sewage disposal facilities within the jurisdiction
28 of the county board. Grants shall be funded through
29 allocation of the agriculture management account of the
30 groundwater protection fund. Grants awarded, continued, or
31 renewed shall be subject to the following conditions:

32 a. An application for a grant shall be in a form and shall
33 contain information as prescribed by rule of the commission.

34 b. A grant shall be awarded only to a county board of
35 health, or a county board of supervisors on behalf of a county

1 board of health, for the purposes of carrying out county board
2 of health responsibilities relative to private water supply
3 and private sewage disposal facilities.

4 c. A grant shall be awarded on an annual basis to cover a
5 fiscal year from July 1 to June 30 of the following calendar
6 year.

7 d. The continuation or renewal of a grant shall be con-
8 tingent upon the county's acceptable performance in carrying
9 out its responsibilities relative to private water supply and
10 private sewage disposal facilities, as determined by the
11 director. The director, subject to approval by the commis-
12 sion, may deny the awarding of a grant or withdraw a grant
13 awarded if, by determination of the director, the county has
14 not carried out the responsibilities for which the grant was
15 awarded, or cannot reasonably be expected to carry out the
16 responsibilities for which the grant would be awarded.

17 Sec. 115. Section 455B.173, subsection 2, unnumbered
18 paragraph 2, Code 1987, is amended to read as follows:

19 ~~If the federal environmental protection agency has~~
20 ~~promulgated an effluent standard or pretreatment standard~~
21 ~~pursuant to section 301, 306 or 307 of the federal Water~~
22 ~~Pollution Control Act, a pretreatment or effluent standard~~
23 ~~adopted pursuant to this section shall not be more stringent~~
24 ~~than the federal effluent or pretreatment standard for such~~
25 ~~source. This section may does not preclude the establishment~~
26 of a more restrictive effluent limitation in the permit for a
27 particular point source, notwithstanding the establishment of
28 effluent standards by the United States environmental
29 protection agency pursuant to section 301, 306 or 307 of the
30 federal Water Pollution Control Act if the more restrictive
31 effluent limitation is necessary to meet water quality
32 standards, ~~the establishment of an effluent standard for a~~
33 ~~source or class of sources for which the federal environmental~~
34 ~~protection agency has not promulgated standards pursuant to~~
35 ~~section 301, 306 or 307 of the federal Water Pollution Control~~

1 Act. ~~Except-as-required-by-federal-law-or-regulation,~~ the The
2 commission ~~shall-not~~ may adopt an effluent standard more
3 stringent with respect to any pollutant ~~than-is,~~ if necessary
4 to reduce the concentration of that pollutant in the effluent
5 to the level due to natural causes, including the mineral and
6 chemical characteristics of the land, existing in the water of
7 the state to which the effluent is discharged.

8 Notwithstanding any other provision of this part of this
9 division, any new source, the construction of which was
10 commenced after October 18, 1972, and which was constructed as
11 to meet all applicable standards of performance for the new
12 source or any more stringent effluent limitation required to
13 meet water quality standards, ~~shall~~ is not be subject to any
14 more stringent effluent limitations during a ten-year period
15 beginning on the date of completion of construction or during
16 the period of depreciation or amortization of the pollution
17 control equipment for the facility for the purposes of section
18 167 and 169 or both sections of the Internal Revenue Code of
19 1954, whichever period ends first.

20 Sec. 116. Section 455B.173, Code 1987, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 10. Adopt, modify, or repeal rules re-
23 lating to the awarding of grants to counties for the purpose
24 of carrying out responsibilities pursuant to section 455B.172
25 relative to private water supplies and private sewage disposal
26 facilities.

27 Sec. 117. Section 455B.311, unnumbered paragraph 1, Code
28 1987, is amended to read as follows:

29 The director, with the approval of the commission, may make
30 grants to cities, counties, or central planning agencies
31 representing cities and counties or combinations of cities,
32 counties, or central planning agencies from funds reserved
33 under and for the purposes specified in section ~~455B-309,~~
34 ~~subsection-4~~ 455E.11, subsection 2, paragraph "a", subject to
35 all of the following conditions:

1 Sec. 118. Section 455B.474, subsection 1, paragraph f,
2 unnumbered paragraph 1, Code 1987, is amended to read as
3 follows:

4 Specifying an adequate monitoring system to detect the
5 presence of a leaking underground storage tank and to provide
6 for protection of the groundwater resources for regulated
7 tanks installed prior to May 1, 1986. The commission shall
8 adopt these rules not later than April 1, 1986; however, the
9 effective date of the rules adopted shall be May 1, 1988. ~~In~~
10 ~~the event that federal regulations are adopted by the United~~
11 ~~States environmental protection agency after the commission~~
12 ~~has adopted state standards pursuant to this subsection, the~~
13 ~~commission shall immediately proceed to adopt rules consistent~~
14 ~~with those federal regulations adopted.~~

15 Sec. 119. Section 455B.474, subsection 3, paragraph d,
16 Code 1987, is amended to read as follows:

17 d. Rules adopted by the commission shall specify adequate
18 monitoring systems to detect the presence of a leaking
19 underground storage tank and to provide for protection of the
20 groundwater resources from regulated tanks installed after May
21 1, 1986. The commission shall adopt these rules not later
22 than January 1, 1986; however, the effective date of the
23 rules adopted shall be May 1, 1986. ~~In the event that federal~~
24 ~~regulations are adopted by the United States environmental~~
25 ~~protection agency after the commission has adopted state~~
26 ~~standards pursuant to this subsection, the commission shall~~
27 ~~immediately proceed to adopt rules consistent with those~~
28 ~~federal regulations adopted.~~

29 Sec. 120. Section 455B.474, subsection 7, unnumbered
30 paragraph 2, Code 1987, is amended by striking the unnumbered
31 paragraph.

32 Sec. 121. Sections 455B.309 and 455B.420, Code 1987, are
33 repealed.

34 PART TWO -- PESTICIDES AND FERTILIZER

35 Sec. 201. Section 89B.4, subsection 1, Code 1987, is

1 amended to read as follows:

2 1. Except for section 89B.9, this chapter does not apply
3 to a person engaged in farming as defined in this section; or
4 a pesticide, as defined in section 206.2, subsection 1, used,
5 stored, or available for sale by a ~~commercial applicator as~~
6 ~~defined in section 206.2, subsection 12, a certified~~
7 ~~applicator as defined in section 206.2, subsection 17, a~~
8 certified private applicator as defined in section 206.2,
9 subsection 18; ~~a certified commercial applicator as defined~~
10 ~~in section 206.2, subsection 19, a pesticide dealer as defined~~
11 ~~in section 206.2, subsection 24, or to activities which are~~
12 covered under the federal Insecticide, Fungicide, and
13 Rodenticide Act, 7 U.S.C. § 135 et seq.; ~~provided, however,~~
14 that However, such persons shall comply with the requirements
15 of the regulations for the federal Insecticide, Fungicide, and
16 Rodenticide Act, 40 C.F.R. § 170, and the requirements of and
17 rules adopted under chapter 206 where applicable to such the
18 persons. As used in this section, "farming" means the
19 cultivation of land for the production of agricultural crops,
20 the raising of poultry, the production of eggs, the production
21 of milk, the production of fruit or other horticultural crops,
22 grazing or the production of livestock, spraying, or
23 harvesting. The department of agriculture and land
24 stewardship shall cooperate with the division in an
25 investigation of an agricultural employee's complaint filed
26 pursuant to section 89B.9.

27 Sec. 202. Section 135.11, Code 1987, is amended by adding
28 the following new subsections:

29 NEW SUBSECTION. 20. Establish, publish, and enforce rules
30 requiring prompt reporting of methemoglobinemia pesticide
31 poisoning, and the reportable poisonings and illnesses
32 established pursuant to section 139.35.

33 NEW SUBSECTION. 21. Collect and maintain reports of
34 pesticide poisonings and other poisonings, illnesses, or
35 injuries caused by selected chemical or physical agents,

1 including methemoglobinemia and pesticide and fertilizer
2 hypersensitivity; and compile and publish, annually, a
3 statewide and county-by-county profile based on the reports.

4 Sec. 203. NEW SECTION. 139.35 REPORTABLE POISONINGS AND
5 ILLNESSES.

6 1. If the results of an examination by a public, private,
7 or hospital clinical laboratory of a specimen from a person in
8 Iowa yield evidence of or are reactive for a reportable
9 poisoning or a reportable illness from a toxic agent,
10 including methemoglobinemia, the results shall be reported to
11 the Iowa department of public health on forms prescribed by
12 the department. If the laboratory is located in Iowa, the
13 person in charge of the laboratory shall report the results.
14 If the laboratory is not in Iowa, the health care provider
15 submitting the specimen shall report the results.

16 2. A person in charge of a poison control or poison
17 information center shall report cases of reportable poisoning,
18 including methemoglobinemia, about which they receive
19 inquiries to the Iowa department of public health.

20 3. The Iowa department of public health shall adopt rules
21 designating reportable poisonings, including
22 methemoglobinemia, and illnesses which must be reported under
23 this section.

24 4. The Iowa department of public health shall establish
25 and maintain a central registry to collect and store data
26 reported pursuant to this section.

27 Sec. 204. Section 159.5, Code 1987, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 17. Establish an agricultural best
30 management practices advisory committee to develop and
31 recommend best management practices for concentrated animal
32 feeding operations. In establishing the advisory committee,
33 the secretary shall select at least one representative from
34 the environmental protection division of the department of
35 natural resources.

1 Sec. 205. Section 177.2, subsection 1, Code 1987, is
2 amended to read as follows:

3 1. To encourage the use of good agricultural practices in
4 crop production, including best management practices for
5 applying fertilizer and pesticide, and to conserve, maintain,
6 and improve soil productivity.

7 Sec. 206. Section 200.4, Code 1987, is amended to read as
8 follows:

9 200.4 LICENSES.

10 1. Any person who manufactures, mixes, blends, ~~or mixes to~~
11 ~~customers order~~, offers for sale, sells, or distributes any
12 fertilizer or soil conditioner ~~offered-for-sale,-sold,-or~~
13 ~~distributed~~ in Iowa must first obtain a license from the
14 secretary of agriculture and shall pay a ten-dollar license
15 fee for each ~~plant-or~~ place of manufacture, or distribution
16 from which fertilizer or soil conditioner products are sold or
17 distributed in Iowa. Such license fee shall be paid annually
18 on July 1 of each year ~~and-the-manufacturer,-blender-or-mixer~~
19 ~~shall-at-the-same-time,-list-the-name-and-address-of-each-such~~
20 ~~plant-or-place-of-manufacture,-from-which-sale-or-distribution~~
21 ~~is-made.~~

22 ~~This-subsection-shall-not-apply-to-a-manufacturer-who~~
23 ~~manufactures-"specialty-fertilizer"-only,-as-defined-in~~
24 ~~section-200.3,-subsection-5,-in-packages-of-twenty-five-pounds~~
25 ~~or-less.~~

26 2. Said licensee shall at all times produce an intimate
27 and uniform mixture of fertilizers or soil conditioners. When
28 two or more fertilizer materials are delivered in the same
29 load, they shall be thoroughly and uniformly mixed unless they
30 are in separate compartments.

31 Sec. 207. Section 200.8, Code 1987, is amended to read as
32 follows:

33 200.8 INSPECTION FEES.

34 1. There shall be paid by the licensee to the secretary
35 for all commercial fertilizers and soil conditioners sold, or

1 distributed in this state, an inspection fee to be fixed
2 annually by the secretary of agriculture at not more than
3 twenty cents per ton:--~~Except sales.~~ Sales for manufacturing
4 purposes only are hereby exempted from fees but must still be
5 reported showing manufacturer who purchased same. Payment of
6 said inspection fee by any licensee shall exempt all other
7 persons, firms or corporations from the payment thereof.

8 On individual packages of specialty fertilizer containing
9 twenty-five pounds or less, there shall be paid by the
10 manufacturer in lieu of the ~~annual license fee and the~~
11 semiannual inspection fee as set forth in this chapter, an
12 annual registration and inspection fee of twenty-five one
13 hundred dollars for each brand and grade sold or distributed
14 in the state. In the event that any person sells specialty
15 fertilizer in packages of twenty-five pounds or less and also
16 in packages of more than twenty-five pounds, this annual
17 registration and inspection fee shall apply only to that
18 portion sold in packages of twenty-five pounds or less, and
19 that portion sold in packages of more than twenty-five pounds
20 shall be subject to the same inspection fee as fixed by the
21 secretary of agriculture as provided in this chapter.

22 Any person who offers for sale, sells, or distributes
23 specialty fertilizer in packages of twenty-five pounds or less
24 or applies specialty fertilizer for compensation shall be
25 required to pay an annual inspection fee of fifty dollars in
26 lieu of the semiannual inspection fee as set forth in this
27 chapter.

28 2. Every licensee and any person required to pay an annual
29 registration and inspection fee under this chapter in this
30 state shall:

31 a. File not later than the last day of January and July of
32 each year, on forms furnished by secretary, a semiannual
33 statement setting forth the number of net tons of commercial
34 fertilizer or soil conditioners distributed in this state by
35 grade for each county during the preceding six months' period;

1 and upon filing such statement shall pay the inspection fee at
2 the rate stated in subsection 1 of this section. However, in
3 lieu of the semiannual statement by grade for each county, as
4 hereinabove provided for, the registrant, on individual
5 packages of ~~commercial~~ specialty fertilizer containing twenty-
6 five pounds or less, shall file not later than the last day of
7 July of each year, on forms furnished by the secretary, an
8 annual statement setting forth the number of net tons of
9 ~~commercial~~ specialty fertilizer distributed in this state by
10 grade during the preceding twelve-month period, ~~but no~~
11 ~~inspection-fee-shall-be-due-thereon.~~

12 b. If the tonnage report is not filed or the payment of
13 inspection fees, or both, is not made within ten days after
14 the last day of January and July of each year as required in
15 paragraph "a" of this subsection, a penalty amounting to ten
16 percent of the amount due, if any, shall be assessed against
17 the licensee. In any case, the penalty shall be no less than
18 fifty dollars. The amount of fees due, if any, and penalty
19 shall constitute a debt and become the basis of a judgment
20 against the licensee.

21 3. If there is an unencumbered balance of funds in the
22 fertilizer fund on June 30 of any fiscal year equal to or
23 exceeding three hundred fifty thousand dollars, the secretary
24 of agriculture shall reduce the per ton fee provided for in
25 subsection 1 and the annual license fee established pursuant
26 to section 201.3 for the next fiscal year in such amount as
27 will result in an ending estimated balance for the June 30 of
28 the next fiscal year of three hundred fifty thousand dollars.

29 Sec. 208. Section 200.8, Code 1987, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4. In addition to the fees imposed under
32 subsection 1, a groundwater protection fee of fifty cents per
33 ton shall also be paid by each licensee registering to sell
34 fertilizer. This fee shall be paid to the secretary of
35 agriculture for all commercial fertilizers and soil

1 conditioners sold or distributed in the state. The fees
2 collected shall be deposited in the agriculture management
3 account of the groundwater protection fund. The secretary of
4 agriculture shall adopt rules for the payment, filing, and
5 collection of groundwater protection fees from licensees in
6 conjunction with the collection of registration and inspection
7 fees.

8 Sec. 209. Section 200.9, Code 1987, is amended to read as
9 follows:

10 200.9 FERTILIZER FUND.

11 Fees collected for licenses and inspection fees under
12 sections 200.4 and 200.8, with the exception of those fees
13 collected for deposit in the agriculture management account of
14 the groundwater protection fund, shall be deposited in the
15 treasury to the credit of the fertilizer fund to be used only
16 by the department for the purpose of inspection, sampling,
17 analysis, preparation, and publishing of reports and other
18 expenses necessary for administration of this chapter. The
19 secretary may assign moneys to the Iowa agricultural
20 experiment station for research, work projects, and
21 investigations as ~~may-be~~ needed for the specific purpose of
22 improving the regulatory functions for enforcement of this
23 chapter.

24 Sec. 210. Section 206.2, subsection 4, paragraph a, Code
25 1987, is amended to read as follows:

26 a. A statement of the name and percentage by weight of
27 each active ingredient, ~~together with the total percentage of~~
28 ~~the inert ingredients,~~ and the name of each inert ingredient
29 in the pesticide.

30 Sec. 211. Section 206.2, subsection 12, Code 1987, is
31 amended to read as follows:

32 12. ~~The term "commercial"~~ "Commercial applicator" shall
33 mean means any person, or corporation, or employee of a person
34 or corporation who enters into a contract or an agreement for
35 the sake of monetary payment and agrees to perform a service

1 by applying any pesticide or servicing any device but shall
2 not include a farmer trading work with another.

3 Sec. 212. Section 206.2, subsection 17, Code 1987, is
4 amended to read as follows:

5 17. "Certified applicator" means any individual who is
6 certified under this chapter as authorized to use or-supervise
7 ~~the-use-of~~ any pesticide ~~which-is-classified-for-restricted~~
8 use.

9 Sec. 213. Section 206.2, subsection 18, Code 1987, is
10 amended to read as follows:

11 18. "Certified private applicator" means a certified
12 applicator who uses ~~or-supervises-the-use-of~~ any pesticide
13 which is classified for restricted use ~~for-purposes-of~~
14 ~~producing-any-agricultural-commodity~~ on property owned or
15 rented by the applicator or the applicator's employer or, if
16 applied without compensation other than trading of personal
17 services between producers of agricultural commodities, on the
18 property of another person.

19 Sec. 214. Section 206.2, subsection 19, Code 1987, is
20 amended to read as follows:

21 19. "Certified commercial applicator" means a pesticide
22 applicator or individual who applies or uses a ~~restricted-use~~
23 pesticide or device ~~for-the-purpose-of-producing-any~~
24 ~~agricultural-commodity-or~~ on any property of another for
25 compensation.

26 Sec. 215. Section 206.2, subsection 24, Code 1987, is
27 amended to read as follows:

28 24. The term "pesticide dealer" means any person who
29 distributes any ~~restricted-use~~ pesticides ~~which-by~~
30 ~~regulation-are-restricted-to-application-only-by-certified~~
31 applicators.

32 Sec. 216. Section 206.5, Code 1987, is amended to read as
33 follows:

34 206.5 CERTIFICATION REQUIREMENTS.

35 No A person shall not apply any ~~restricted-use~~ pesticide

1 without first complying with the certification requirements of
2 this chapter and such other restrictions as determined by the
3 ~~secretary or being under the direct supervision of a certified~~
4 ~~applicator.~~

5 The secretary shall adopt, by rule, requirements for the
6 examination, re-examination and certification of applicants
7 ~~and set a fee of not more than ten dollars for the~~
8 ~~certification program of commercial applicators and not more~~
9 ~~than five dollars for the certification program of private~~
10 applicators. Commercial and public applicators shall be
11 tested annually, and shall pay, at the time of testing, a
12 certification fee of twenty-five dollars. Private applicators
13 shall be tested at three-year intervals, after initial
14 testing, and shall, at the time of testing pay a certification
15 fee of five dollars.

16 ~~The secretary may adopt rules for the training of~~
17 ~~applicators in co-operation with the co-operative extension~~
18 ~~service at Iowa State University of science and technology.~~

19 The secretary shall not require applicants for
20 certification as private applicators to take and pass a
21 ~~written test, if the applicant instead shows proof that the~~
22 ~~applicant has attended an informational course of instruction~~
23 ~~approved by the secretary. The secretary shall provide for~~
24 ~~temporary certification for emergency purchases of restricted~~
25 ~~use products by requiring the purchaser to sign an affidavit,~~
26 ~~at the point of purchase, that the purchaser has read and~~
27 ~~understands the information on the label of the restricted use~~
28 ~~product being purchased.~~

29 The secretary shall provide by rule for the purchase of a
30 restricted use product by a person not meeting certification
31 requirements as long as the person signs an affidavit which
32 states that the purchase is made for the convenience of and
33 use by a certified applicator and that the person will not
34 apply or otherwise use the restricted use product until or
35 unless the person receives proper certification.

1 Sec. 217. Section 206.6, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE. The
4 secretary of agriculture shall not issue a commercial
5 applicator license until the individual engaged in or managing
6 the pesticide application business or employed by the business
7 is qualified by passing an examination to demonstrate to the
8 secretary the individual's knowledge of how to apply
9 pesticides under the classifications the individual has
10 applied for, and the individual's knowledge of the nature and
11 effect of pesticides the individual may apply under such
12 classifications. The applicant successfully completing this
13 examination requirement shall be a licensed commercial
14 applicator.

15 Sec. 218. Section 206.6, subsection 4, Code 1987, is
16 amended to read as follows:

17 4. RENEWAL OF APPLICANT'S LICENSE. The secretary of
18 agriculture shall renew any applicant's license under the
19 classifications for which such applicant is licensed, provided
20 that ~~a program of training of~~ all of the applicant's personnel
21 who apply pesticides ~~has been established and maintained by~~
22 ~~the licensee~~ have also been licensed. ~~Such a program may~~
23 ~~include attending training sessions such as co-operative~~
24 ~~extension short courses or industry trade association training~~
25 ~~seminars.~~

26 Sec. 219. Section 206.6, subsection 6, paragraph b, Code
27 1987, is amended to read as follows:

28 b. Public applicators for agencies listed in this
29 subsection shall be subject to examinations as provided for in
30 this section, ~~however, the secretary shall issue a limited~~
31 ~~license without a fee to such public applicator who has~~
32 ~~qualified for such license.~~ The public applicator license
33 shall be valid only when such applicator is acting as an
34 applicator applying ~~or supervising the application of~~
35 pesticides used by such entities. Government research

1 personnel shall be exempt from this licensing requirement when
2 applying pesticides only to experimental plots. Individuals
3 licensed pursuant to this section shall be licensed public
4 applicators.

5 Sec. 220. Section 206.7, subsection 1, Code 1987, is
6 amended to read as follows:

7 1. REQUIREMENT FOR CERTIFICATION. No A commercial or
8 public applicator shall not apply any restricted-use pesticide
9 without first complying with the certification standards or
10 being-under-the-direct-supervision-of-a-certified-applicator.

11 Sec. 221. Section 206.8, subsections 2 and 3, Code 1987,
12 are amended to read as follows:

13 2. Application for a license shall be accompanied by a
14 twenty-five fifty dollar annual license fee for the primary
15 business location and an additional five dollar annual license
16 fee for each other location or outlet within the state, and
17 shall be on a form prescribed by the secretary and shall
18 include the full name of the person applying for such license.

19 3. Provisions of this section shall not apply to a
20 pesticide applicator who sells pesticides as an integral part
21 of the applicator's pesticide application service, or any
22 federal, state, county, or municipal agency which provides
23 pesticides only for its own programs.

24 Sec. 222. NEW SECTION. 206.8A GROUNDWATER PROTECTION FEE -
25 - PESTICIDE RETAIL EXCISE TAX.

26 An excise tax of one percent is imposed upon the gross
27 receipts from the sale of all pesticides used in agricultural
28 production sold at retail in the state. The tax shall be paid
29 by the pesticide dealer, retailer, or applicator in accordance
30 with the quarterly return filed, which reflects the invoiced
31 amount of pesticide sold by the dealer, retailer, or
32 applicator in this state for final sale in intrastate or
33 interstate transactions. The amount of the sale, for purposes
34 of determining the amount of excise tax owed, does not include
35 the amount of any state gross receipts tax.

1 The tax imposed by this section shall be remitted quarterly
2 by the dealer, retailer, or applicator to the department of
3 agriculture and land stewardship. Amounts collected from the
4 tax shall be deposited in the agriculture management account
5 of the groundwater protection fund.

6 The department of agriculture and land stewardship shall
7 provide forms for the filing of returns and shall administer
8 the tax through application of the appropriate sections of
9 chapter 422, division IV, and the department of revenue and
10 finance shall work in conjunction with the department of
11 agriculture and land stewardship in the implementation and
12 enforcement of the appropriate sections.

13 The tax imposed is in lieu of any other excise tax imposed,
14 including the household hazardous materials tax imposed
15 pursuant to section 455F.8.

16 Sec. 223. Section 206.9, Code 1987, is amended to read as
17 follows:

18 206.9 CO-OPERATIVE AGREEMENTS.

19 The secretary may co-operate, receive grants-in-aid and
20 enter into agreements with any agency of the federal
21 government, of this state or its subdivisions, or with any
22 agency of another state, or trade associations to obtain
23 assistance in the implementation of this chapter and to do all
24 of the following:

25 1. Secure uniformity of regulations;

26 2. Co-operate in the enforcement of the federal pesticide
27 control laws through the use of state or federal personnel and
28 facilities and to implement co-operative enforcement
29 programs;

30 ~~3.--Develop and administer state programs for training and~~
31 ~~certification of certified applicators consistent with federal~~
32 ~~standards;~~

33 ~~4.--Contract for training with other agencies including~~
34 ~~federal agencies for the purpose of training certified~~
35 ~~applicators;~~

1 5 3. Contract for monitoring pesticides for the national
2 plan~~r~~.

3 6 4. Prepare and submit state plans to meet federal
4 certification standards~~r~~-and~~r~~.

5 7 5. Regulate certified applicators.

6 6. Develop, in conjunction with the Iowa cooperative
7 extension service in agriculture and home economics, courses
8 available to the public regarding pesticide best management
9 practices.

10 Sec. 224. Section 206.11, subsection 1, paragraph d,
11 subparagraph (4), Code 1987, is amended to read as follows:

12 (4) An ingredient statement as required in section 206.12,
13 however, the ingredient statement regarding inert ingredients
14 may be on a separate, additional label.

15 Sec. 225. Section 206.12, subsection 2, paragraph c, Code
16 1987, is amended to read as follows:

17 c. An ingredient statement in which the accepted common
18 name and percentage by weight of each active ingredient is
19 listed-as-well-as-the-percentage-of-inert-ingredients and the
20 name of each inert ingredient in the pesticides are listed.

21 Sec. 226. Section 206.12, subsection 3, Code 1987, is
22 amended to read as follows:

23 3. The registrant, before selling or offering for sale any
24 pesticide in this state, shall register each brand and grade
25 of such pesticide with the secretary upon forms furnished by
26 the secretary, and~~r~~-for-the-purpose-of-defraying-expenses
27 ~~connected-with-the-enforcement-of-this-chapter~~, the secretary
28 shall set the registration fee annually at no-more-than-twenty
29 one hundred dollars for each and every brand and grade to be
30 offered for sale in this state. The One-half of the fees
31 collected shall be deposited in the treasury to the credit of
32 the pesticide fund to be used only for the purpose of
33 enforcing the provisions of this chapter and one-half of the
34 fees collected shall be placed in the agriculture management
35 account of the groundwater protection fund.

1 Sec. 227. Section 206.12, Code 1987, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. Each licensee under section 206.6 or
4 206.8 shall file a quarterly report with the secretary of
5 agriculture listing the amount and type of all pesticides
6 sold, offered for sale, distributed, or applied in this state
7 during each month of the previous quarter. The secretary, by
8 rule, may specify the form of the report and require
9 additional information deemed necessary to determine pesticide
10 use within the state.

11 Sec. 228. Section 206.19, Code 1987, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 3. Determine in cooperation with
14 municipalities, the proper notice to be given to occupants of
15 adjoining properties in urban areas prior to or after the
16 application of pesticides, establish a schedule to determine
17 the periods of application least harmful to living beings, and
18 adopt rules to implement these provisions. Municipalities
19 shall cooperate with the department by reporting infractions
20 and in implementing this subsection.

21 NEW SUBSECTION. 4. Establish civil penalties for
22 violations by commercial applicators.

23 Sec. 229. Section 206.21, Code 1987, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 3. The secretary of agriculture, in
26 cooperation with the pesticide advisory council, shall
27 designate areas with a history of concerns regarding nearby
28 pesticide applications as pesticide management areas. The
29 secretary shall adopt rules for designating pesticide
30 management areas.

31 Sec. 230. NEW SECTION. 206.24 AGRICULTURAL INITIATIVE.

32 A program of education and demonstration in the area of the
33 agricultural use of fertilizers and pesticides shall be
34 initiated by the secretary of agriculture on July 1, 1987.
35 The secretary shall coordinate the activities of the state

1 regarding this program.

2 Education and demonstration programs shall promote the
3 widespread adoption of management practices which protect
4 groundwater. The programs may include but are not limited to
5 programs targeted toward the individual farm owner or
6 operator, high school and college students, and groundwater
7 users, in the areas of best management practices, current
8 research findings, and health impacts. Emphasis shall be
9 given to programs which enable these persons to demonstrate
10 best management practices to their peers.

11 Sec. 231. NEW SECTION. 206.25 PESTICIDE CONTAINERS
12 DISPOSAL.

13 The department of agriculture and land stewardship, in
14 cooperation with the environmental protection division of the
15 department of natural resources, shall develop a program for
16 the disposal of pesticide containers which reflects the state
17 solid waste management policy hierarchy, and shall present the
18 program developed to the general assembly by February 1, 1988.

19 Sec. 232. NEW SECTION. 266.37 SOIL TEST INTERPRETATION.

20 The Iowa cooperative extension service in agriculture and
21 home economics shall develop and publish material on the
22 interpretation of the results of soil tests. The material
23 shall also feature the danger to groundwater quality from the
24 overuse of fertilizers and pesticides. The material shall be
25 available from the service at cost and any person providing
26 soil tests for agricultural or horticultural purposes shall
27 provide the material to the customer with the soil test
28 results.

29 Sec. 233. NEW SECTION. 266.38 LEOPOLD CENTER FOR
30 SUSTAINABLE AGRICULTURE.

31 1. The Leopold center for sustainable agriculture is
32 established at Iowa State University. The center shall
33 conduct and sponsor research in conjunction with the Iowa
34 cooperative extension service in agriculture and home
35 economics to identify and reduce negative environmental and

1 socio-economic impacts of agricultural practices. The center
2 shall also research and assist in developing emerging
3 alternative practices that are consistent with a sustainable
4 agriculture. The center shall develop the educational
5 framework necessary to inform the agricultural community and
6 the general public of its findings.

7 2. A board of directors is established consisting of the
8 following members:

9 a. Three persons from Iowa State University, appointed by
10 its president.

11 b. Two persons from the University of Iowa, appointed by
12 its president.

13 c. Two persons from the University of Northern Iowa,
14 appointed by its president.

15 d. Two representatives of private colleges and uni-
16 versities within the state, to be appointed by the association
17 of private colleges and universities.

18 e. One representative of the department of agriculture and
19 land stewardship, appointed by the secretary of agriculture.

20 f. One representative of the department of natural re-
21 sources, appointed by the director.

22 g. Two nonvoting members from the senate, one appointed by
23 the majority leader of the senate and one appointed by the
24 minority leader of the senate; and two nonvoting members from
25 the house of representatives, one appointed by the speaker of
26 the house of representatives and one appointed by the minority
27 leader of the house of representatives.

28 h. One man and one woman, actively engaged in agricultural
29 production, appointed by the legislative council.

30 The director of the center shall coordinate the appointment
31 process for compliance with section 69.16A.

32 3. The board shall employ a full-time director to operate
33 the center. The director shall employ research staff, subject
34 to the approval of the board.

35 4. The board shall solicit input from the public through a

1 public hearing process implemented throughout the state.

2 Sec. 234. Section 467E.1, subsection 2, Code 1987, is
3 amended to read as follows:

4 2. An agricultural energy management advisory council is
5 established which shall consist of the secretary of
6 agriculture and the chief administrator of each of the
7 following organizations or the administrator's designee:

8 a. The energy and geological resources division of the
9 department of natural resources.

10 b. The environmental protection division of the department
11 of natural resources.

12 c. Iowa state university of science and technology college
13 of agriculture.

14 d. Iowa state university of science and technology college
15 of engineering.

16 e. Iowa state water resource research institute.

17 f. State university of Iowa department of preventative
18 medicine and environmental health.

19 g. Division of soil conservation of the department of
20 agriculture and land stewardship.

21 h. Iowa cooperative extension service in agriculture and
22 home economics.

23 i. The University of Northern Iowa.

24 j. The state hygienic laboratory.

25 The secretary of agriculture shall coordinate the
26 appointment process for compliance with section 69.16A.

27 The secretary of agriculture shall be the chairperson of
28 the council. The presiding officers of the senate and house
29 shall each appoint two nonvoting members, not more than one of
30 any one political party, to serve on the advisory council for
31 a term of two years. The council may invite the
32 administrators of the United States geological survey and the
33 federal environmental protection agency to each appoint a
34 person to meet with the council in an advisory capacity. The
35 council shall meet quarterly or upon the call of the

1 chairperson. The council shall review possible uses of the
2 funds fund and the effectiveness of current and past
3 expenditures of the fund. The council shall make
4 recommendations to the department of agriculture and land
5 stewardship on the uses of the fund.

6 PART THREE -- WELLS, SINKHOLES, WATERSHEDS,
7 WETLANDS, AND ANIMAL WASTE MANAGEMENT

8 Sec. 301. NEW SECTION. 172E.1 DEFINITIONS.

9 For the purposes of this chapter, unless the context other-
10 wise requires:

11 1. "Department" means the department of agriculture and
12 land stewardship.

13 2. "Earthen manure storage facility" means an excavated or
14 earthen impoundment for temporary storage of animal waste.

15 3. "Permanent runoff control structures" means construc-
16 tions and devices used to control, divert, or retard surface
17 runoff water, and includes diversions, dams, dikes, settling
18 basins, filter walls, gutters, downspouts, underground
19 outlets, filter strips, and other similar practices and
20 devices.

21 4. "Waste storage facility" means a concrete, steel, or
22 otherwise fabricated structure, or an excavated or earthen
23 impoundment used for temporary storage of animal waste or
24 other organic agricultural wastes.

25 5. "Waste treatment facility" means a lagoon or an exca-
26 vated or earthen impoundment used for biological treatment of
27 animal waste.

28 Sec. 302. NEW SECTION. 172E.2 ANIMAL WASTE MANAGEMENT
29 GRANT PROGRAM.

30 1. The department shall establish an animal waste
31 management grant program. The department shall adopt rules
32 necessary for the proper execution of this program. The
33 grants under this section may be used only for engineering
34 design or construction of animal waste treatment or storage
35 facilities or permanent runoff control structures, which meet

1 the permit requirements of the department of natural
2 resources.

3 2. Except as provided under subsection 3, the department
4 may make payments under this section only to a soil
5 conservation district which meets all of the following
6 requirements:

7 a. Submits a plan to the department identifying the animal
8 waste water pollution problems in the district and ways to
9 deal with them and their cost, and establishing a priority
10 ranking of the problems.

11 b. Administers an animal waste management program which:

12 (1) Limits grants under this section to animal waste
13 treatment or storage facilities or permanent runoff control
14 structures which are necessary to meet water quality
15 objectives.

16 (2) Ensures that the facilities and structures are de-
17 signed to be consistent with the rules of the department of
18 natural resources.

19 (3) Ensures that the facilities and structures are con-
20 structed and operated to avoid water pollution problems.

21 (4) Requires an applicant to use the most cost-effective
22 method to meet water quality standards as a condition of a
23 grant under this section.

24 (5) Limits a grant for a facility or structure to ten
25 thousand dollars of total grants from the program under this
26 section and all other government programs.

27 (6) Limits the state's share of the cost of a facility or
28 structure to fifty percent.

29 3. The department may make payments under this section di-
30 rectly to farmers who receive a notice of conditions requiring
31 correction related to animal waste or who are required to
32 apply for a permit under chapter 455B or the rules of the
33 department of natural resources.

34 4. The department of natural resources shall furnish to
35 soil conservation districts available information needed to

1 identify and rank animal waste water pollution as required
2 under subsection 2, paragraph "a".

3 5. This section does not affect the authority of the
4 department of natural resources to act under statutes and
5 rules administered by the department of natural resources.

6 Sec. 303. NEW SECTION. 172E.3 ANIMAL WASTE MANAGEMENT
7 GRANT FUND.

8 An amount no greater than ten percent of the moneys
9 deposited annually in the agriculture management account for
10 cost-sharing programs pursuant to section 455E.11, shall be
11 used by the department in carrying out the purposes of this
12 chapter.

13 Sec. 304. Section 455B.187, Code 1987, is amended by
14 adding the following new unnumbered paragraphs:

15 NEW UNNUMBERED PARAGRAPH. A person shall not drill for or
16 construct a new water well without first obtaining a permit
17 for this activity from the department. The department shall
18 not issue a permit to any person for this activity unless the
19 person provides proof that all abandoned wells on the property
20 have been properly plugged.

21 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
22 for the issuance of a permit to a person drilling for or
23 constructing a well and for the enforcement of the proper
24 plugging of any well abandoned prior to July 1, 1987, before a
25 permit to the person drilling for or constructing a new well
26 is issued.

27 Sec. 305. NEW SECTION. 455B.189 AGRICULTURAL DRAINAGE
28 WELLS.

29 1. An agricultural drainage well not specifically exempted
30 by the rules of the department of natural resources shall be
31 plugged by July 1, 1992.

32 2. The department of agriculture and land stewardship, in
33 consultation with the department of natural resources and the
34 Iowa cooperative extension service in agriculture and home
35 economics, shall assess the environmental, economic, and

1 social problems associated with agricultural drainage wells
2 and shall develop alternatives to agricultural drainage wells
3 and options for the funding of implementation of alternatives.
4 The department of agriculture and land stewardship shall
5 report its findings to the energy and environmental protection
6 committees of the legislature by January 1, 1989.

7 3. An owner of an agricultural drainage well shall
8 develop, in consultation with the department of agriculture
9 and land stewardship and the department of natural resources,
10 a plan which proposes alternatives to the use of an
11 agricultural drainage well by January 1, 1990.

12 4. Cost sharing may be allocated from the agriculture
13 management account of the groundwater protection fund to
14 implement alternatives to agricultural drainage wells.

15 5. An owner of an agricultural drainage well shall not be
16 eligible for cost sharing if the owner fails to develop a plan
17 for alternatives in cooperation with the department of
18 agriculture and land stewardship and the department of natural
19 resources.

20 Sec. 306. NEW SECTION. 455B.190 ABANDONED WELLS PROPERLY
21 PLUGGED.

22 All abandoned wells, as defined in section 455B.171, shall
23 be properly plugged in accordance with the schedule
24 established by the department. The department shall develop a
25 prioritized closure program and a time frame for the
26 completion of the program and shall adopt rules to implement
27 the program. A person who fails to properly plug an abandoned
28 well on property the person owns, in accordance with the
29 program established by the department, is subject to a civil
30 penalty of up to five hundred dollars per day that the well
31 remains unplugged or improperly plugged. The department of
32 agriculture and land stewardship may provide by rule for cost
33 sharing, through expenditure of the moneys allocated to the
34 cost-sharing portion of the agriculture management account, to
35 reduce a person's cost in properly plugging wells abandoned

1 prior to July 1, 1987.

2 Sec. 307. NEW SECTION. 455B.190A SINKHOLES -- WATERSHEDS
3 AND WETLANDS -- CONSERVATION EASEMENT PROGRAMS.

4 The department of agriculture and land stewardship, with
5 the advisement and assistance of the department of natural
6 resources, shall develop and implement rules to encourage the
7 cleanup of wastes from sinkholes, watershed protection and
8 forestation of watersheds draining to sinkholes, and the
9 management of wetlands where drainage wells once existed. The
10 department of agriculture and land stewardship shall develop a
11 program to provide for cost sharing of cleanup of sinkholes,
12 water management around sinkholes and wetlands, and the
13 acquisition of conservation easements through expenditure of
14 moneys allocated to the cost-sharing portion of the
15 agriculture management account. The rules shall allow the
16 department of agriculture and land stewardship to contract the
17 services of a private nonprofit conservation organization to
18 develop a public-private resource protection program. This
19 program shall include the coordination of negotiations for
20 conservation easements or other protection or acquisition
21 alternatives and the identification of private funding
22 sources and programs of county, state, or federal government
23 which could compensate landowners for resource protection
24 measures.

25 Sec. 308. NEW SECTION. 558.69 EXISTENCE AND LOCATION OF
26 WELLS.

27 The county recorder shall not accept for recording an
28 instrument of conveyance which does not contain a statement
29 that no wells are situated on the property, or if wells are
30 situated on the property, the conveyance must state the
31 location of each well and its status with respect to section
32 455B.189 or 455B.190. The recorder shall report each location
33 of a well and its status to the department of natural
34 resources.

35 Sec. 309. Section 633.361, subsection 8, Code 1987, is

1 amended to read as follows:

2 8. Legal descriptions and estimated values of all the real
3 estate of the decedent in the state of Iowa. A description
4 shall include a statement that there are no wells situated on
5 the property, or if there are wells, the description shall
6 state the location of each well and its status with respect to
7 section 455B.189 or 455B.190. The clerk of court shall report
8 each finding of a well and its status to the department.

9 Sec. 310. There is appropriated from the agriculture
10 management account of the groundwater protection fund, from
11 moneys allocated to cost sharing, for the fiscal period
12 beginning July 1, 1987, and ending January 1, 1989, one
13 hundred thousand (100,000) dollars, or so much thereof as is
14 necessary, to the department of agriculture and land
15 stewardship in order to assess problems relative to
16 agricultural drainage wells and to develop alternatives to
17 drainage wells.

18 PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

19 Sec. 401. Section 18.3, Code 1987, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 9. Administering the provisions of
22 section 455B.313.

23 Sec. 402. Section 455B.301, Code 1987, is amended by
24 adding the following new subsections:

25 NEW SUBSECTION. 7. "Closure" means actions that will
26 prevent, mitigate, or minimize the threat to public health and
27 the environment posed by a closed sanitary landfill,
28 including, but not limited to, application of final cover,
29 grading and seeding of final cover, installation of an
30 adequate monitoring system, and construction of ground and
31 surface water diversion structures, if necessary.

32 NEW SUBSECTION. 8. "Closure plan" means the plan which
33 specifies the methods and schedule by which an operator will
34 complete or cease disposal operations of a sanitary disposal
35 project, prepare the area for long-term care, and make the

1 area suitable for other uses.

2 NEW SUBSECTION. 9. "Lifetime of the project" means the
3 projected period of years that a landfill will receive waste,
4 from the time of opening until closure, based on the volume of
5 waste to be received projected at the time of submittal of the
6 initial project plan and the calculated refuse capacity of the
7 landfill based upon the design of the project.

8 NEW SUBSECTION. 10. "Financial assurance instrument"
9 means an instrument submitted by an applicant to ensure the
10 operator's financial capability to provide reasonable and
11 necessary response during the lifetime of the project and for
12 the thirty years following closure, and to provide for the
13 closure of the facility and postclosure care required by rules
14 adopted by the commission in the event that the operator fails
15 to correctly perform closure and postclosure care
16 requirements. The form may include the establishment of a
17 secured trust fund, use of a cash or surety bond, or the
18 obtaining of an irrevocable letter of credit.

19 NEW SUBSECTION. 11. "Postclosure" and "postclosure care"
20 mean the time and actions taken for the care, maintenance, and
21 monitoring of a sanitary disposal project after closure that
22 will prevent, mitigate, or minimize the threat to public
23 health, safety, and welfare and the threat to the environment
24 posed by the closed facility.

25 NEW SUBSECTION. 12. "Postclosure plan" means the plan
26 which specifies the methods and schedule by which the operator
27 will perform the necessary monitoring and care for the area
28 after closure of a sanitary disposal project.

29 NEW SUBSECTION. 13. "Manufacturer" means a person who by
30 labor, art, or skill transforms raw material into a finished
31 product or article of trade.

32 NEW SUBSECTION. 14. "Waste stream" means the total waste
33 output of an area, location, or project.

34 NEW SUBSECTION. 15. "Leachate" means fluid that has
35 percolated through solid waste and which contains contaminants

1 consisting of dissolved or suspended materials, chemicals, or
2 microbial waste products from the solid waste.

3 NEW SUBSECTION. 16. "Actual cost" means the operational,
4 remedial and emergency action, closure, postclosure, and
5 monitoring costs of a sanitary disposal project for the
6 lifetime of the project.

7 NEW SUBSECTION. 17. "Disposal site" means any
8 accumulation of solid waste at a site other than a sanitary
9 disposal project operating under the permit of the department.

10 NEW SUBSECTION. 18. "Dump site" means any accumulation of
11 solid waste at a site other than a sanitary disposal project.

12 Sec. 403. NEW SECTION. 455B.301A DECLARATION OF POLICY.

13 1. The protection of the health, safety, and welfare of
14 Iowans and the protection of the environment require the safe
15 and sanitary disposal of solid wastes. An effective and
16 efficient solid waste disposal program, protects the
17 environment and the public, and provides the most practical
18 and beneficial use of the material and energy values of solid
19 waste. While recognizing the continuing necessity for the
20 existence of landfills, alternative methods of managing solid
21 waste and a reduction in the reliance upon land disposal of
22 solid waste are encouraged. In the promotion of these goals,
23 the following waste management hierarchy in descending order
24 of preference, is established as the solid waste management
25 policy of the state:

- 26 a. Volume reduction at the source.
- 27 b. Recycling and reuse.
- 28 c. Combustion with energy recovery.
- 29 d. Combustion for volume reduction.
- 30 e. Disposal in sanitary landfills.

31 2. In the implementation of the solid waste management
32 policy, the state shall:

- 33 a. Establish and maintain a cooperative state and local
34 program of project planning, and technical and financial
35 assistance to encourage comprehensive solid waste management.

1 b. Utilize the capabilities of private enterprise as well
2 as the services of public agencies to accomplish the desired
3 objectives of an effective solid waste management program.

4 Sec. 404. Section 455B.304, unnumbered paragraph 6, Code
5 1987, is amended to read as follows:

6 The commission shall, by rule, require continued monitoring
7 of groundwater pursuant to this section for a period of twenty
8 thirty years after the sanitary disposal project is closed.
9 The commission may prescribe a lesser period of monitoring
10 duration and frequency in consideration of the potential or
11 lack thereof for groundwater contamination from the sanitary
12 disposal project. The commission may extend the twenty-year
13 thirty-year monitoring period on a site-specific basis by
14 adopting rules specifically addressing additional monitoring
15 requirements for each sanitary disposal project for which the
16 monitoring period is to be extended.

17 Sec. 405. Section 455B.304, Code 1987, is amended by
18 adding the following new unnumbered paragraphs:

19 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
20 which establish closure, postclosure, leachate control and
21 treatment, and financial assurance standards and requirements
22 and which establish minimum levels of financial responsibility
23 for sanitary disposal projects.

24 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
25 which establish the minimum distance between tiling lines and
26 a sanitary landfill in order to assure no adverse effect on
27 the groundwater.

28 Sec. 406. Section 455B.305, Code 1987, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 6. Beginning July 1, 1992, the director
31 shall not issue, renew, or reissue a permit for a sanitary
32 landfill unless the sanitary landfill is equipped with a
33 leachate control system. The director may exempt a permit
34 applicant from this requirement if the director determines
35 that certain conditions regarding, but not limited to, exist-

1 ing physical conditions, topography, soil, geology, and
2 climate, are such that a leachate control system is
3 unnecessary.

4 Sec. 407. Section 455B.306, subsection 1, Code 1987, is
5 amended to read as follows:

6 1. A city, county, and a private agency operating or
7 planning to operate a sanitary disposal project shall file
8 with the director a comprehensive plan detailing the method by
9 which the city, county, or private agency will comply with
10 this part 1. The director shall review each comprehensive
11 plan submitted and may reject, suggest modification, or
12 approve the proposed plan. The director shall aid in the
13 development of comprehensive plans for compliance with this
14 part. The director shall make available to a city, county,
15 and private agency appropriate forms for the submission of
16 comprehensive plans and may hold hearings for the purpose of
17 implementing this part. The director and governmental
18 agencies with primary responsibility for the development and
19 conservation of energy resources shall provide research and
20 assistance, when cities and counties operating or planning to
21 operate sanitary disposal projects request aid in planning and
22 implementing resource recovery systems. A comprehensive plan
23 filed by a private agency operating or planning to operate a
24 sanitary disposal project shall be developed in cooperation
25 and consultation with the city or county responsible to
26 provide for the establishment and operation of a sanitary
27 disposal project.

28 Sec. 408. Section 455B.306, subsection 3, Code 1987, is
29 amended to read as follows:

30 3. A comprehensive plan filed pursuant to this section in
31 conjunction with an application for issuance, renewal, or
32 reissuance of a permit for a sanitary landfill shall address
33 include all of the following:

- 34 a. ~~The extent to which solid waste is or can be recycled.~~
- 35 b. ~~The economic and technical feasibility of using other~~

1 existing-sanitary-disposal-project-facilities-in-lieu-of
2 initiating-or-continuing-the-sanitary-landfill-for-which-the
3 permit-is-being-sought.

4 c.--The-expected-environmental-impact-of-alternative-solid
5 waste-disposal-methods,-including-the-use-of-sanitary
6 landfills.

7 d.--A-specific-plan-and-schedule-for-implementing
8 technically-and-economically-feasible-solid-waste-disposal
9 methods-that-will-result-in-minimal-environmental-impact.

10 a. A specific plan for implementing alternative methods of
11 solid waste disposal. The plan shall incorporate and reflect
12 the waste management hierarchy of the state solid waste
13 management policy. This plan shall be implemented when the
14 actual cost of the implementation of the alternative disposal
15 method is equal to the actual cost of the existing disposal
16 method and no later than July 1, 1997.

17 b. A closure and postclosure plan detailing the schedule
18 for and the methods by which the operator will meet the
19 conditions for proper closure and postclosure adopted by rule
20 by the commission. The plan shall include, but is not limited
21 to, the proposed frequency and types of actions to be
22 implemented prior to and following closure of an operation,
23 the proposed postclosure actions to be taken to return the
24 area to a condition suitable for other uses, and an estimate
25 of the costs of closure and postclosure and the proposed
26 method of meeting these costs. The postclosure plan shall
27 reflect the thirty-year time period requirement for
28 postclosure responsibility.

29 c. A plan for the control and treatment of leachate,
30 including financial considerations proposed in meeting the
31 costs of control and treatment. The plan must provide that
32 upon detection of leaking, the leachate control and treatment
33 plan will be implemented.

34 d. A financial plan detailing the actual cost of the
35 sanitary landfill project and including the funding sources of

1 the project. In addition to the submittal of the financial
2 plan filed pursuant to this subsection, the operator of an
3 existing sanitary landfill shall submit an annual financial
4 statement to the department.

5 e. An emergency response and remedial action plan
6 including established provisions to minimize the possibility
7 of fire, explosion, or any release to air, land, or water of
8 pollutants that could threaten human health and the
9 environment, and the identification of possible occurrences
10 that may endanger human health and environment.

11 Sec. 409. Section 455B.306, Code 1987, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 4. In addition to the comprehensive plan
14 filed pursuant to subsection 1, a person operating or
15 proposing to operate a sanitary disposal project shall provide
16 a financial assurance instrument to the department prior to
17 the initial approval of a permit by the department beginning
18 July 1, 1987, and prior to the renewal of a permit for an
19 existing or expanding facility beginning January 1, 1988.

20 a. The financial assurance instrument shall meet all
21 requirements adopted by rule by the commission, and shall not
22 be canceled, revoked, disbursed, released, or allowed to
23 terminate without the approval of the department. Following
24 the cessation of operation or closure of a sanitary disposal
25 project, neither the guarantor nor the operator shall cancel,
26 revoke, or disburse the financial assurance instrument or
27 allow the instrument to terminate until the operator is
28 released from closure, postclosure, and monitoring
29 responsibilities.

30 b. The operator shall maintain closure, and postclosure
31 accounts. The commission shall adopt by rule the amounts to
32 be contributed to the accounts based upon the amount of solid
33 waste received by the facility. The accounts established
34 shall be specific to the facility.

35 (1) Money in the accounts shall not be assigned for the

1 benefit of creditors with the exception of the state.

2 (2) Money in an account shall not be used to pay any final
3 judgment against a licensee arising out of the ownership or
4 operation of the site during its active life or after closure.

5 (3) Conditions under which the department may gain access
6 to the accounts and circumstances under which the accounts may
7 be released to the operator after closure and postclosure
8 responsibilities have been met, shall be established by the
9 commission.

10 c. The commission shall adopt by rule the minimum amounts
11 of financial responsibility for sanitary disposal projects.

12 d. Financial assurance instruments may include instruments
13 such as cash or surety bond, a letter of credit, a secured
14 trust fund, or a corporate guarantee.

15 e. The annual financial statement submitted to the
16 department pursuant to section 455B.306, subsection 3,
17 paragraph "d", shall include the current amounts established
18 in each of the accounts and the projected amounts to be
19 deposited in the accounts in the following year.

20 Sec. 410. Section 455B.307, Code 1987, is amended to read
21 as follows:

22 455B.307 DUMPING -- WHERE PROHIBITED.

23 1. ~~It shall be unlawful for any~~ A private agency or public
24 agency to shall not dump or deposit or permit the dumping or
25 depositing of any solid waste resulting from its own
26 residential, farming, manufacturing, mining, or commercial
27 activities at any place other than a sanitary disposal project
28 approved by the director unless the agency has been granted a
29 permit by the department which allows the dumping or
30 depositing of solid waste on land owned or leased by the
31 agency. The department shall adopt rules regarding the
32 permitting of this activity which shall provide that the
33 public interest is best served, but which may be based upon
34 criteria less stringent than those regulating a public
35 sanitary disposal project provided that the rules adopted meet

1 the groundwater nondegradation goal specified in section
2 455E.4.

3 2. The department shall maintain an inventory of disposal
4 sites or dump sites located on land owned or leased by a
5 public or private agency which the department determines to be
6 potentially hazardous.

7 3. Pursuant to chapter 558, a county recorder shall not
8 accept for recording an instrument of conveyance which does
9 not contain a statement regarding the existence on the
10 property of the disposal site determined to be potentially
11 hazardous by the department.

12 4. Upon determination by the department that a disposal
13 site or dump site is no longer a hazard to the public health
14 and safety, or the environment, the information concerning the
15 disposal site or dump site shall be removed from the
16 instrument of conveyance.

17 5. The commission shall required by rule the cleanup of
18 disposal sites and dump sites which are determined to be a
19 threat to the public health and safety, and to the
20 environment.

21 6. The department shall periodically determine the status
22 of all disposal sites issued permits in accordance with this
23 section which the department has determined to be potentially
24 hazardous. This-section-shall-not-prohibit-a-private-agency
25 or-public-agency-from-dumping-or-depositing-solid-waste
26 resulting-from-its-own-residential,-farming,-manufacturing,
27 mining-or-commercial-activities-on-land-owned-or-leased-by-it
28 if-the-action-does-not-violate-any-statute-of-this-state-or
29 rules-promulgated-by-the-commission-or-local-boards-of-health,
30 or-local-ordinances. The director may issue temporary permits
31 for dumping or disposal of solid waste at disposal sites for
32 which an application for a permit to operate a sanitary
33 disposal project has been made and which have not met all of
34 the requirements of part 1 of this division and the rules
35 adopted by the commission if a compliance schedule has been

1 submitted by the applicant specifying how and when the
2 applicant will meet the requirements for an operational
3 sanitary disposal project and the director determines the
4 public interest will be best served by granting such temporary
5 permit.

6 2 7. The director may issue any order necessary to secure
7 compliance with or prevent a violation of the provisions of
8 this part 1 of division IV or the rules ~~promulgated~~ adopted
9 pursuant ~~thereto~~ to the part. The attorney general shall, on
10 request of the department, institute any legal proceedings
11 necessary in obtaining compliance with an order of the
12 commission or the director or prosecuting any person for a
13 violation of the provisions of ~~said~~ the part or rules issued
14 pursuant ~~thereto~~ to the part.

15 3 8. Any person who violates any provision of part 1 of
16 this division or any rule or any order ~~promulgated~~ adopted or
17 the conditions of any permit or order issued pursuant to part
18 1 of this division shall be subject to a civil penalty not to
19 exceed five hundred dollars for each day of such violation.

20 Sec. 411. Section 455B.310, subsection 2, Code 1987, is
21 amended to read as follows:

22 2. The tonnage fee is ~~twenty-five-cents~~ two dollars per
23 ton of solid waste for the year beginning January 1, 1988 and
24 shall increase annually in the amount of one dollar until
25 January 1, 1995. The city or county providing for the estab-
26 lishment and operation of the sanitary landfill may charge an
27 additional tonnage fee for the disposal of solid waste at the
28 sanitary landfill, to be used exclusively for the development
29 and implementation of alternatives to sanitary landfills.

30 Sec. 412. Section 455B.310, subsection 4, Code 1987, is
31 amended to read as follows:

32 4. All tonnage fees received by the department under this
33 section shall be ~~paid-to-a-groundwater-fund-created-under~~
34 ~~section-455B-309~~ deposited in the solid waste account of the
35 groundwater protection fund created under section 455E.11.

1 Sec. 413. Section 455B.310, Code 1987, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 7. The department shall grant exemptions
4 from the fee requirements of subsection 2 for receipt of solid
5 waste meeting all of the following criteria:

6 a. Receipt of the solid waste is pursuant to a written
7 contract between the owner or operator of the sanitary
8 landfill and another person.

9 b. The contract was lawfully executed prior to January 1,
10 1987.

11 c. The contract expressly prohibits an increase in the
12 compensation or fee payable to the owner or operator of the
13 landfill and does not allow voluntary cancellation or
14 renegotiation of the compensation or fee during the term of
15 the contract.

16 d. The contract has not been amended at any time after
17 January 1, 1987.

18 e. The owner or operator of the sanitary landfill applying
19 for exemption demonstrates to the satisfaction of the
20 department that good faith efforts were made to renegotiate
21 the contract notwithstanding its terms, and has been unable to
22 agree on an amendment allowing the fee provided in subsection
23 2 to be added to the compensation or fee provisions of the
24 contract.

25 f. Applications for exemption must be submitted on forms
26 provided by the department with proof of satisfaction of all
27 criteria.

28 g. Notwithstanding the time specified within the contract,
29 an exemption from payment of the fee increase requirements for
30 a multiyear contract shall terminate by January 1, 1989.

31 Sec. 414. NEW SECTION. 455B.312 WASTE ABATEMENT PROGRAM.

32 1. If the department of natural resources determines that
33 certain products or packaging threaten the solid waste
34 management policy of the state, the department shall inform
35 the manufacturer of the product or packaging of the determina-

1 tion. The commission shall adopt rules which require a manu-
2 facturer notified of the determination to cooperate with the
3 department in mitigating the threat.

4 2. If a manufacturer does not comply with the requirements
5 of subsection 1, the commission shall adopt rules requiring a
6 manufacturer to develop a plan to divert and recover its
7 products or packaging from the waste stream if the commission
8 determines, following a public hearing of which the
9 manufacturer is given notice, that the products or packaging
10 threaten the solid waste management policy of the state. The
11 commission shall consider the following in making a decision
12 to require the plan:

13 a. The potential threat of the products or packaging to
14 the environment, public health, safety, and welfare, and to
15 resource conservation.

16 b. The economic liabilities left unassumed if no action is
17 taken.

18 3. The manufacturer or trade group representing the
19 manufacturer shall be allowed six months from the date of the
20 commission's decision to submit a waste abatement plan
21 specifying mitigation of the problems caused by the products
22 or packaging, the percentage of products or packaging to be
23 recovered from the waste stream, and the time period for
24 achievement of the mitigation.

25 4. The department may accept or reject the submitted plan.

26 5. If a plan is rejected or if any of the goals of the
27 plan are not achieved, the manufacturer of the product or
28 packaging shall obtain an annual license issued by the
29 department to sell the product or packaging within the state
30 until the product or packaging is shown to no longer pose a
31 threat to the solid waste management policy of the state. The
32 license fee shall be established by rule adopted by the
33 commission.

34 Sec. 415. NEW SECTION. 455B.313 STATE PURCHASES --
35 RECYCLED PRODUCTS.

1 1. When purchasing paper products, the department of
2 general services shall, wherever the price is reasonably
3 competitive and the quality intended, purchase the recycled
4 product.

5 2. The department of general services, in conjunction with
6 the department of natural resources, shall review the
7 procurement specifications currently used by the state to
8 eliminate, wherever possible, discrimination against the
9 procurement of products manufactured with recovered materials.

10 3. The department of natural resources shall assist the
11 department of general services in locating suppliers of
12 recycled products and collecting data on recycled content
13 purchases.

14 4. Information on recycled content shall be requested on
15 all bids for paper products issued by the state and on other
16 bids for products which could have recycled content such as
17 oil, plastic products, compost materials, aggregate, solvents,
18 and rubber products.

19 5. The department of general services, in conjunction with
20 the department of natural resources, shall adopt rules and
21 regulations to carry out the provisions of this section.

22 6. All state agencies shall fully cooperate with the
23 departments of general services and natural resources in all
24 phases of implementing this section.

25 PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

26 Sec. 501. NEW SECTION. 455F.1 DEFINITIONS.

27 As used in this chapter unless the context otherwise
28 requires:

29 1. "Department" means the department of natural resources.

30 2. "Commission" means the state environmental protection
31 commission.

32 3. "Distributor" means a person in this state who manu-
33 facturers or produces a household hazardous material or who
34 ships, transports, or imports into this state or in any manner
35 acquires or possesses a household hazardous material within

1 the state.

2 4. "Wholesaler" means a person other than a distributor or
3 distributor's agent who engages in the business of selling or
4 distributing a household hazardous material within the state,
5 for the purpose of resale.

6 5. "Retailer" means a person offering for sale or selling
7 a household hazardous material to the ultimate consumer,
8 within the state.

9 6. "Display area label" means the signage used by a
10 retailer to mark a household hazardous material display area
11 as prescribed by the department of natural resources.

12 7. "Case label" means the marking used by the distributor
13 or wholesaler to identify a product case or a product case lot
14 as containing household hazardous material.

15 8. "Residential" means a permanent place of abode, which
16 is a person's home as opposed to a person's place of business.

17 9. "Household hazardous material" means a product used for
18 residential purposes and designated by rule of the department
19 of natural resources and may include any hazardous substance
20 as defined in section 455B.411, subsection 3; and any
21 hazardous waste as defined in section 455B.411, subsection 4;
22 and shall include but is not limited to the following

23 materials: motor oils, motor oil filters, degreasers, waxes,
24 polishes, solvents, paints, with the exception of latex-based
25 paints, lacquers, thinners, caustic household cleaners, spot
26 and stain remover with petroleum base, lawn, garden and
27 household fungicides, insecticides, herbicides, petroleum-
28 based fertilizers, and batteries. However, "household
29 hazardous material" does not include laundry detergents or
30 dishwashing soaps, and chlorine bleach.

31 Sec. 502. NEW SECTION. 455F.2 POLICY STATEMENT.

32 It is the policy of this state to educate Iowans regarding
33 the hazardous nature of certain household products, proper use
34 of the products, and the proper methods of disposal of
35 residual product and containers in order to protect the public

1 health, safety, and the environment.

2 Sec. 503. NEW SECTION. 455F.3 LABELS REQUIRED.

3 1. A retailer shall affix a display area label, as
4 prescribed by rule of the commission, in a prominent location
5 upon or near the display area of a household hazardous
6 material. If the display area is a shelf, and the price of
7 the product is affixed to the shelf, the label shall be
8 affixed adjacent to the price information.

9 2. A wholesaler or distributor shall affix a case label,
10 as prescribed by rule of the commission, to all cases or case
11 lots of household hazardous materials, prior to distribution
12 or sale to a retailer, in order to indicate to the retailer
13 that the product is subject to the requirements of this
14 chapter.

15 3. The department shall, in cooperation with distributors,
16 wholesalers, and retailer associations, develop a household
17 hazardous products list to be utilized in the labeling of a
18 display area, case, or case lot displaying or containing
19 products which are household hazardous materials.

20 4. A person found in violation of this section is, upon
21 conviction, guilty of a simple misdemeanor.

22 Sec. 504. NEW SECTION. 455F.4 LABEL DESIGN AND CONTENT.

23 The department shall develop, in cooperation with
24 distributors, wholesalers, and retailers, case labels and
25 display area labels pursuant to section 455F.3.

26 The commission shall designate by rule the minimum content
27 of the label statement which shall include, but is not limited
28 to, the following:

29 1. The hazardous nature of the product.

30 2. The necessity of following product directions for
31 proper disposal.

32 3. In the case of the display area label:

33 a. The location of the consumer booklet or bulletins.

34 b. A statement as follows: "This product is subject to
35 the household hazardous materials tax."

1 Sec. 505. NEW SECTION. 455F.5 CONSUMER INFORMATION BOOK-
2 LETS.

3 A retailer shall maintain and prominently display a
4 booklet, developed by the department, in cooperation with
5 distributors, wholesalers, and retailer associations, which
6 provides information regarding the proper use of household
7 hazardous materials and specific instructions for the proper
8 disposal of certain substance categories. The retailer shall
9 also distribute informational bulletins, developed by the
10 department, regarding household hazardous materials to the
11 customer, at no expense, which provide information as
12 designated by rule of the commission.

13 Sec. 506. NEW SECTION. 455F.6 DUTIES OF THE COMMISSION.

14 The commission shall:

15 1. Adopt rules which designate the form and content of
16 labels to be supplied and used by distributors, wholesalers,
17 and retailers.

18 2. Adopt rules which designate the type and amount of
19 information to be included in the consumer information book-
20 lets and bulletins.

21 Sec. 507. NEW SECTION. 455F.7 DUTIES OF THE DEPARTMENT.

22 The department shall:

23 1. Designate products which are household hazardous
24 materials and, based upon the designations and in consultation
25 with distributors, wholesalers, and retailer associations,
26 develop a household hazardous product list for the use of
27 distributors, wholesalers, and retailers in identifying the
28 products.

29 2. Enforce the provisions of this chapter and implement
30 the penalties established.

31 Sec. 508. NEW SECTION. 455F.8 HOUSEHOLD HAZARDOUS
32 MATERIALS TAX IMPOSED.

33 An excise tax of four percent is imposed upon the gross re-
34 ceipts from the sale of all products designated as household
35 hazardous materials sold at retail in the state to consumers.

1 The tax shall be paid by a retailer in accordance with the
2 quarterly return filed by the retailer.

3 The department of revenue and finance shall provide forms
4 for the filing of returns, collect the amount of tax owed
5 quarterly, and remit the moneys collected to the household
6 hazardous waste account of the groundwater protection fund.
7 The appropriate sections of chapter 422, division IV,
8 regarding retail sales tax are applicable to the imposition of
9 this tax. The excise tax imposed is in addition to any
10 existing tax imposed upon the retail sales of products desig-
11 nated as household hazardous materials. The amount of the
12 sale for purposes of determining the amount of the excise tax
13 does not include the amount of any other state gross receipt
14 tax.

15 A retailer may facilitate the imposition of the household
16 hazardous materials tax by programming registers to compute
17 the tax, by identifying the products through a distinguishing
18 mark, or by providing a list to retail employees of products
19 subject to the tax.

20 Sec. 509. NEW SECTION. 455F.9 HOUSEHOLD HAZARDOUS WASTE
21 CLEANUP PROGRAM CREATED.

22 The department shall conduct programs to collect and
23 dispose of small amounts of hazardous wastes which are being
24 stored in residences or on farms. The program shall be known
25 as "Toxic Cleanup Days". The department shall promote and
26 conduct the program and shall by contract with a qualified and
27 bonded waste handling company, collect and properly dispose of
28 wastes believed by the person disposing of the waste to be
29 hazardous. The department shall establish maximum amounts of
30 hazardous wastes to be accepted from a person during the
31 "Toxic Cleanup Days" program. Amounts accepted from a person
32 above the maximum shall be limited by the department and may
33 be subject to a fee set by the department, but the department
34 shall not assess a fee for amounts accepted below the maximum
35 amount. The department shall designate the times and dates

1 for the collection of wastes. The department shall have as a
2 goal a minimum of twenty "Toxic Cleanup Days" during the
3 period beginning July 1, 1987, and ending October 31, 1988.
4 In any event, the department shall offer the number of days as
5 are supported by the household hazardous waste account. In
6 order to achieve the maximum benefit from the program, the
7 department shall offer "Toxic Cleanup Days" on a statewide
8 basis and provide at least one "Toxic Cleanup Day" in each
9 departmental region. "Toxic Cleanup Days" shall be offered in
10 both rural and urban areas to provide a comparison of response
11 levels and to test the viability of multicounty "Toxic Cleanup
12 Days". The department may also offer at least one "Toxic
13 Cleanup Day" at a previously serviced location to test the
14 level of residual demand for the event and the effect of the
15 existing public awareness on the program. The department
16 shall prepare an annual report citing the results and costs of
17 the program for submittal to the general assembly.

18 Sec. 510. NEW SECTION. 455F.10 EDUCATION PROGRAM.

19 In addition to the "Toxic Cleanup Days" program the
20 department shall implement a public information and education
21 program regarding the use and disposal of household hazardous
22 materials. The program shall provide appropriate information
23 concerning the reduction in use of the materials, including
24 the purchase of smaller quantities and selection of
25 alternative products. The department shall cooperate with
26 existing educational institutions, distributors, wholesalers,
27 and retailers, and other agencies of government and shall
28 enlist the support of service organizations, whenever
29 possible, in promoting and conducting the programs in order to
30 effectuate the household hazardous materials policy of the
31 state.

32 Sec. 511. COLLECTION OF USED OIL -- PILOT PROJECT.

33 The state department of transportation shall initiate and
34 conduct a pilot program to collect used oil from residences
35 and farms at collection stations for used oil, one in an urban

1 county and one in a rural county, by October 1, 1987. The
2 department shall promote and conduct the program, and shall
3 collect and properly dispose of the used oil. The department
4 shall report to the general assembly by March 1, 1988,
5 regarding the progress of the pilot program, including the
6 cost of the program, the amount of used oil collected, and all
7 other aspects of the program which the department establishes,
8 and the department's recommendation as to whether the program
9 should be continued, expanded, or discontinued. This section
10 is repealed July 1, 1989.

11 Sec. 512. NEW SECTION. 455B.430A TRANSFER OF OWNERSHIP
12 OF OPERATIONS INVOLVING HAZARDOUS WASTE.

13 1. As used in this section, unless the context otherwise
14 requires:

15 a. "Transfer of establishment" means any transaction or
16 proceeding through which an establishment undergoes a change
17 in ownership, including, but not limited to, sale of stock in
18 the form of a statutory merger or consolidation, sale of the
19 controlling share of the assets, the conveyance of real
20 property, change of corporate identity, or financial
21 reorganization, but excluding a corporate reorganization not
22 substantially affecting the ownership of the corporation.

23 b. "Establishment" means any operation which generates
24 more than one hundred kilograms of hazardous waste per month
25 or which recycles, reclaims, reuses, stores, handles, treats,
26 transports, or disposes of hazardous waste which is generated
27 by another person.

28 c. "Hazardous waste" means hazardous waste as defined in
29 section 455B.411, subsection 4, or listed by the department
30 pursuant to section 455B.412, subsection 2, or section
31 455B.464.

32 d. "Negative declaration" means a written declaration on a
33 form prescribed by the commission stating that no discharge,
34 spillage, uncontrolled loss, seepage, or filtration of
35 hazardous waste has occurred on-site, or that any such

1 discharge, spillage, uncontrolled loss, seepage, or filtration
2 has been cleaned up in accordance with procedures approved by
3 the commission or has been determined by the commission to
4 pose no threat to human health or safety or the environment
5 which would warrant containment, removal, or other mitigation
6 measures; and that any hazardous waste which remains on-site
7 is being managed in accordance with this division and the
8 rules adopted pursuant to this division.

9 2. A person shall not transfer an establishment except in
10 accordance with this section.

11 3. Prior to transferring an establishment, the owner or
12 operator shall submit a negative declaration to the transferee
13 and shall, within fifteen days after the transfer, submit a
14 copy of the declaration to the commission.

15 4. If the owner or operator is unable to submit a negative
16 declaration, prior to the transfer the transferee or other
17 party to the transfer shall certify to the commission that, to
18 the extent necessary to minimize or mitigate a threat to human
19 health or safety or to the environment, the transferee or
20 other party will contain, remove, or otherwise mitigate the
21 effects of any discharge, spillage, uncontrolled loss,
22 seepage, or filtration of on-site hazardous waste in
23 accordance with procedures and a time schedule approved by the
24 commission pursuant to an order, stipulated judgment, or
25 consent agreement.

26 5. Failure of the transferor to comply with this section
27 entitles the transferee to recover damages from the
28 transferor, and renders the transferor of the establishment
29 strictly liable, without regard to fault, for all cleanup and
30 removal costs and for all direct and indirect damages.

31 6. This section does not affect the authority of the
32 commission under any other statute or rule, including, but not
33 limited to, the authority to issue any order to the transferor
34 or transferee of an establishment.

35 7. A person who knowingly gives or causes to be given any

1 false information on a document required by this section or
2 who fails to comply with this section shall pay to the state
3 as a civil penalty a sum determined by the attorney general
4 not to exceed one hundred thousand dollars. A civil action
5 shall be instituted to collect the civil penalty.

6 PART SIX -- STORAGE TANK MANAGEMENT

7 Sec. 601. EXEMPTION. An assistance program for the
8 facilitation of insurance and financial responsibility
9 coverage for owners and operators of underground storage tanks
10 which store petroleum shall not be affected by the
11 prohibitions of section 507D.3, subsections 2 and 3.

12 Sec. 602. PLAN OF OPERATIONS PROGRAM. The division of
13 insurance of the department of commerce, in conjunction with
14 the department of natural resources and private industry,
15 shall, no later than September 15, 1987, create a plan of
16 operations program for the development of state or private
17 funds to satisfy the requirements of the federal Resource
18 Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.,
19 regarding the financial responsibility of an owner or operator
20 of an underground storage tank which stores petroleum.

21 The program shall include, but is not limited to, the
22 following elements:

23 1. The establishment of a pool of insurers sufficient to
24 manage all anticipated participants required to obtain and
25 maintain evidence of financial responsibility in the amounts
26 of one million dollars for corrective action and one million
27 dollars for the compensation of third parties for property
28 damage and bodily injury.

29 2. The establishment of the mechanism for election of the
30 pool administrator by the participating industry.

31 3. The establishment of a plan of operations, through the
32 administrator, including but not limited to the following
33 items:

34 a. Collection of administrative expenses.

35 b. A claims process and defense system.

1 c. An actuarial review.

2 d. A determination of rate classifications which reflect
3 the tank standards and monitoring devices maintained by an
4 individual owner or operator, including but not limited to the
5 following:

6 (1) Secondary containment consisting of double wall
7 construction and provided with a device to monitor the
8 interstitial space between the secondary and primary
9 containment structures.

10 (2) Secondary containment consisting of single wall
11 construction and a man-made liner, and groundwater monitoring
12 wells.

13 (3) Single wall construction and groundwater monitoring
14 wells.

15 (4) Any type of construction and sniffer wells and an
16 additional monitoring system.

17 e. A policy holder service system.

18 f. The billing, collecting, and investment of premiums.

19 Sec. 603. COMMITTEE CREATED -- DUTIES. The legislative
20 council shall create a legislative committee which shall meet
21 within thirty days following the issuance of the plan of
22 operations program. The committee shall be composed of two
23 senators, one appointed by the majority leader of the senate
24 and one appointed by the minority leader of the senate; two
25 representatives, one appointed by the speaker of the house of
26 representatives and one appointed by the minority leader of
27 the house of representatives; one representative of petroleum
28 storage tank owners and operators; and one representative of
29 the petroleum industry.

30 The committee shall, on or before January 1, 1988, prepare
31 proposed legislation for the implementation of the program to
32 be enacted and implemented on or before May 1, 1988. The
33 proposed legislation shall include:

34 1. The cost of participation of an individual owner or
35 operator based upon the following:

1 a. The base premium rate determined by the actuarial data.
2 b. The amount of subsidization of the premium by the
3 state, based on daily inventory and upon the storage tank
4 standards maintained by the individual owner or operator. The
5 percentage of the state subsidization of the premium may be as
6 follows:

7 (1) One hundred percent subsidization for tanks with
8 secondary containment consisting of double wall construction
9 and provided with a device to monitor the interstitial space
10 between the secondary and primary containment structures.

11 (2) Eighty percent subsidization for tanks with secondary
12 containment consisting of single wall construction and a man-
13 made liner, and provided with groundwater monitoring wells.

14 (3) Sixty percent subsidization for tanks with single wall
15 construction and groundwater monitoring wells.

16 (4) Twenty percent subsidization for tanks with any type
17 of construction and sniffer wells and an additional monitoring
18 system.

19 2. The funding source for subsidization, which may be, but
20 is not limited to, the following:

21 a. An annual storage tank fee.

22 b. An annual tank assessment fee.

23 c. A pump inspection fee, paid by fuel dealers.

24 d. Federal environmental protection agency grants.

25 3. The management of the plan and the funds, whether the
26 plan is profitable or operates at a loss.

27 Sec. 604. Section 455B.473, Code 1987, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 3A. An owner or operator of a storage
30 tank described in section 455B.471, subsection 6, paragraph
31 "a", which brings the tank into use after July 1, 1987, shall
32 notify the department of the existence of the tank within
33 thirty days. A tank which is existing before July 1, 1987,
34 shall be reported to the department by January 1, 1988. Tanks
35 under this section installed on or following July 1, 1987,

1 shall comply with underground storage tank regulations adopted
2 by rule by the department. Tanks under this section, existing
3 prior to July 1, 1987, shall comply with the underground
4 storage tank regulations of the department by July 1, 1992.

5 Sec. 605. Section 455B.473, subsection 4, Code 1987, is
6 amended to read as follows:

7 4. The notice of the owner or operator to the department
8 under subsections 1 through 3 3A shall be accompanied by a fee
9 of five dollars for each tank included in the notice. A

10 ~~separate fund is created in the state treasury, the receipts~~
11 ~~of which are appropriated to pay the administrative expenses~~
12 ~~of the department incurred under this part. All fees~~

13 ~~collected by the department under this subsection shall be~~
14 ~~credited to the fund. The unobligated or unencumbered balance~~
15 ~~in the fund as of June 30 of each year shall be transferred to~~
16 ~~the hazardous waste remedial fund. All moneys collected shall~~

17 be deposited in the storage tank management account of the
18 groundwater protection fund created in section 455E.11. All
19 moneys collected pursuant to this section prior to July 1,
20 1987, which have not been expended, shall be deposited in the
21 storage tank management account.

22 Sec. 606. NEW SECTION. 455B.479 STORAGE TANK MANAGEMENT
23 FEE.

24 An owner or operator of an underground storage tank shall
25 pay an annual storage tank management fee of seventeen dollars
26 and fifty cents per tank of over one thousand one hundred
27 gallons capacity. The fees collected shall be deposited in
28 the storage tank management account of the groundwater protec-
29 tion fund.

30 EXPLANATION

31 This bill creates a new chapter, 455E, which outlines the
32 goals, policies, programs, administrative provisions, and
33 funding sources for a groundwater protection plan. The
34 groundwater protection fund is established and within the fund
35 the following accounts are created: the solid waste account;

1 the agriculture management account; the household hazardous
2 waste account; the storage tank management account; and the
3 municipal water account. The bill also removes restrictive
4 language limiting the department of natural resources to the
5 standards and rules of the federal government, and directs the
6 county board of health to establish standards for and regulate
7 private water supplies and private sewage disposal facilities.
8 The bill removes commercial applicators, certified
9 applicators, certified commercial applicators, and pesticide
10 dealers from the exemption regarding the hazardous chemical
11 right-to-know law. The bill directs the Iowa department of
12 public health to establish, publish, and enforce rules
13 regarding pesticide poisonings and other reportable poisonings
14 and illnesses; collect and maintain reports of these
15 poisonings, illnesses, and injuries; and establish and
16 maintain a central registry for persons hypersensitive to
17 pesticides and fertilizers. The bill requires reporting by
18 laboratories of certain reportable poisonings and illnesses to
19 the Iowa department of public health; establishes an
20 agricultural best management advisory committee within the
21 purview of the secretary of agriculture; and direct the crop
22 improvement association to encourage these management
23 practices in fertilizer application; redefines commercial,
24 certified, certified private, and certified commercial
25 applicators of pesticides; establishes a groundwater
26 protection fee of fifty cents per ton of fertilizer paid by
27 each licensee registering to sell fertilizer with funds
28 collected and deposited in the agriculture management account
29 of the groundwater protection fund; requires labeling to
30 include the name and percentage in weight of inert ingredients
31 of pesticides; requires applicators to be tested for
32 certification; establishes an excise tax on agricultural use
33 pesticides of one percent with all funds collected to be
34 deposited in the agriculture management account of the
35 groundwater protection fund; increases the fee of registration

1 of pesticides with one-half of the moneys collected to be used
2 for administrative costs and one-half being deposited in the
3 agriculture management account; directs the secretary of
4 agriculture, in cooperation with the pesticide advisory
5 council, to adopt rules for designation of pesticide
6 management areas; establishes an agriculture initiative of
7 education and demonstration program; requires a pesticide
8 container disposal program to be developed by February 1,
9 1988; directs the Iowa cooperative extension service in
10 agriculture and home economics to develop and publish material
11 regarding interpretation of soil test results; and establishes
12 the Leopold center for sustainable agriculture at Iowa State
13 University with a board of directors.

14 This bill creates a new chapter 172E which provides for a
15 grant program administered by the department of agriculture
16 and land stewardship to enable districts and farmers to have
17 facilities designed and constructed for the management of
18 animal waste. The program is administered on a district
19 level, with each district eligible to receive payments upon
20 the submission of a plan to the department and the
21 administration of an animal waste management program meeting
22 the criteria set out in the statute. Farmers are eligible for
23 direct payments if the department of natural resources has
24 given a notice of conditions requiring correction or otherwise
25 requires the farmer to apply for a permit. The department of
26 natural resources is required to supply soil conservation
27 districts with available water quality information. The
28 animal waste management grant fund is established for carrying
29 out the purposes of the chapter, and funds collected are
30 deposited in the agriculture management account of the
31 groundwater protection fund.

32 This bill requires that agricultural drainage wells be
33 closed by 1992 if they are not exempted by the department of
34 natural resources and establishes a program for the
35 development and funding of alternatives, requires the closing

1 of abandoned water wells; and develops a program for the
2 cleanup of sinkholes and management of watersheds and
3 wetlands, with a provision for cost sharing and conservation
4 easements. The bill also requires the inclusion in any
5 instrument of conveyance of property, and in the legal
6 description of real estate of a decedent, of a description of
7 all wells on the property and reporting by the recorder and
8 clerk to the department. The bill requires licensing of a
9 person prior to drilling for or constructing of a water well
10 and requires the proper plugging of any abandoned well prior
11 to the drilling for or constructing of a new water well on the
12 same property.

13 The bill establishes the solid waste disposal policy of the
14 state and a disposal hierarchy; requires various plans for the
15 issuance or reissuance of sanitary disposal project permits;
16 requires establishment of financial responsibility and
17 assurance for sanitary disposal projects; requires that a
18 conveyance include certain information regarding disposal
19 sites on property; provides for an increase in the tonnage fee
20 charged for each ton of solid waste received and disposed of
21 at a sanitary landfill with the fees collected being deposited
22 in the solid waste account of the groundwater protection fund;
23 allows for exemptions from the increased fee for certain
24 haulers; establishes a waste abatement program; establishes a
25 recycled product purchase program; subjects persons owning or
26 leasing land to the requirement of obtaining a permit for the
27 activity of dumping or depositing solid waste on or in their
28 land, and incorporates penalties.

29 This bill imposes an excise tax of four percent on
30 household hazardous materials and implements a household
31 hazardous materials labeling and consumer information and
32 education program; creates a household hazardous waste account
33 within the groundwater protection fund; and creates a program
34 of "Toxic Cleanup Days" from this account; establishes a used
35 oil pilot project; and provides provisions for the transfer of

1 ownership of operations involving hazardous waste.
2 The bill directs the division of insurance to develop a
3 plan of operations program regarding the financial
4 responsibility requirements for owners or operators of
5 underground storage tanks which store petroleum; requires
6 owners or operators of farm or residential storage tanks under
7 one thousand one hundred gallons which store motor fuel for
8 noncommercial purposes to pay, along with other underground
9 storage tank owners and operators not currently exempt, a five
10 dollar tank registration fee with all moneys collected being
11 deposited in the storage tank management account; and
12 establishes a storage tank management fee of seventeen dollars
13 and fifty cents for all underground storage tanks above one
14 thousand one hundred gallons to be deposited in the storage
15 tank management account.

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HOUSE FILE 631
AMENDMENT H-3564
FISCAL NOTE

REQUESTED BY REPRESENTATIVE SHOULTZ

In compliance with a written request received April 1, 1987, a fiscal note for **AMENDMENT H-3564 TO HOUSE FILE 631** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

AMENDMENT H-3564 TO HOUSE FILE 631 changes how funds in the Solid Waste Account are allocated and reduces the amount of the annual increase in the solid waste tonnage fee from \$1 per ton per year to \$.50 per ton per year.

ASSUMPTIONS:

1. The amount of revenue generated by the solid waste tonnage fee for deposit in the Solid Waste Account in FY88 (\$432,600) and FY89 (\$3,460,800) is not changed by Amendment H-3564. However, in subsequent years, the tonnage fee will generate \$865,200 less each year with the annual fee increase of \$.50 rather than \$1.
2. The Municipal Water Account receives 10% of all the fees collected for deposit in the Solid Waste Account. The amount deposited in the Municipal Water Account would be \$43,260 in FY88 and \$346,080 in FY89.
3. The \$2 tonnage fee would be distributed in the following way:
 - 5% (\$.10 per ton) to Iowa State Water Research Institute
 - 20% (\$.40 per ton) to solid waste program administration and cleanup (up to \$.05 per ton)
 - 50% (\$1 per ton) to demonstration projects
 - 25% (\$.50 per ton) to local agencies
4. The annual fee increase of \$.50 will first be collected in 1989. Of each annual \$.50 increase, 70% will be used for demonstration projects and 30% will be allocated to local agencies.
5. Amendment H-3564 does not effect the expenditure estimates for Part Four--Solid Waste Management and Landfills of House File 631.

Page Two, Fiscal Note, H-3564 to House File 631

FISCAL EFFECT:

	FY1988		FY1989	
	HF631	H-3564	HF631	H-3564
MUNI WATER ACCT RECEIPTS	\$ 43,260	\$ 43,260	\$ 346,080	\$ 346,080
ISWRRI RECEIPTS (5%)	\$ 19,467	\$ 173,040	\$ 155,736	\$ 173,040
DNR RECEIPTS (Part Four)				
Solid Waste Mgmt Acct.				
(for program admin. & cleanup)	\$ 369,873	\$ 216,300	\$2,958,984*	\$ 692,160
(for demo. proj)	0	0	0	1,507,178
(for local agencies)	0	0		742,342
	\$ 369,873	\$ 216,300	\$2,958,984	\$2,941,680
* for program administration and grants to locals.				
DNR EXPENDITURES (Part 4)				
Salaries	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000
Support	55,000	55,000	55,000	55,000
Contracts	82,000	82,000	82,000	82,000
Demonstration proj.	0	0	0	1,507,178
Local agency grants	0	0	2,466,984	742,342
	\$ 527,000	\$ 527,000	\$2,993,984	\$2,776,520
TOTAL EXPENDITURES	\$ 527,000	\$ 527,000	\$2,993,984	\$2,776,520
FTE	10	10	10	10
DNR NET EFFECT	\$ (157,127)	\$ (310,700)	\$ (35,000)	\$ 165,160

SOURCE: Department of Natural Resources

(LSB 2926H.2, RLB)

FILED APRIL 2, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 631

FISCAL NOTE

REQUESTED BY REPRESENTATIVE DODERER

In compliance with a written request received March 25, 1987, a fiscal note for HOUSE FILE 631 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE FILE 631 establishes measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards.

REVENUE AND EXPENDITURE SUMMARY

	FY88 -----	FY89 -----
<u>PART ONE - GENERAL PROVISIONS</u>		
REVENUE		
Municipal Water Account	\$ 684,605	\$ 1,031,075
Ag. Management Account	1,000,000	1,000,000
Solid Waste Account	19,467	155,736
Revenue Subtotal	\$ 1,704,072	\$ 2,186,811
EXPENDITURES		
Department of Natural Resources	\$ 3,969,525 (19 FTE)	\$ 5,115,995 (19 FTE)
Iowa State Water Resources Inst.	19,467	155,736
Expenditure Subtotal	\$ 3,988,992	\$ 5,271,731
NET EFFECT	\$(2,284,920)	\$(3,084,920)
<u>PART TWO - PESTICIDES AND FERTILIZERS</u>		
REVENUE		
Pesticide Trust Fund	\$ 593,692	\$ 593,692
Fertilizer Trust Fund	471,250	471,250
Ag. Management Account	1,500,000	1,500,000
Revenue Subtotal	\$ 2,510,942	\$ 2,510,942
EXPENDITURES		
Department of Public Health	\$ 66,031 (2 FTE)	\$ 69,333 (2 FTE)
Dept. of Ag. & Land Stewardship	1,523,183 (33 FTE)	1,151,827 (33 FTE)
Leopold Center	1,500,000	1,500,000
Expenditure Subtotal	\$ 3,089,214	\$ 2,721,160
NET EFFECT	\$ (578,272)	\$ (210,218)
<u>PART THREE - WELLS, SINKHOLES, ETC.</u>		
REVENUE		
Animal Waste Management Grant Fund	\$ 466,195	\$ 466,195
Ag. Management Account	1,695,760	1,695,760
Revenue Subtotal	\$ 2,161,955	\$ 2,161,955
EXPENDITURES		
Dept. of Ag. & Land Stewardship	\$ 2,461,955 (23 FTE)	\$ 2,461,955 (23 FTE)
Department of Natural Resources	140,000 (4 FTE)	140,000 (4 FTE)
Expenditure Subtotal	\$ 2,601,955	\$ 2,601,955
NET EFFECT	\$ (440,000)	\$ (440,000)

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	FY88 =====	FY89 =====
<u>PART FOUR - SOLID WASTE MANAGEMENT</u>		
REVENUE		
Solid Waste Account	\$ 369,873	\$ 2,958,984
EXPENDITURES		
Department of Natural Resources	\$ 527,000 (10 FTE)	\$ 2,993,984 (10 FTE)
NET EFFECT	\$ (157,127)	\$ (35,000)
<u>PART FIVE - HOUSEHOLD HAZARDOUS WASTE</u>		
REVENUE		
Household Hazardous Waste Account	\$ 515,250	\$ 1,030,500
EXPENDITURES		
Department of Natural Resources	\$ 585,000 (4 FTE)	\$ 1,090,000 (7 FTE)
Department of Transportation	NA	NA
Expenditure Subtotal	\$ 585,000	\$ 1,090,000
NET EFFECT	\$ (69,750)	\$ (59,500)
<u>PART SIX - STORAGE TANK MANAGEMENT</u>		
REVENUE		
Storage Tank Management Account	\$ 594,900	\$ 472,500
EXPENDITURES		
Department of Natural Resources	\$ 504,000 (12 FTE)	\$ 504,000 (12 FTE)
Department of Commerce	25,000	--
Expenditure Subtotal	\$ 529,000	\$ 504,000
NET EFFECT	\$ 65,900	\$ (31,500)
TOTAL REVENUE	\$ 7,856,992	\$11,321,692
TOTAL EXPENDITURES	\$11,321,161	15,182,830
TOTAL NET EFFECT	\$ (3,464,169)	\$ (3,861,138)

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PART ONE -- GENERAL PROVISIONSSECTION 101 - 109, 113 - 114 & 116

Sections 101 through 109 establish groundwater protection policies. The Department of Natural Resources is required to promote and assure public confidence and public awareness, including publishing the results of groundwater investigations. The Department shall develop a comprehensive groundwater monitoring network, a groundwater hazard mapping of the state, a system for collecting, evaluating, and disseminating groundwater quality data and information, a natural resource geographic information system, a comprehensive water resource data system, and a water quality education program.

Sections 113, 114 and 116 direct the county board of health to establish standards for and regulate private water supplies and private sewage disposal facilities. The Department of Natural Resources is charged with carrying out the state's responsibilities in this area.

ASSUMPTIONS:

1. Public awareness promotion - \$400,000 annually, including TV/radio time, printing costs, and salaries.
2. Monitoring network costs, excluding private well monitoring - \$400,000 annually. The expansion of the University Hygienic Laboratory facilities will cost \$200,000 per year for two years.
3. Hazard mapping - \$100,000 annually.
4. Information collection, evaluation and dissemination costs - \$300,000 annually.
5. Geographic and water resource data systems development and installation - \$500,000 annually.
6. Water quality education program development - \$35,000 annually.
7. County sanitarian program - \$140,000 annually in salaries and support for grant program administration and technical assistance to counties and \$100,000 for training county sanitarians.

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FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DNR RECEIPTS		
Ag. Management Acct. (for county sanitarian program)	1,000,000	1,000,000
DNR EXPENDITURES		
Salaries	\$ 539,920	\$ 539,920
Support	220,000	220,000
Capital Outlay	200,000	200,000
Contracts	1,300,000	2,100,000
Cnty Sanit. Training	100,000	100,000
Cnty Sanit. Program	900,000	900,000
	-----	-----
TOTAL EXPENDITURES	\$3,284,920	\$4,084,920
FTE	18	18
NET EFFECT	\$(2,284,920)	\$(3,084,920)
	=====	=====

SECTION 111

Establishes a Groundwater Protection Fund and creates the following accounts within the fund: the Solid Waste Account; the Agriculture Management Account; the Household Hazardous Waste Account; the Storage Tank Management Account; and the Municipal Water Account.

The Solid Waste Account receives moneys collected from the solid waste tonnage fee. The account may be used for the following purposes:

1. development of guidelines and the administration of the sanitary disposal project groundwater monitoring program;
2. development and implementation of alternative solid waste disposal projects;
3. abatement and cleanup, not to exceed 10% of the account without legislative authorization; and
4. grants to cities and counties for developing and updating solid waste disposal plans.
5. Five percent of the account is appropriated annually to the Iowa State Water Resources Research Institute for competitive grants for the development of research and education programs in alternative disposal methods and groundwater protection.

The Agriculture Management Account receives moneys collected from the 1% pesticide sales tax, the \$.50 per ton fertilizer fee, and one-half of the pesticide registration fee. Of the moneys deposited in the account, \$1,500,000 is appropriated annually to the Leopold Center for Sustainable Agriculture at ISU, \$1,000,000 is appropriated annually to the Department of Natural Resources for county sanitarian programs, and the remainder is appropriated to the Department of Agriculture and Land Stewardship for cost-sharing programs and implementation of the agriculture groundwater programs.

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The Household Hazardous Waste Account receives moneys collected from the 4% household hazardous materials tax. The account shall be used to fund toxic cleanup days programs.

The Storage Tank Management Account receives moneys collected from the storage tank registration fee and the storage tank management fee. Of the moneys deposited in the account, \$500,000 is appropriated annually to the Department of Natural Resources for administration of the storage tank program, \$25,000 is appropriated for FY 1988 to the Division of Insurance, and the remainder is appropriated to the Department of Natural Resources for funding state remedial cleanup efforts.

The Municipal Water Account receives 10% of the moneys collected annually for deposit in the Solid Waste Account, the Agriculture Management Account, the Household Hazardous Waste Account, and the Storage Tank Management Account. The account shall be used by the Department of Natural Resources to develop and implement a loan program to upgrade contaminated public water systems.

FISCAL EFFECT:

1. Revenue estimate summaries for FY88 and FY89 are available from the Legislative Fiscal Bureau.
2. The fiscal effect of of the public water systems loan program is as follows:

	FY1988	FY1989
	-----	-----
DNR RECEIPTS		
Municipal Water Acct.	\$ 684,605	\$1,031,075
(for dev. & implem. of public water system program		
DNR EXPENDITURES		
Salaries	\$ 30,000	\$ 30,000
Support	5,000	5,000
Pblc Water System Loans	649,605	996,075
	-----	-----
TOTAL EXPENDITURES	\$ 684,605	\$1,031,075
FTE	1	1

PART TWO -- PESTICIDES AND FERTILIZER

SECTION 202 - 203

Directs the Department of Public Health to establish, publish and enforce rules regarding pesticide poisonings, other reportable poisonings and illnesses. The Department must also collect and maintain reports of poisonings, illnesses, injuries, and cases of hypersensitivity to pesticides and fertilizers. Laboratories are required to report certain poisonings and illnesses to the Department of Public Health.

ASSUMPTIONS:

1. Evaluate data and develop risk assessment papers to be used by IDPH and other state agencies in managing health risks of

groundwater contamination.

2. Educate public on health effects of groundwater contamination.
3. Establish a health care provider reporting program for selected environmental illnesses in humans.
4. Develop rules for enforcement of such programs.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DPH EXPENDITURES		
Salaries	\$ 51,531	\$ 54,108
Support	14,500	15,225
	-----	-----
TOTAL EXPENDITURES	\$ 66,031	\$ 69,333
FTE	2	2

SECTION 206

Includes manufacturers or sellers of specialty fertilizers in the licensing requirements for fertilizer.

FISCAL EFFECT:

Assuming there are 6,100 specialty fertilizer manufacturers and sellers, the \$10 licensing fee would raise \$61,000 for deposit in the Fertilizer Trust Fund. The revenue and administration expenses of this Section are included under the fiscal effect summary for Sections 211 through 231.

SECTION 207

Raises the small package registration fee from \$25 to \$100 and imposes a \$50 inspection fee on sellers of specialty fertilizers.

FISCAL EFFECT:

There are 750 small package registrants currently, the \$100 fee would raise an additional \$56,250 for deposit in the Fertilizer Trust Fund. Assuming 6,000 specialty fertilizers sellers, the \$50 inspection fee would raise \$300,000. The revenue and administration expenses of this Section are included under the fiscal effect summary for Sections 211 through 231.

SECTIONS 208 - 209

Requires that a Groundwater Protection Fee of \$0.50 per ton of fertilizer is paid by each licensee registering to sell fertilizer in the state and that the fees collected are deposited in the Agriculture Management Account of the Groundwater Protection Fund.

FISCAL EFFECT:

The estimated fertilizer tonnage used is 2,017,900. A \$.50 per ton tax will generate \$1,008,950 for deposit in the Agriculture Management Account.

No additional administrative costs are expected.

SECTION 222

Establishes a groundwater protection fee of one-percent on the sale of all pesticides for deposit in the Agriculture Management Account of the Groundwater Protection Fund.

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FISCAL EFFECT:

1. Estimated gross sales of pesticides is \$386,100,000. A 1% tax would generate \$3,861,000 in revenue for deposit in the Agriculture Management Account of the Groundwater Protection Fund.
2. The costs of administering the pesticide tax are included in the following section.

SECTIONS 211 - 221 and 226 - 231

Sections 211 through 221 require all applicators to be tested for certification. The commercial applicator certification fee is changed from a \$10 fee paid every 3 years to a \$25 annual fee. The annual license fee is raised from \$25 to \$50.

Section 226 increases the annual registration fee for pesticides from \$20 to \$100. One-half of the moneys collected is deposited in the Pesticide Trust Fund for enforcement and one-half is deposited in the Agriculture Management Account of the Groundwater Protection Fund.

Section 227 requires quarterly reporting of all pesticides sold, distributed, or applied in the state by licensees registering to sell or apply pesticide.

Section 228 requires applicators in urban areas to notify adjoining property owners prior to or after application of pesticides.

Section 231 requires the Department of Agriculture and Land Stewardship to develop a pesticide container disposal program by February 1, 1988.

ASSUMPTIONS:

1. Annual applicator certification by testing - Assuming 15,000 commercial applicators and 75,000 private applicators would require certification, the costs associated with study manual development, mailing, and testing supplies are estimated to be \$366,000 in the first year and \$189,000 in subsequent years. \$135,000 and 3 computer staff are needed to computerize the testing system. In addition, 8 FTE for support and 6 FTE for enforcement are needed.
2. Commercial applicators certification fee increase - an additional \$356,667 would be deposited annually in the Pesticide Trust Fund.
3. Commercial applicators license fee increase - an additional \$51,025 for deposit annually in the Pesticide Trust Fund.
4. Registration fee increase - \$310,000 for deposit in the Agriculture Management Account of the Groundwater Protection Fund and an additional \$186,000 for deposit annually in the Pesticide Trust Fund.
5. Quarterly reporting of pesticide sales - 5 FTE for data entry and secretarial support.
6. Urban pesticide application notification - 3 additional pesticide investigators for enforcement.
7. Education and demonstration initiative - \$50,000 annually.
8. Pesticide container disposal program - \$25,000 for developing and printing report.
9. Pesticide tax administration and enforcement - 7 FTE for enforcement, accounting, and support.

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10. Specialty fertilizer license, registration and inspection fee administration - 1 Clerk and \$12,000 for computer updating.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DALS RECEIPTS		
Pesticide Trust Fund	\$ 593,692	\$ 593,692
Fertilizer Trust Fund	417,250	417,250
	-----	-----
TOTAL RECEIPTS	\$1,010,942	\$1,010,942
DALS EXPENDITURES		
Salaries	\$ 515,333	\$ 672,077
Support	786,250	429,750
Capital Outlay	146,600	0
Ag. Initiative-Educ	50,000	50,000
Pest. Container Study	25,000	0
	-----	-----
TOTAL EXPENDITURES	\$1,523,183	\$1,151,827
FTE	33	33
	-----	-----
NET EFFECT	\$ (512,241)	\$ (140,885)
	=====	=====

SECTION 233

Establishes the Leopold Center for Sustainable Agriculture at Iowa State University with a board of directors.

FISCAL EFFECT:

\$1,500,000 is appropriated from the Agriculture Management Fund of the Groundwater Protection Fund for the Center.

PART THREE -- WELLS, SINKHOLES, WATERSHEDS, WETLANDS, AND ANIMAL WASTE MANAGEMENT

SECTION 301 - 304

Provides for a grant program administered by the Department of Agriculture and Land Stewardship to enable districts and farmers to have facilities designed and constructed for the management of animal waste. The Department of Natural Resources is required to supply the Soil Conservation Districts with available water quality information.

The Animal Waste Management Grant Fund is established. No more than ten percent of the moneys deposited annually in the Agriculture Management Account of the Groundwater Protection Fund shall be used for carrying out the purposes of this chapter.

FISCAL EFFECT:

1. Up to \$466,195 would be deposited annually in the Animal Waste Management Grant Fund for costsharing.
2. The Department of Agriculture and Land Stewardship anticipates

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costs totaling \$300,000 annually. These costs include 6 FTE for inventory and county plan development, 1 FTE for rule development and state-level administration, and 2 FTE for grant processing and plan review.

SECTION 304 - 310

Requires the proper plugging of any abandoned well prior to the drilling for or constructing of a new water well on the same property and licensing of a person prior to drilling for or constructing of a water well.

Requires that agricultural drainage wells be closed by 1992 if they are not exempted by the Department of Natural Resources. The Department of Agriculture and Land Stewardship is required to assess the problems associated with agricultural drainage wells and develop alternatives and funding options for implementing those alternatives. Cost sharing may be allocated from the Agriculture Management Account.

All abandoned wells must be plugged in accordance with a schedule developed by the Department of Natural Resources. Cost sharing in the cost of properly plugging wells may be allocated from the Agriculture Management Account.

The Department of Agriculture is required to develop and implement a program for the cleanup of sinkholes and management of watersheds and wetlands, with a provision for cost sharing and conservation easements.

An instrument of conveyance of property and legal descriptions of real estate of a decedent must include a description of all wells on the property. Recorders and clerks must report such descriptions to the Department of Natural Resources.

\$100,000 is appropriated from the Agriculture Management Account to the Department of Agriculture and Land Stewardship, for FY88 and the first half of FY89, to assess problems relative to agricultural drainage wells and to develop alternatives.

ASSUMPTIONS:

1. Agricultural drainage well assessment, planning, and costsharing - \$140,400 (4 FTE), \$130,000 in support, and \$200,000 for demonstration projects.
2. Abandoned well plugging certification and costsharing - \$220,000 for 10 FTE and support.
3. Permit and license issuance and rule development - 4 FTE for the Department of Natural Resources.
4. Cost share for closing of agricultural drainage wells--\$20,000 per well for alternative drainage.
5. Cost Share for closing of abandoned wells--\$300 per well for plugging.
6. Conservation easements, cost-share for cleanup--\$1,000 per sinkhole or \$10,000 per farm for cleanup. Purchase of easements at 25% of appraised value.

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FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DALS RECEIPTS		
Ag. Management Acct. (for ag. drainage well plan)	\$ 100,000	\$ 100,000
(for cost share and implem of programs)	1,595,760	1,595,760
	-----	-----
DALS TOTAL RECEIPTS	\$1,695,760	\$1,695,760
DALS EXPENDITURES		
Salaries	\$ 340,400	\$ 340,400
Support	150,000	150,000
Demo. Project	200,000	200,000
Cost Share	1,005,360	1,005,360
	-----	-----
DALS TOTAL EXPEND.	\$1,695,760	\$1,695,760
FTE	14	14
DNR EXPENDITURES		
Salaries	\$ 120,000	\$ 120,000
Support	20,000	20,000
	-----	-----
TOTAL EXPENDITURES	\$ 140,000	\$ 140,000
FTE	4	4

PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS**SECTIONS 401 - 410, 415 and 416**

Sections 401 through 409 establish the solid waste disposal policy of the state and a disposal hierarchy; requires various plans for the issuance or reissuance of sanitary disposal project permits; requires establishment of financial responsibility and assurance for sanitary disposal projects; requires that a conveyance include certain information regarding disposal sites on the property.

Section 410 subjects persons owning or leasing land to the requirement of obtaining a permit for dumping or depositing solid waste on or in their land.

Section 416 establishes a recycled product purchase program.

ASSUMPTIONS:

1. Solid waste management program administration - 9 FTE. Assumes current program is fully funded at \$262,000 (6 FTE).
2. Recycled product purchase program - \$35,000 (1 FTE) for rules development, procurement specification review, and product suppliers list development.

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FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DNR RECEIPTS		
Solid Waste Mgmt Acct. (for program dev., implementation, grants & cleanup)	\$ 369,873	\$2,958,984
DNR EXPENDITURES		
Salaries	\$ 390,000	\$ 390,000
Support	55,000	55,000
Contracts	82,000	82,000
Grants to counties, cities & regional groups for cleanup monitoring and alternative plans		2,466,984
TOTAL EXPENDITURES	\$ 527,000	\$2,993,984
FTE	10	10
NET EFFECT	\$ (157,127)	\$ (35,000)
	=====	=====

SECTIONS 412 - 414

Provides for an increase from \$.25 to \$2 in the tonnage fee charged for solid waste received and disposed of at a sanitary landfill with the fees collected being deposited in the Solid Waste Account of the Groundwater Protection Fund. The fee increase is effective January 1, 1988 and shall increase annually in the amount of \$1 until January 1, 1995. An exemption from the increased fee is provided for certain haulers.

FISCAL EFFECT:

Total waste landfilled is estimated to be 1,730,400 tons per year. Tonnage fees are collected every April for the previous calendar year. An increase in the tonnage fee to \$2 on January 1, 1988 would generate \$3,460,800 in FY89 for deposit in the Solid Waste Account. Receipts in FY88 would total \$432,600 from the current \$.25 fee.

PART FIVE — HOUSEHOLD HAZARDOUS WASTE

SECTIONS 501 - 510

An excise tax of 4% is imposed on household hazardous materials. The receipts from the tax are deposited in the Household Hazardous Waste Account of the Groundwater Protection Fund. A household hazardous materials labeling and consumer information and education program is established.

A "Toxic Cleanup Days" program is to be conducted by the Department of

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Natural Resources and funded from the Household Hazardous Waste Account. The Department shall also implement a public information and education program regarding the use and disposal of household hazardous materials.

FISCAL EFFECT:

1. Total sales of household hazardous materials is estimated to be \$28,623,000 annually. A 4% tax would generate \$1,145,000 in FY89 for deposit in the Household Hazardous Waste Account. It is assumed that only six months of fees, or \$572,500, would be collected in FY88.
2. The Department of Natural Resources will enforce the tax on a complaint basis.
3. To conduct 20 toxic cleanup days annually, the Department of Natural Resources would need \$210,000 in salaries and support (6 FTE) and \$800,000 for contracts.
4. A public information and education program would require \$80,000 in salaries and support for 1 FTE.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DNR RECEIPTS		
Household Haz. Acct. (for Toxic Cleanup Program)	\$ 515,250	\$1,030,500
DNR EXPENDITURES		
Salaries	\$ 120,000	\$ 210,000
Support	65,000	80,000
Contracts	400,000	800,000
TOTAL EXPENDITURES	\$ 585,000	\$1,090,000
FTE	4	7
NET EFFECT	\$ (69,750)	\$ (59,500)
	=====	=====

SECTION 511

Requires the Department of Transportation to conduct a used oil collection pilot project.

FISCAL EFFECT:

Fiscal estimate not available.

PART SIX -- STORAGE TANK MANAGEMENT

SECTIONS 601 - 603

Directs the Division of Insurance of the Department of Commerce to develop a plan of operations program regarding the financial responsibility requirements for owners or operators of underground storage tanks which store petroleum.

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FISCAL EFFECT:

The Division of Insurance estimates that \$25,000 will be needed for actuarial services. The Division responsibilities resulting from this provision will be absorbed within its current budget. There is an appropriation of \$25,000 to the Division of Insurance from the Storage Tank Management Account.

SECTIONS 604 - 605

Requires owners and operators of storage tanks to notify the Department of Natural Resources of the existence of any tanks. Tanks shall comply with the underground storage tank regulations by July 1, 1992.

ASSUMPTIONS:

Full implementation of the state's storage tank program.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DNR RECEIPTS		
Storage Tank Acct. (for storage tank program admin.)	\$ 500,000	\$ 472,500
DNR EXPENDITURES		
Salaries	\$ 360,000	\$ 360,000
Support	60,000	60,000
Contracts	84,000	84,000
	-----	-----
TOTAL EXPENDITURES	\$ 504,000	\$ 504,000
	12	12
NET EFFECT	\$ (4,000)	\$ (31,500)
	=====	=====

SECTION 605

Requires owners and operators of farm or residential storage tanks under 1,100 gallons which store motor fuel for noncommercial purposes to pay, along with other underground storage tank owners and operators not currently exempt, a \$5 tank registration fee with all moneys collected being deposited in the Storage Tank Management Account of the Groundwater Protection Fund. Any fees collected prior to July 1, 1987 that are unspent are also deposited in the Storage Tank Management Account.

FISCAL EFFECT:

No estimate is available on the number of farm and residential storage tanks under 1,100 gallons that would be subject to the \$5 fee. To date, \$136,000 has been collected and remains unspent.

SECTION 606

Establishes a storage tank management fee of \$17.50 for all underground storage tanks above 1,100 gallons to be deposited in the Storage Tank Management Account of the Groundwater Protection Fund.

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FISCAL EFFECT:

Currently, there are 30,000 registered storage tanks. Assuming all registered tanks are 1,100 gallons or more, \$525,000 would be generated annually in receipts for deposit in the Solid Waste Account.

SOURCES:

Department of Natural Resources

Department of Agriculture and Land Stewardship

Department of Public Health

Department of Commerce

Washington Department of Ecology

(LSD 2926K, RLB)

FILED MARCH 25, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 631
 AMENDMENT H-3586 to H-3566
FISCAL NOTE

REQUESTED BY REPRESENTATIVE OSTERBERG

In compliance with a written request received April 1, 1987, a fiscal note for AMENDMENT H-3586 TO AMENDMENT H-3566 TO HOUSE FILE 631 is hereby submitted pursuant Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

AMENDMENT H-3586 TO AMENDMENT H-3566 TO HOUSE FILE 631 changes the goal of a minimum of twenty "Toxic Cleanup Days" per year to twelve per year and allows up to \$80,000 of the funds in the Household Hazardous Waste Account to be used for waste recycling and reclamation programs.

ASSUMPTION:

1. Amendment H-3566 to House File 631 eliminates the 4% household hazardous waste tax and imposes a license fee on sellers of household hazardous waste materials based on gross sales. It is estimated that up to 40,000 retailers would be subject to the license fee. Using an average license fee of \$25, approximately \$1,000,000 would be generated in receipts for the Household Hazardous Waste Account.
2. The Municipal Water Account receives 10% of all the fees collected for deposit in the Solid Waste Account. The amount deposited in the Municipal Water Account would be \$100,000.
3. To conduct a maximum of twelve "Toxic Cleanup Days" annually, the Department of Natural Resources estimates that administrative expenses would include \$150,000 in salaries (3 FTE) and support and \$40,000 per site for contracts.

FISCAL EFFECT:

	FY1988		FY1989	
	HF631	H-3586	HF631	H-3586
MUNI WATER ACCT RECPTS	\$ 57,250	\$ 100,000	\$ 114,500	\$ 100,000
DNR RECEIPTS				
Household Haz. Acct. (for Toxic Cleanup Program)	\$ 515,250	\$ 900,000	\$1,030,500	\$ 900,000
DNR EXPENDITURES				
Salaries	\$ 120,000	90,000	\$ 210,000	\$ 90,000
Support	65,000	60,000	80,000	60,000
Contracts	400,000	480,000	800,000	480,000
Waste Recycling		80,000		80,000
TOTAL EXPENDITURES	\$ 585,000	\$ 710,000	\$1,090,000	\$ 710,000
FTE	4	3	7	3
NET EFFECT	\$ (69,750)	\$ 190,000	\$ (59,500)	\$ 190,000

HOUSE FILE 631
AMENDMENT H-3566
FISCAL NOTE

REQUESTED BY REPRESENTATIVE OSTERBERG

In compliance with a written request received April 1, 1987, a fiscal note for AMENDMENT H-3566 TO HOUSE FILE 631 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

AMENDMENT H-3566 TO HOUSE FILE 631 strikes the 4% household hazardous waste tax and imposes a license fee on sellers of household hazardous waste materials based on gross sales.

ASSUMPTIONS:

1. It is estimated that up to 40,000 retailers would be subject to the license fee. Using an average license fee of \$25, approximately \$1,000,000 would be generated in receipts for deposit in the Household Hazardous Waste Account.
2. The Municipal Water Account receives 10% of all the fees collected for deposit in the Solid Waste Account. The amount deposited in the Municipal Water Account would be \$100,000.
3. Amendment H-3566 does not effect the expenditure estimates for Part Five--Household Hazardous Waste of House File 631. The assumption used in deriving the expenditure estimate is that 10 "Toxic Cleanup Days" will be held in FY88 and that the goal of 20 "Toxic Cleanup Days" will be realized in FY89.

FISCAL EFFECT:

	FY1988		FY1989	
	HF631	H-3566	HF631	H-3566
MUNI WATER ACCT RECPTS	\$ 57,250	\$ 100,000	\$ 114,500	\$ 100,000
DNR RECEIPTS				
Household Haz. Acct. (for Toxic Cleanup Program)	\$ 515,250	\$ 900,000	\$1,030,500	\$ 900,000
DNR EXPENDITURES				
Salaries	\$ 120,000	210,000	\$ 210,000	\$ 210,000
Support	65,000	65,000	80,000	80,000
Contracts	400,000	400,000	800,000	800,000
TOTAL EXPENDITURES	\$ 585,000	\$ 585,000	\$1,090,000	\$1,090,000
FTE	4	4	7	7
DNR NET EFFECT	\$ (69,750)	\$ 315,000	\$ (59,500)	\$ (190,000)

SOURCE: Department of Natural Resources

(LSB 2926H.5, RLB)

FILED APRIL 2, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 631
AMENDMENT H-3596
FISCAL NOTE

REQUESTED BY REPRESENTATIVE JOHNSON

In compliance with a written request received April 1, 1987, a fiscal note for AMENDMENT H-3596 TO HOUSE FILE 631 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

AMENDMENT H-3596 TO HOUSE FILE 631 makes several changes to the revenue generated by the bill. Those changes include:

1. striking the 1% sales tax on pesticides;
2. decreasing the fertilizer tonnage fee from \$.50 per ton to \$.40 per ton;
3. striking the \$25 annual license fee for pesticide dealers and creating a annual license fee schedule based on gross retail sales (the first \$25 of each annual license fee is deposited in the Pesticide Trust Fund for administration of the program and the remaining portion is deposited in the Agriculture Management Account); and
4. raising the pesticide registration fee to \$500 (\$50 of each fee is deposited in the Pesticide Trust Fund and the remaining portion of each fee is deposited in the Agriculture Management Account).

Amendment H-3596 also changes how the receipts are to be allocated. Those changes include:

1. striking the Municipal Waters Account and the public water systems loan program.
2. striking the Animal Waste Management Grant Fund and the animal waste grant program.
3. striking the \$1,000,000 annual appropriation from the Agriculture Management Account for the county sanitarian program.
4. appropriating \$2,400,000 annually to the Department of Natural Resources for grants to counties for private, rural well testing and for abandoned well closing. Of this appropriation, \$1,300,000 is for well testing grants, \$1,050,000 is for abandoned well closing grants, and \$50,000 is for administration of the grant programs.

REVENUE ESTIMATE ASSUMPTIONS:

1. The \$.40 per ton fertilizer fee will generate an estimated \$807,160 in receipts for deposit in the Agriculture Management Account.
2. The annual registration fee on pesticides of \$500 will generate \$2,790,000 annually for deposit in the Agriculture Management Account and an additional \$186,000 for deposit annually in the Pesticide Trust Fund.
3. Assuming that the license fee generates, on the average, \$1,000 in fee receipts per \$1,000,000 of pesticide sales, the license fee receipts are estimated to be \$386,000 annually. Of this amount, it is assumed that \$10,000 would be deposited in the Pesticide Trust Fund and \$376,000 would be deposited in the Agriculture Management Account.

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REVENUE AND EXPENDITURE SUMMARY

	-----FY1988-----		-----FY1989-----	
	HF631	H-3596	HF631	H-3596
PART ONE - GENERAL PROVISIONS				
REVENUE				
Mun. Water Acct.	\$ 684,605	0	\$ 1,031,925	\$ 0
Ag. Mgmt. Acct.	1,000,000	0	1,000,000	0
Solid Waste Acct.	19,467	21,630	259,736	173,040
Revenue Subtot.	\$ 1,704,072	\$ 21,630	\$ 2,186,811	\$ 173,040
EXPENDITURES				
DNR	\$ 3,969,525	\$ 2,119,920	\$ 5,115,995	\$ 2,919,920
	(19 FTE)	(14 FTE)	(19 FTE)	(14 FTE)
ISWRRI	19,467	21,630	155,736	173,040
Expend. Subtot.	\$ 3,988,992	\$ 2,141,550	\$ 5,271,731	\$ 3,092,960
NET EFFECT	\$(2,284,920)	\$(2,119,920)	\$(3,084,920)	\$(2,919,920)
PART TWO - PESTICIDES AND FERTILIZERS				
REVENUE				
Pest. Trust Fund	\$ 593,692	\$ 552,667	\$ 593,692	\$ 552,667
Fert. Trust Fund	417,250	417,250	417,250	417,250
Ag. Mgmt. Acct.	1,500,000	1,500,000	1,500,000	1,500,000
Revenue Subtot.	\$ 2,510,942	\$ 2,469,917	\$ 2,510,942	\$ 2,469,917
EXPENDITURES				
DPH	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
	(2 FTE)	(2 FTE)	(2 FTE)	(2 FTE)
DALS	1,523,183	1,278,079	1,151,627	994,241
	(33 FTE)	(25 FTE)	(25 FTE)	(25 FTE)
Leopold Center	1,500,000	1,500,000	1,500,000	1,500,000
Expend. Subtot.	\$ 3,089,214	\$ 2,844,110	\$ 2,721,160	\$ 2,563,574
NET EFFECT	\$ (578,272)	\$ (374,193)	\$ (210,218)	\$ (93,657)
PART THREE - WELLS, SINKHOLES, ETC.				
REVENUE				
Animal Waste Fund	\$ 466,195	\$ 0	\$ 466,195	\$ 0
Ag. Mgmt. Acct.	1,695,760	2,500,000	1,695,760	2,500,000
Revenue Subtot.	\$ 2,161,955	\$ 2,500,000	\$ 2,161,955	\$ 2,500,000
EXPENDITURES				
DALS	\$ 2,461,955	\$ 470,400	\$ 2,461,955	\$ 470,400
	(23 FTE)	(4 FTE)	(23 FTE)	(4 FTE)
DNR	140,000	2,540,000	140,000	2,540,000
	(4 FTE)	(4 FTE)	(4 FTE)	(4 FTE)
Expend. Subtot.	\$ 2,601,955	\$ 3,010,400	\$ 2,601,955	\$ 3,010,400
NET EFFECT	\$ (440,000)	\$ (510,400)	\$ (440,000)	\$ (510,400)

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	FY 1986		FY 1989	
	HF631	H-3596	HF631	H-3596
<u>PART FOUR - SOLID WASTE MANAGEMENT</u>				
REVENUE				
Solid Waste Acct.	\$ 369,873	\$ 410,970	\$ 2,950,984	\$ 1,287,760
EXPENDITURES				
DNR	\$ 527,000 (10 FTE)	\$ 527,000 (10 FTE)	\$ 2,993,984 (10 FTE)	\$ 3,322,760 (10 FTE)
NET EFFECT	\$ (157,127)	\$ (116,030)	\$ (35,000)	\$ (35,000)
<u>PART FIVE - HOUSEHOLD HAZARDOUS WASTE</u>				
REVENUE				
Hhd. Waste Acct.	\$ 515,250	\$ 572,500	\$ 1,030,500	\$ 1,145,000
EXPENDITURES				
DNR	\$ 585,000 (4 FTE)	\$ 585,000 (4 FTE)	\$ 1,090,000 (7 FTE)	\$ 1,090,000 (7 FTE)
DGI	NA	NA	NA	NA
Expenditure Sub	\$ 585,000	\$ 585,000	\$ 1,090,000	\$ 1,090,000
NET EFFECT	\$ (69,750)	\$ (12,500)	\$ (59,500)	\$ 55,000
<u>PART SIX - STORAGE TANK MANAGEMENT</u>				
REVENUE				
Tank Mgmt. Acct.	\$ 594,900	\$ 636,000	\$ 472,500	\$ 525,000
EXPENDITURES				
DNR	\$ 504,000 (12 FTE)	\$ 504,000 (12 FTE)	\$ 504,000 (12 FTE)	\$ 504,000 (12 FTE)
Dept. of Commerce	25,000	25,000	---	---
Expenditure Sub	\$ 529,000	\$ 529,000	\$ 504,000	\$ 504,000
NET EFFECT	\$ 65,900	\$ 107,000	\$ (31,500)	\$ 21,000
TOTAL REVENUE	\$ 7,856,992	\$ 6,611,017	\$11,321,692	\$10,100,717
TOTAL EXPENDITURE	\$11,321,161	\$ 9,637,060	\$15,182,830	\$13,583,694
FTE	(107 FTE)	(75 FTE)	(110 FTE)	(78 FTE)
TOTAL NET EFFECT	\$(3,464,169)	\$(3,026,043)	\$(3,861,138)	\$(3,382,977)

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FISCAL EFFECT:

PART ONE -- GENERAL PROVISIONS

The changes to the fiscal effect of Part One reflect the elimination of the county sanitarian program, the Municipal Waters Account and the public water system loan program.

	FY1988		FY1989	
	HF631	H-3596	HF631	H-3596
DNR RECEIPTS				
Ag. Management Acct. (for county sanitarian program)	\$1,000,000	\$ 0	\$1,000,000	\$ 0
DNR EXPENDITURES				
Salaries	\$ 539,920	\$ 419,920	\$ 539,000	\$ 419,920
Support	220,000	200,000	220,000	200,000
Capital Outlay	200,000	200,000	200,000	200,000
Contracts	1,300,000	1,300,000	2,100,000	2,100,000
Cnty Sanit. Training	100,000	0	100,000	0
Cnty Sanit. Program	900,000	0	900,000	0
TOTAL EXPENDITURES	\$3,284,920	\$2,119,920	\$4,084,920	\$2,919,920
FTE	18	14	18	14
NET EFFECT	\$(2,284,920)	\$(2,119,920)	\$(3,084,920)	\$(2,919,920)

DNR RECEIPTS				
Municipal Water Acct. (for dev. & implem. of public water system program)	\$ 684,605	\$ 0	\$1,031,075	\$ 0
DNR EXPENDITURES				
Salaries	\$ 30,000	\$ 0	\$ 30,000	\$ 0
Support	5,000	0	5,000	0
Pbhc Water System Loans	649,605	0	996,075	0
TOTAL EXPENDITURES	\$ 684,605	\$ 0	\$1,031,075	\$ 0
FTE	1		1	

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PART TWO -- PESTICIDES AND FERTILIZER

The changes to the fiscal effect of Part Two reflect a reduction in expenses due to the elimination of the pesticide sales tax and the change from quarterly to annual reporting.

	FY1988		FY1989	
	HF631	H-3596	HF631	H-3596
DPH EXPENDITURES				
Salaries	\$ 51,531	\$ 51,531	\$ 54,108	\$ 51,531
Support	14,500	14,500	15,225	15,225
TOTAL EXPENDITURES	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
FTE	2	2	2	2
DALS RECEIPTS				
Pesticide Trust Fund	\$ 593,692	\$ 552,667	\$ 593,692	\$ 552,667
Fertilizer Trust Fund	417,250	417,250	417,250	417,250
TOTAL RECEIPTS	\$1,010,942	\$ 969,917	\$1,010,942	\$ 969,917
DALS EXPENDITURES				
Salaries	\$ 515,333	\$ 313,729	\$ 672,077	\$ 464,491
Support	786,250	786,250	429,750	429,750
Capital Outlay	146,600	103,100	0	0
Ag. Initiative-Educ	50,000	50,000	50,000	50,000
Pest. Container Study	25,000	25,000	0	0
TOTAL EXPENDITURES	\$1,523,183	\$1,278,079	\$1,151,827	\$ 994,241
FTE	33	25	33	25
NET EFFECT	\$ (512,241)	\$ (308,162)	\$ (140,885)	\$ (24,324)

PART THREE -- WELLS, SINKHOLES, WATERSHEDS, WETLANDS, AND ANIMAL WASTE MANAGEMENT

The changes to the fiscal effect of Part Three reflect the \$2,400,000 appropriation to the Department of Natural Resources for grants to counties for well testing and abandoned well closing. The Department of Agriculture and Land Stewardship's expenses are reduced because of the elimination of the animal waste management grant program and the transfer of the abandoned well grant program.

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	FY1988		FY1989	
	HF631	H-3596	HF631	H-3596
DALS RECEIPTS				
Ag. Management Acct. (for ag. drainage well plan)	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
(for cost share and implem of programs)	1,595,760	0	1,595,760	0
DALS TOTAL RECPTS	\$1,695,760	\$ 100,000	\$1,695,760	\$ 100,000
DALS EXPENDITURES				
Salaries	\$ 340,400	\$ 140,400	\$ 340,400	\$ 140,400
Support	150,000	130,000	150,000	130,000
Demo. Project	200,000	200,000	200,000	200,000
Cost Share	1,005,360	0	1,005,360	0
DALS TOTAL EXPEND.	\$1,695,760	\$ 470,400	\$1,695,760	\$ 470,400
FTE	14	4	14	4
DALS NET EFFECT	\$ 0	\$ (370,400)	\$ 0	\$ (370,000)
DNR RECEIPTS				
Ag. Management Acct (for well testing grants)	\$ 0	\$1,300,000	\$ 0	\$1,300,000
(for well closing grants)	0	1,050,000	0	1,050,000
(for grant admin.)	0	50,000	0	50,000
DNR TOTAL RECPTS	\$ 0	\$2,400,000	\$ 0	\$2,400,000
DNR EXPENDITURES				
Salaries	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000
Support	20,000	70,000	20,000	70,000
Well testing grants	0	1,300,000	0	1,300,000
Well closing grants	0	1,050,000	0	1,050,000
DNR TOTAL EXPEND.	\$ 140,000	\$2,540,000	\$ 140,000	\$2,540,000
FTE	4	4	4	4
DNR NET EFFECT	\$ (140,000)	\$ (140,000)	\$ (140,000)	\$ (140,000)

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PART SIX -- STORAGE TANK MANAGEMENT

The changes in the fiscal effect of Part Six reflect the elimination of the Municipal Waters Account payment from the Storage Tank Management Fund.

	FY1988		FY1989	
	HF631	H-3596	HF631	H-3596
DNR RECEIPTS				
Storage Tank Acct. (for storage tank program admin.)	\$ 500,000	\$ 636,000	\$ 472,500	\$ 525,000
DNR EXPENDITURES				
Salaries	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000
Support	60,000	60,000	60,000	60,000
Contracts	84,000	84,000	84,000	84,000
TOTAL EXPENDITURES	\$ 504,000	\$ 504,000	\$ 504,000	\$ 504,000
FTE	12	12	12	12
NET EFFECT	\$ (4,000)	\$ 132,000	\$ (31,500)	\$ 21,000

SOURCES:

- Department of Natural Resources
- Department of Agriculture and Land Stewardship
- Department of Public Health
- Department of Commerce
- Washington Department of Ecology

(LSB 2926H.4, RLB)

FILED APRIL 2, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

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PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

The changes to the fiscal effect for Part Four reflect the elimination of the Municipal Waters Account payment from the Solid Waste Management Account.

	FY1988		FY1989	
	HF631	H-3596	HF631	H-3596
DNR RECEIPTS				
Solid Waste Mgmt Acct. (for program dev., implementation, grants & cleanup)	\$ 369,873	\$ 410,970	\$2,958,984	\$3,287,760
DNR EXPENDITURES				
Salaries	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000
Support	55,000	55,000	55,000	55,000
Contracts	82,000	82,000	82,000	82,000
Grants to counties, cities & regional groups for cleanup monitoring and alternative plans			2,466,984	2,795,760
TOTAL EXPENDITURES	\$ 527,000	\$ 527,000	\$2,993,984	\$3,322,760
FTE	10	10	10	10
NET EFFECT	\$ (157,127)	\$ (116,030)	\$ (35,000)	\$ (35,000)

PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

The changes to the fiscal effect for Part Five reflect the elimination of the Municipal Waters Account payment from the Household Hazardous Waste Account.

	FY1988		FY1989	
	HF631	H-3596	HF631	H-3596
DNR RECEIPTS				
Household Haz. Acct. (for Toxic Cleanup Program)	\$ 515,250	\$ 572,500	\$1,030,500	\$1,145,000
DNR EXPENDITURES				
Salaries	\$ 120,000	\$ 120,000	\$ 210,000	\$ 210,000
Support	65,000	65,000	80,000	80,000
Contracts	400,000	400,000	800,000	800,000
TOTAL EXPENDITURES	\$ 585,000	\$ 585,000	\$1,090,000	\$1,090,000
FTE	4	4	7	7
NET EFFECT	\$ (69,750)	\$ (12,500)	\$ (59,500)	\$ 55,000

HOUSE FILE 631

H-3362

- 1 Amend House File 631 as follows:
- 2 1. Page 28, line 32, by inserting after the word
- 3 "employ" the following: ", as an employee of the
- 4 state of Iowa,".

H-3362 FILED MARCH 25, 1987 BY ROSENBERG of Story
Adopted 4/2 (p. 1087)

HOUSE FILE 631

H-3366

- 1 Amend House File 631 as follows:
- 2 1. By striking page 47, line 25 through page 55,
- 3 line 5.
- 4 2. By renumbering as necessary.

H-3366 FILED MARCH 25, 1987 BY SHERZAN of Polk
PLATT of Muscatine
Revised o/c 4/2 (p. 1079)

HOUSE FILE 631

H-3370

- 1 Amend House File 631 as follows:
- 2 1. Page 4, lines 8 and 9, by striking the words
- 3 "This chapter shall be liberally construed to effect
- 4 its purpose."

H-3370 FILED MARCH 25, 1987 BY CARPENTER of Polk
COOPER of Lucas
Adopted 4/2 (p. 1071)
Revised, amended by 3544 - Adopted (p. 1114)

HOUSE FILE 631

H-3374

- 1 Amend House File 631 as follows:
- 2 1. Page 19, by striking lines 24 through 29.
- 3 2. Page 25, by striking lines 10 through 20.
- 4 3. By renumbering as necessary.

H-3374 FILED MARCH 25, 1987 BY PLATT of Muscatine
Adopted 4/2 (p. 1084)

HOUSE FILE 631

H-3375

- 1 Amend House File 631 as follows:
- 2 1. Page 9, by striking lines 13 through 25.
- 3 2. By striking page 11, line 17 through page 12,
- 4 line 19.
- 5 3. Page 13, by striking lines 1 through line 28.
- 6 4. Page 13, by striking lines 32 and 33, and
- 7 inserting the following:
- 8 "Sec. 121. Section 455B.309, Code 1987, is
- 9 repealed."
- 10 5. By renumbering as necessary.

BY SCHNEKLOTH of Scott
STUELAND of Clinton
SVOBODA of Tama

H-3375 FILED MARCH 25, 1987
Placed o/c 4/2 (p. 1086)

HOUSE FILE 631

H-3357

- 1 Amend House File 631 as follows:
- 2 1. Page 2, line 34, by inserting after the word
- 3 "characteristics." the following: "Actions taken to
- 4 implement this idealistic goal shall be practical in
- 5 nature and shall take into account economic and social
- 6 ramifications, as well as recognize the role of
- 7 agriculture in the state's economy."

BY KOENIGS of Mitchell
 SKOW of Guthrie
 BLACK of Jasper

H-3357 FILED MARCH 25, 1987

Reconsidered 4/2 (p. 1114)

HOUSE FILE 631

H-3355

- 1 Amend House File 631 as follows:
- 2 1. Page 44, line 22, by striking the words "two
- 3 dollars" and inserting the following: "one dollar".
- 4 2. Page 44, lines 23 through 25 by striking the
- 5 words and figures "for the year beginning January 1,
- 6 1988 and shall increase annually in the amount of one
- 7 dollar until January 1, 1995".

BY LAGESCHULTE of Bremer
 BY GRUHN of Dickinson

H-3355 FILED MARCH 25, 1987

*A. Jour. 4/2 (p. 1076)
 B. Jour. (p. 1079)*

HOUSE FILE 631

H-3364

- 1 Amend House File 631 as follows:
- 2 1. Page 8, by striking lines 1 through 7.
- 3 2. Page 8, line 8, by striking the figure "(3)"
- 4 and inserting the following: "(2)".
- 5 3. Page 10, line 14, by inserting after the word
- 6 "section." the following: "A county program shall be
- 7 funded through appropriation of funds from the county
- 8 budget."
- 9 4. By striking page 10, line 23 through page 11,
- 10 line 16.

BY BENNETT of Ida

H-3364 FILED MARCH 25, 1987

W/D 4/2 (p. 1078)

HOUSE FILE 631

H-3363

- 1 Amend House File 631 as follows:
- 2 1. Page 32, by striking lines 29 through 31.

BY FOGARTY of Palo Alto
 SKOW of Guthrie
 GRUHN of Dickinson
 BRANSTAD of Winnebago

H-3363 FILED MARCH 25, 1987

*Adopted as amended by 3467 4/2 (p. 1088)
 Reconsidered 3467 w/d
 Adopted 4/2 (p. 1112)*

HOUSE FILE 631

H-3371

- 1 Amend House File 631 as follows:
2 1. Page 44, line 24, by striking the words "one
3 dollar until" and inserting the following: "fifty
4 cents through".
5 2. Page 44, line 25, by inserting after the
6 figure "1995." the following: "Not more than sixty-
7 two cents per ton of the fees collected shall be
8 expended for purposes other than those established in
9 section 455E.11, subsection 2, paragraph "a",
10 subparagraphs (3) and (6)."

BY CARPENTER of Polk
SHOULTZ of Black Hawk
ROSENBERG of Story
HALVORSON of Clayton

H-3371 FILED MARCH 25, 1987

H/2 4/2 (p. 1099)

HOUSE FILE 631

H-3377

- 1 Amend House File 631 as follows:
2 1. Page 32, by striking lines 29 through 31.
3 2. Page 33, line 14, by inserting after the word
4 "wells." the following: "No agricultural drainage
5 well is required to be plugged until cost sharing is
6 available. The amount of cost-sharing funds made
7 available shall be at least seventy-five percent of
8 the estimated cost as established by the department or
9 shall be at least seventy-five percent of the actual
10 cost of closure of an agricultural drainage well."
11 3. Page 34, line 15, by inserting after the word
12 "account." the following: "Cleanup of wastes from
13 sinkholes is not required until cost sharing is
14 available. The amount of cost-sharing funds made
15 available for the cleanup of sinkholes shall be at
16 least seventy-five percent of the estimated cost as
17 established by the department or shall be at least
18 seventy-five percent of the actual cost of cleanup."
19 4. By renumbering as necessary.

BY BENNETT of Ida
FOGARTY of Palo Alto
GRUHN of Dickinson
EDDIE of Buena Vista
MAULSBY of Calhoun

H-3377 FILED MARCH 25, 1987

Adopted 4/2 (p. 1089)

HOUSE FILE 631

H-3379

- 1 Amend House File 631 as follows:
2 1. Page 4, by striking line 10 and inserting the
3 following: "shall not enlarge, restrict, or abrogate
4 any remedy which any person or".

BY PLATT of Muscatine
SHERZAN of Polk

H-3379 FILED MARCH 25, 1987

Adopted 4/2 (p. 1011)

HOUSE FILE 631

H-3380

1 Amend House File 631 as follows:

2 1. Page 9, line 17, by inserting after the word
 3 "source." the following: "Standards or limitations
 4 adopted under this section shall be consistent with
 5 the requirements of the federal Clean Air Act."
 6 2. Page 11, line 25, by inserting after the word
 7 "~~source~~:" the following: "The effluent standards or
 8 pretreatment standards adopted under this section
 9 shall be consistent with section 301, 306, or 307 of
 10 the federal Water Pollution Control Act."

11 3. Page 13, by inserting after line 14 the
 12 following:

13 "The rules shall be consistent with standards
 14 adopted by the United States environmental protection
 15 agency; however, the commission is prohibited from
 16 adopting underground tank standards covering matters
 17 not addressed by the regulations promulgated by the
 18 United States environmental protection agency."

19 4. Page 13, by inserting after line 28 the
 20 following:

21 "The rules shall be consistent with standards
 22 adopted by the United States environmental protection
 23 agency; however, the commission is prohibited from
 24 adopting underground tank standards covering matters
 25 not addressed by the regulations promulgated by the
 26 United States environmental protection agency."

BY VAN MAANEN of Mahaska
 PLATT of Muscatine
 VAN CAMP of Scott
 HERMANN of Scott

H-3380 FILED MARCH 25, 1987

Planned o/c 4/2 (71085)

HOUSE FILE 631

H-3382

1 Amend House File 631 as follows:

2 1. Page 3, by striking lines 13 through 15.

3 2. Page 20, line 2, by inserting after the word
 4 "another" the following: ", a person employed by a
 5 farmer not solely as a pesticide applicator who
 6 applies pesticide as an incidental part of the
 7 person's general duties, or a person who applies
 8 pesticide as an incidental part of a custom farming
 9 operation".

10 3. Page 21, by inserting after line 35 the
 11 following:

12 "A person employed by a farmer not solely as a
 13 pesticide applicator who applies pesticide as an
 14 incidental part of the person's general duties or a
 15 person who applies pesticide as an incidental part of
 16 a custom farming operation is required to meet the
 17 certification requirements of a private applicator."

18 3. By renumbering as necessary.

BY BENNETT of Ida
 PETERSEN of Muscatine

H-3382 FILED MARCH 25, 1987

*A - Lost 4/2 (71067)**B - Adopted (71086)*

HOUSE FILE 631

H-3381

1 Amend House File 631 as follows:
2 1. Page 5, line 21, by inserting after the word
3 "education" the following: "and the department of
4 environmental education of the University of Northern
5 Iowa".

H-3381 FILED MARCH 25, 1987 BY SHOULTZ of Black Hawk
Adopted 4/2 (p. 1071)

HOUSE FILE 631

H-3383

1 Amend House File 631 as follows:
2 1. Page 48, line 30, by inserting after the word
3 "bleach." the following: "Before designating a
4 product as a household hazardous material the
5 department shall establish that the product
6 contributes significantly to groundwater contamination
7 in this state."

H-3383 FILED MARCH 25, 1987 BY PLATT of Muscatine
SHERZAN of Polk
Planned 4/2 (p. 1084)

HOUSE FILE 631

H-3385

1 Amend House File 631 as follows:
2 1. By striking page 47, line 26 through page 48,
3 line 30.
4 2. Page 49, by striking lines 2 through 35.
5 3. Page 50, by striking lines 14 through 20 and
6 inserting the following:
7 "The commission shall adopt rules which designate
8 the type and amount of information to be included in
9 the consumer information booklets and bulletins."
10 4. By striking page 50, line 22 through page 51,
11 line 19 and inserting the following:
12 "The department shall designate products which are
13 household hazardous materials and, based upon the
14 designations and in consultation with distributors,
15 wholesalers, and retailer associations, develop a
16 household hazardous product list for the use of
17 distributors, wholesalers, and retailers in
18 identifying the products."
19 5. By striking page 53, line 11 through page 55,
20 line 5.
21 6. Renumber sections and correct internal
22 references as necessary in accordance with this
23 amendment.

H-3385 FILED MARCH 25, 1987 BY SHERZAN of Polk
PLATT of Muscatine
Planned 4/2 (p. 1084)

HOUSE FILE 631

H-3386

- 1 Amend House File 631 as follows:
- 2 1. Page 20, line 2, by inserting after the word
- 3 "another" the following: "or a person employed by a
- 4 farmer not solely as a pesticide applicator, who
- 5 applies pesticides as an incidental part of the
- 6 person's general duties".
- 7 2. Page 21, by inserting after line 35, the
- 8 following:
- 9 "A person employed by a farmer, who applies
- 10 pesticides as an incidental part of the person's
- 11 general duties, shall be subject to the certification
- 12 requirements of a private applicator."

BY MULLINS of Kossuth
 JOHNSON of Winneshiek
 PLASIER of Sioux
 ROSENBERG of Story
 OSTERBERG of Linn
 BENNETT of Ida
 MCKEAN of Jones

SCHRADER of Marion
 EDDIE of Buena Vista
 PELLETT of Cass
 GRUHN of Dickinson
 VAN CAMP of Scott
 DE GROOT of Lyon
 HESTER of Pottawattamie
 GARMAN of Story

H-3386 FILED MARCH 25, 1987
Placed 4/2 (p. 1086)

HOUSE FILE 631

H-3387

- 1 Amend House File 631 as follows:
- 2 1. Page 26, by striking lines 23 through 30.
- 3 2. By renumbering as necessary.

H-3387 FILED MARCH 25, 1987 BY DE GROOT of Lyon
H/D 4/2 (p. 1086)

HOUSE FILE 631

H-3388

- 1 Amend House File 631 as follows:
- 2 1. Page 26, by striking lines 12 through 20, and
- 3 inserting the following: "the following new
- 4 subsection:"
- 5 2. By renumbering as necessary.

H-3388 FILED MARCH 25, 1987 BY PETERSEN of Muscatine
Post 4/2 (p. 1087)

HOUSE FILE 631

H-3384

- 1 Amend House File 631 as follows:
- 2 1. Page 27, by inserting after line 30 the
- 3 following:
- 4 "1. For the purposes of this section, "sustainable
- 5 agriculture" means the appropriate use of crop and
- 6 livestock systems and agricultural inputs supporting
- 7 those activities which maintain economic and social
- 8 viability while preserving the high productivity and
- 9 quality of Iowa's land."
- 10 2. By renumbering as necessary.

BY MULLINS of Kossuth
 PLAISIER of Sioux

MCKEAN of Jones
 JOHNSON of Winneshiek
 DE GROOT of Lyon

H-3384 FILED MARCH 25, 1987
Adopted 4/2 (p. 1087)

HOUSE FILE 631

H-3391

- 1 Amend House File 631 as follows:
- 2 1. Page 6, by striking lines 14 through 23 and
3 inserting the following:
4 "1. A groundwater fund is created in the state
5 treasury. Moneys received from fees, penalties,
6 general revenue, federal funds, gifts, bequests,
7 donations, appropriations, or other moneys so
8 designated shall be deposited in the state treasury to
9 the credit of the fund. Notwithstanding section 8.33,
10 any unexpended balance in the groundwater fund at the
11 end of each fiscal year, including interest, shall be
12 retained in the fund.
- 13 The department may use the groundwater fund for any
14 of the activities provided under this chapter and any
15 activities conducted under chapter 455B relative to
16 groundwater protection. The department may contract,
17 with the approval of the commission, with public
18 agencies of this state or private persons to carry out
19 the programs and services as provided in this
20 chapter."
- 21 2. Page 6, by striking lines 26 through 30, and
22 inserting the following:
23 "a. A solid waste account."
- 24 3. Page 7, by striking lines 24 through 30 and
25 inserting the following:
26 "b. An agriculture management account."
- 27 4. Page 8, by striking lines 13 through 16 and
28 inserting the following:
29 "c. A household hazardous waste account."
- 30 5. Page 13, by striking lines 32 and 33 and
31 inserting the following:
32 "Sec. 121. Section 455B.420, Code 1987, is
33 repealed."
- 34 6. Page 13, by inserting after line 33 the
35 following:
36 "Sec. _____. A minimum of thirty-seven million
37 dollars of the oil overcharge settlement moneys in the
38 energy conservation trust fund created in section
39 93.11 shall be deposited in the groundwater fund
40 during the period July 1, 1987, through June 30, 1992,
41 as appropriated by the general assembly."
- 42 7. By striking page 18, line 29, through page 19,
43 line 7.
- 44 8. Page 19, by striking lines 12 through 14 and
45 inserting the following: "sections 200.4 and 200.8
46 shall be deposited in the".
- 47 9. By striking page 23, line 24 through page 24,
48 line 15.
- 49 10. Page 25, line 30, by striking the words "The
50 One-half of the" and inserting the following: "The".

H-3391
Page Two

1 11. Page 25, lines 33 through 35, by striking the
2 words "and one-half of the fees collected shall be
3 placed in the agriculture management account of the
4 groundwater protection fund".

5 12. Page 44, by inserting after line 19, the
6 following:

7 "Sec. ____ . Section 455B.309, subsection 1, Code
8 1987, is amended to read as follows:

9 1. A groundwater solid waste fund is created in
10 the state treasury. Moneys received from the tonnage
11 fee and from other sources designated for purposes
12 related to groundwater-monitoring-and-groundwater
13 quality-standards sanitary disposal projects and solid
14 waste shall be deposited in the state treasury to the
15 credit of the fund. Any unexpended balance in the
16 groundwater solid waste fund at the end of each fiscal
17 year shall be retained in the fund.

18 Sec. ____ . Section 455B.309, subsections 2 through
19 4, Code 1987, are amended by striking the
20 subsections."

21 13. Page 44, lines 34 and 35, by striking the
22 words "deposited in the solid waste account of the
23 groundwater protection fund created under section
24 455E.11" and inserting the following: "deposited in
25 the solid waste fund".

26 14. Page 49, by striking lines 34 and 35.

27 15. By striking page 50, line 31, through page
28 51, line 19.

29 16. By striking page 57, line 27, through page
30 58, line 29.

31 17. Renumbering as necessary.

BY SCHNEKLOTH of Scott FULLER of Hardin
STUELAND of Clinton EDDIE of Buena Vista
MUHLBAUER of Crawford PELLETT of Cass
KOENIGS of Mitchell GRUHN of Dickinson
FOGARTY of Palo Alto COOPER of Lucas
SKOW of Guthrie VAN MAANEN of Mahaska

H-3391 FILED MARCH 25, 1987

Lost 4/2/87 (p. 1105)

HOUSE FILE 631

H-3392

1 Amend House File 631 as follows:

2 1. Page 7, by striking lines 33 through 35.

3 2. By striking page 27, line 29 through page 29,
4 line 1.

5 3. By renumbering as necessary.

BY KOENIGS of Mitchell SKOW of Guthrie
COOPER of Lucas GRUHN of Dickinson
FOGARTY of Palo Alto MUHLBAUER of Crawford

H-3392 FILED MARCH 25, 1987

4/2/87 (p. 1074)

HOUSE FILE 631

H-3393

1 Amend House File 631 as follows:
2 1. Page 4, by striking lines 9 through 12 and
3 inserting the following: "purpose. However,
4 liability shall not be imposed upon an agricultural
5 producer for the costs of passive or active cleanup,
6 or for any damages associated with or resulting from
7 the detection in groundwater of any quantity of
8 pesticide in any case where the application was in
9 compliance with label instructions. There shall be a
10 rebuttable presumption that the application was in
11 compliance with label directions. Nothing in this
12 chapter shall be construed as creating a private cause
13 of action for damages or equitable relief in any
14 person."

BY KOENIGS of Mitchell

SKOW of Guthrie

COOPER of Lucas

MUHLBAUER of Crawford

FOGARTY of Palo Alto

GRUHN of Dickinson

H-3393 FILED MARCH 25, 1987

FULLER of Hardin

7/10 4/2 (p. 1071)

HOUSE FILE 631

H-3394

1 Amend House File 631 as follows:
2 1. Page 49, line 7, by striking the words "the
3 label shall be" and inserting the following: "a
4 reduced size label may be".
5 2. Page 49, line 8, by inserting after the word
6 "information" the following: "if a display area label
7 of regular size is displayed within two feet."

H-3394 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Class 1/6 4/2 (p. 1084)

HOUSE FILE 631

H-3397

1 Amend House File 631 as follows:
2 1. By striking page 47, line 32 through page 48,
3 line 1, and inserting the following:
4 "3. "Manufacturer" means a person who manufactures
5 or produces a household hazardous material for resale
6 in this state."
7 2. Page 48, by striking lines 2 and 3, and
8 inserting the following:
9 "4. "Wholesaler" or "distributor" means a person
10 other than a manufacturer or manufacturer's agent who
11 engages in the business of selling or".
12 3. Page 49, line 15, by inserting after the word
13 "with" the following: "manufacturers,".

H-3397 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Class 0/6 4/2 (p. 1084)

HOUSE FILE 631

H-3390

1 Amend House File 631 as follows:

2 1. Page 3, line 23, by inserting after the word
3 "responsible." the following:

4 "Liability shall not be imposed upon an
5 agricultural producer for the costs of passive or
6 active cleanup, or for any damages associated with or
7 resulting from the detection in the groundwater of any
8 quantity of nitrates provided that application has
9 been in compliance with soil test results and that the
10 applicator has properly complied with label
11 instructions for application of the fertilizer.

12 Compliance with the above provisions may be raised as
13 an affirmative defense by an agricultural producer.

14 Liability shall not be imposed upon an agricultural
15 producer for costs of passive or active cleanup, or
16 for any damages associated with or resulting from the
17 detection in the groundwater of pesticide provided
18 that the applicator has properly complied with label
19 instructions for application of the pesticide and that
20 the applicator has a valid appropriate applicator's
21 license. Compliance with the above provisions may be
22 raised as an affirmative defense by an agricultural
23 producer."

BY MULLINS of Kossuth

PAULIN of Plymouth

KOENIGS of Mitchell

FOGARTY of Palo Alto

H-3390 FILED MARCH 25, 1987

Adopted as amended by 3536 4/2 (p. 1676)

SKOW of Guthrie

BENNETT of Ida

ROSENBERG of Story

VAN CAMP of Scott

DE GROOT of Lyon

HOUSE FILE 631

H-3389

1 Amend House File 631 as follows:

2 1. Page 30, by inserting after line 5, the
3 following:

4 "Sec. ____ . APPROPRIATION. Moneys shall be appro-
5 priated from the general fund of the state for grants
6 to private industry, state colleges and universities,
7 and others, to aid research alternatives which promote
8 groundwater protection."

9 2. By renumbering as necessary.

BY STUELAND of Clinton

PELLETT of Cass

SCHNEKLOTH of Scott

HERMANN of Scott

H-3389 FILED MARCH 25, 1987

Loai 4/2 (p. 1698)

HOUSE FILE 631

H-3401

1 Amend House File 631 as follows:

- 2 1. Page 2, line 32, by striking the word
3 "precontaminated" and inserting the following:
4 "potable".

H-3401 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Placed o/c 4/2/87 (p. 1114)

HOUSE FILE 631

H-3402

1 Amend House File 631 as follows:

- 2 1. Page 49, line 4, by inserting after the word
3 "commission" the following: "and furnished by the
4 commission,".
5 2. Page 49, by striking line 18 and inserting the
6 following: "display area of".
7 3. Page 49, line 19, by inserting after the word
8 "materials." the following: "The product list
9 developed shall be provided upon request at no charge
10 to manufacturers, distributors, wholesalers, and
11 retailers in reasonable quantities."

H-3402 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Placed o/c 4/2 (p. 1084)

HOUSE FILE 631

H-3404

1 Amend House File 631 as follows:

- 2 1. Page 50, by striking line 4 and inserting the
3 following: "booklet, developed and furnished in
4 reasonable quantities by the department, in
5 cooperation with manufacturers,".
6 2. Page 50, line 25, by inserting after the word
7 "with" the following: "manufacturers,".

H-3404 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Placed o/c 4/2 (p. 1084)

HOUSE FILE 631

H-3406

1 Amend House File 631 as follows:

- 2 1. Page 51, line 1, by striking the word "The"
3 and inserting the following: "A four percent".
4 2. Page 51, line 2, by inserting after the word
5 "retailer." the following: "The retailer may retain
6 one percent of the tax assessed."

H-3406 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Placed o/c 4/2 (p. 1084)

HOUSE FILE 631

H-3395

- 1 Amend House File 631 as follows:
- 2 1. Page 48, by striking lines 12 through 14.
- 3 2. Page 49, by striking lines 9 through 14.
- 4 3. Page 49, line 23, by inserting after the word
- 5 "with" the following: "manufacturers,".
- 6 4. Page 49, line 24, by striking the words "case
- 7 labels and".
- 8 5. Page 49, by striking line 32.

H-3395 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Placed o/c 4/2 (p. 1084)

HOUSE FILE 631

H-3396

- 1 Amend House File 631 as follows:
- 2 1. Page 49, line 25, by inserting after the
- 3 figure "455F.3." the following: "The department shall
- 4 furnish labels in reasonable amounts to sales tax
- 5 permittees at no charge."

H-3396 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Placed o/c 4/2 (p. 1084)

HOUSE FILE 631

H-3398

- 1 Amend House File 631 as follows:
- 2 1. Page 50, lines 16 and 17, by striking the
- 3 words "distributors, wholesalers, and".

H-3398 FILED MARCH 25, 1987 BY PAULIN of Plymouth

Placed o/c 4/2 (p. 1084)

HOUSE FILE 631

H-3399

- 1 Amend House File 631 as follows:
- 2 1. Page 4, line 20, by inserting after the word
- 3 "with" the following: "soil district commissioners
- 4 and with".
- 5 2. Page 32, by striking line 33 and inserting the
- 6 following: "consultation with soil district
- 7 commissioners, the department of natural resources,
- 8 and the".

BY PELLETT of Cass

BEAMAN of Clarke

SVOBODA of Tama

COOPER of Lucas

H-3399 FILED MARCH 25, 1987

DE GROOT of Lyon

Adopted 4/2 (p. 1071)

HOUSE FILE 631

H-3400

- 1 Amend House File 631 as follows:
- 2 1. Page 23, line 14, by striking the words
- 3 "~~twenty-five~~ fifty" and inserting the following:
- 4 "twenty-five".
- 5 2. Page 44, line 24, by striking the words "one
- 6 dollar" and inserting the following: "fifty cents".

H-3400 FILED MARCH 25, 1987 BY SVOBODA of Tama

Placed o/c 4/2 (p. 1086)

HOUSE FILE 631

H-3407

- 1 Amend House File 631 as follows:
2 1. Page 56, by striking lines 28 and 29 and
3 inserting the following: "storage tank owners and
4 operators; one representative of the petroleum
5 industry; the administrator of the environmental
6 protection division of the department of natural
7 resources or the administrator's designee; the
8 administrator of the division of insurance of the
9 department of commerce or the administrator's
10 designee; and the administrator of the energy and
11 geological resources division of the department of
12 natural resources or the administrator's designee."

BY OSTERBERG of Linn

H-3407 FILED MARCH 25, 1987 HATCH of Polk

Bill as amended by 3446 4/2 (p. 1100)
Koenigs

HOUSE FILE 631

H-3408

- 1 Amend House File 631 as follows:
2 1. Page 23, line 26, by inserting before the word
3 "one" the following: "one-quarter of".

BY KOENIGS of Mitchell

MUHLBAUER of Crawford

SKOW of Guthrie

COOPER of Lucas

FOGARTY of Palo Alto

GRUHN of Dickinson

H-3408 FILED MARCH 25, 1987

FULLER of Hardin

Bill as amended 4/2 (p. 1086)

HOUSE FILE 631

H-3411

- 1 Amend House File 631 as follows:
2 1. By striking page 18, line 32 through page 19,
3 line 1 and inserting the following: "subsection 1, a
4 groundwater protection fee shall be imposed upon
5 nitrogen-based fertilizer. The fee shall be based
6 upon the percentage of actual nitrogen contained in
7 the product. An eighty-two percent nitrogen solution
8 shall be taxed at a rate of fifty cents per ton.
9 Other nitrogen-based product formulations shall be
10 taxed on the percentage of actual nitrogen contained
11 in the formulations with the eighty-two percent
12 nitrogen solution serving as the base. The fee shall
13 be paid by each licensee registering to sell
14 fertilizer to the secretary of agriculture. The
15 fees".

BY KOENIGS of Mitchell

FOGARTY of Palo Alto

COOPER of Lucas

GRUHN of Dickinson

SKOW of Guthrie

MUHLBAUER of Crawford

H-3411 FILED MARCH 25, 1987

FULLER of Hardin

Bill as amended 4/2 (p. 1086)

HOUSE FILE 631

H-3405

1 Amend House File 631 as follows:

2 1. Page 34, by striking lines 25 through 34 and
3 inserting the following:

4 "Sec. 308. NEW SECTION. 558.69 EXISTENCE AND
5 LOCATION OF WELLS, DISPOSAL SITES, UNDERGROUND STORAGE
6 TANKS, AND HAZARDOUS WASTE.

7 With each declaration of value submitted to the
8 county recorder under chapter 428A, there shall also
9 be submitted a statement that no wells are situated on
10 the property, or if wells are situated on the
11 property, the statement must state the location of
12 each well and its status with respect to section
13 455B.189 or 455B.190. The statement shall also state
14 that no disposal site for solid waste, as defined in
15 section 455B.301, which is deemed to be potentially
16 hazardous by the department of natural resources,
17 exists on the property, or if such a disposal site
18 does exist, the location of the site on the property.
19 The statement shall additionally state that no
20 underground storage tank, as defined in section
21 455B.471, subsection 6, exists on the property, or if
22 an underground storage tank does exist, the type and
23 size of the tank, and the substance in the tank. The
24 statement shall also state that no hazardous waste as
25 defined in section 455B.411, subsection 4, or listed
26 by the department pursuant to section 455B.412,
27 subsection 2, or section 455B.464, exists on the
28 property, or if hazardous waste does exist, that the
29 waste is being managed in accordance with rules
30 adopted by the department of natural resources. The
31 statement shall be signed by the grantors or the
32 transferors of the property. The county recorder
33 shall refuse to record any deed, instrument, or
34 writing for which a declaration of value is required
35 under chapter 428A unless the statement required by
36 this section has been submitted to the county
37 recorder. The director of the department of natural
38 resources shall prescribe the form of the statement
39 and provide an adequate number of the forms to each
40 county recorder in the state. The county recorder
41 shall transmit the statements to the department of
42 natural resources at times directed by the director of
43 the department."

44 2. By striking page 34, line 35 through page 35,
45 line 8.

46 3. Page 43, by striking lines 7 through 16.

47 4. Renumber sections and correct internal
48 references as necessary in accordance with this
49 amendment.

H-3405 FILED MARCH 25, 1987 BY ROSENBERG of Story

(Adopted or amended by 3549 4/2 (p. 1091))

HOUSE FILE 631

H-3416

1 Amend House File 631 as follows:

- 2 1. Page 9, by striking lines 13 through 25.
- 3 2. By striking page 11, line 17 through page 12,
4 line 19.
- 5 3. Page 13, by striking lines 1 through 31.
- 6 4. Page 13, by striking lines 32 and 33 and in-
7 serting the following:
8 "Sec. ____ . Section 455B.309, Code 1987, is re-
9 pealed."

H-3416 FILED MARCH 26, 1987 BY TABOR of Jackson

Adopted 4/2 (p 1085)

HOUSE FILE 631

H-3417

1 Amend House File 631 as follows:

- 2 1. Page 1, by striking lines 20 through 34 and
3 inserting the following:
4 "6. "Contaminant" means any substance which is
5 detected in the groundwater of the state at a
6 concentration which is determined, pursuant to this
7 chapter, to cause unreasonable, adverse effects to a
8 person or the environment.
- 9 7. "Federal number" means a maximum contaminant
10 level, national primary drinking water regulation,
11 interim final drinking water regulation, health
12 advisory, suggested no adverse response level or
13 groundwater residue guidance level as established by
14 the United States environmental protection agency.
- 15 8. "Cleanup" means mitigation by treatment,
16 management practices, or facility modification of
17 potential contaminants in groundwater.
- 18 9. "Standard" means the numerical value expressing
19 the concentration of substance in water adopted by the
20 methodology specified in section 455B.491."
- 21 2. Page 3, line 18, by striking the words "either
22 passive or active".
- 23 3. Page 3, line 19, by striking the words "In
24 both cases, the" and inserting the following: "The".
- 25 4. Page 5, by striking lines 12 and 13.
- 26 5. By renumbering as necessary.

H-3417 FILED MARCH 26, 1987 BY TABOR of Jackson

Passed 4/6 4/2 (p 1114)

HOUSE FILE 631

H-3410

1 Amend House File 631 as follows:

- 2 1. Page 6, lines 10 and 11, by striking the words
- 3 "at least as stringent as provided in the rules of the
- 4 department" and inserting the following: "consistent
- 5 with the rules of the department, except that policies
- 6 regulating sanitary landfills shall be at least as
- 7 stringent as provided in the rules of the department".
- 8 2. Page 10, by striking lines 3 and 4 and
- 9 inserting the following: "disposal facilities. These
- 10 standards shall be consistent with the standards
- 11 adopted by".

H-3410 FILED MARCH 25, 1987 BY PAULIN of Plymouth
Loss 4/2 (p. 1072)

HOUSE FILE 631

H-3412

1 Amend House File 631 as follows:

- 2 1. Page 44, line 18, by inserting after the word
- 3 "penalty" the words ". The amount of the civil
- 4 penalty shall be based upon the toxicity and severity
- 5 of the solid waste as determined by rule, but".

BY GRUHN of Dickinson
H-3412 FILED MARCH 26, 1987 JAY of Appanoose
Adopted 4/2 (p. 1095)

HOUSE FILE 631

H-3413

1 Amend House File 631 as follows:

- 2 1. Page 5, by striking lines 12 and 13.
- 3 2. By renumbering as necessary.

H-3413 FILED MARCH 26, 1987 BY TABOR of Jackson
Classified 4/2 (p. 1114)

HOUSE FILE 631

H-3415

1 Amend House File 631 as follows:

- 2 1. Page 52, by inserting after line 31 the
- 3 following:
- 4 "Sec. ____ . The department of natural resources
- 5 shall request a pamphlet from the college of home
- 6 economics at Iowa State University of those products
- 7 which may be substituted for commonly purchased
- 8 household hazardous materials and shall disseminate
- 9 this pamphlet to all recipients of any form of public
- 10 assistance at the time of application for assistance,
- 11 and shall, in three consecutive monthly mailings
- 12 disseminate the information to all persons receiving
- 13 any form of public assistance prior to implementation
- 14 of this section."
- 15 2. By renumbering as necessary.

H-3415 FILED MARCH 26, 1987 BY LONDBY of Linn
4/10 4/2 (p. 1099)

HOUSE FILE 631

H-3418

1 Amend House File 631 as follows:
2 1. Page 57, line 28, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 58, by inserting after line 4 the follow-
6 ing:
7 "NEW SUBSECTION. 8. It shall be unlawful to
8 deposit a regulated substance in an underground
9 storage tank which has not been registered pursuant to
10 subsections 1 to 5. A person who conveys or deposits
11 a regulated substance in violation of this subsection
12 shall be liable for the costs of any remedial action
13 which may be incurred as a result of the release of
14 the regulated substance from the unregistered tank.
15 This liability is in addition to any liability imposed
16 under this part 8."
17 3. Renumbering as necessary.

H-3418 FILED MARCH 26, 1987 BY ROSENBERG of Story
Adopted 4/2 (p. 1160)

HOUSE FILE 631

H-3430

1 Amend House File 631 as follows:
2 1. Page 2, by striking lines 28 through 34, and
3 inserting the following:
4 "Sec. _____. NEW SECTION. 455E.4 GROUNDWATER
5 PROTECTION GOAL.
6 It is the goal of the state to protect, preserve,
7 and manage the groundwater of the state, as a natural
8 and public resource. The state recognizes the
9 essential and pervasive role of groundwater in the
10 social and economic well-being of the people of Iowa,
11 and its vital importance to the general health,
12 safety, and welfare. It is further recognized as
13 consistent with this goal that the groundwater
14 resources of the state be utilized for beneficial and
15 legitimate purposes, that unreasonable waste and
16 degradation of the resources be prohibited, and that
17 the underground water resource be managed to allow for
18 the maximum benefit of the people of the state of
19 Iowa."

H-3430 FILED MARCH 26, 1987 BY TABOR of Jackson
Passed 0/0 4/2 (p. 1114)

HOUSE FILE 631

H-3434

1 Amend House File 631 as follows:
2 1. Page 29, by inserting after line 1 the
3 following:
4 "5. All grants and projects sponsored by the
5 center shall be administered jointly by the center and
6 the experiment station."

BY BENNETT of Ida
MULLINS of Kossuth
McKEAN of Jones

H-3434 FILED MARCH 26, 1987
Look 4/2 (p. 1088)

HOUSE FILE 631

H-3428

1 Amend amendment, H-3380, to House File 631 as
2 follows:

- 3 1. Page 1, line 15, by inserting after the word
- 4 "is" the following: "not".
- 5 2. Page 1, line 23, by inserting after the word
- 6 "is" the following: "not".

H-3428 FILED MARCH 26, 1987 BY VAN CAMP of Scott

P. Kiser o/s 4/2 (p. 1086)

NOTE: H-3380
may be found
on page 9 of
H.F. 631.

HOUSE FILE 631

H-3431

1 Amend House File 631 as follows:

- 2 1. Page 37, by striking lines 7 through 11 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 17. "Public sanitary disposal
- 5 project" means a sanitary disposal project that
- 6 receives solid waste from two or more sources of
- 7 generation such as residential solid waste or
- 8 industrial, commercial, mining, or farming wastes.
- 9 NEW SUBSECTION. 18. "Private sanitary disposal
- 10 project" means a sanitary disposal project on land
- 11 owned or leased by a public or private agency that
- 12 receives only its own waste."
- 13 2. Page 38, line 23, by inserting after the word
- 14 "for" the word "public".
- 15 3. Page 39, line 7, by inserting after the word
- 16 "a" the word "public".
- 17 4. Page 41, line 15, by inserting after the word
- 18 "a" the word "public".
- 19 5. Page 43, by striking lines 3 and 4 and
- 20 inserting the following:
- 21 "2. The department shall maintain an inventory of
- 22 public or private sanitary disposal projects located
- 23 on land owned or leased by a".
- 24 6. Page 43, by striking lines 12 and 13 and
- 25 inserting the following:
- 26 "4. Upon determination by the department that a
- 27 public or private sanitary disposal project is no
- 28 longer a hazard to the public health".
- 29 7. Page 43, line 18, by striking the words
- 30 "disposal sites and dump sites" and inserting the
- 31 following: "public or private sanitary disposal
- 32 projects".
- 33 8. Renumber as necessary.

H-3431 FILED MARCH 26, 1987 BY PETERSEN of Muscatine

P. Kiser 4/2 (p. 1093)

HOUSE FILE 631

H-3440

1 Amend House File 631 as follows:

- 2 1. Page 48, by striking lines 12 through 14.
- 3 2. Page 49, by striking lines 9 through 14.
- 4 3. Page 49, line 23, by inserting after the word
- 5 "with" the following: "manufacturers,".
- 6 4. Page 49, line 24, by striking the words "case
- 7 labels and".
- 8 5. Page 49, by striking line 32.
- 9 6. Page 50, lines 16 and 17, by striking the
- 10 words "distributors, wholesalers, and".

H-3440 FILED MARCH 27, 1987 BY PAULIN of Plymouth

Revised 4/2 (p. 1084)

HOUSE FILE 631

H-3443

1 Amend House File 631 as follows:

- 2 1. Page 7, line 34, by striking the word
- 3 "Leopold" and inserting the following: "Rachel
- 4 Carson".
- 5 2. Page 27, line 29, by striking the word
- 6 "LEOPOLD" and inserting the following: "RACHEL
- 7 CARSON".
- 8 3. Page 27, line 31, by striking the word
- 9 "Leopold" and inserting the following: "Rachel
- 10 Carson".

BY HANSEN of Woodbury

McKINNEY of Dallas

H-3443 MARCH 27, 1987

Revised 4/2 (p. 1078)

HOUSE FILE 631

H-3446

1 Amend amendment, H-3407, to House File 631 as

2 follows:

- 3 1. Page 1, line 12, by inserting after the word
- 4 "designee." the following "The administrators of
- 5 the Department of the environmental protection and energy
- 6 and geological resources divisions of the Department
- 7 of natural resources shall provide technical
- 8 assistance, but shall be nonvoting members of the
- 9 committee."

BY PETERSON of Carroll

COOPER of Lucas

TABOR of Jackson

FOGARTY of Palo Alto

H-3446 FILED MARCH 27, 1987

Adopted 4/2 (p. 1100)

PAULIN of Plymouth

BISIGNANO of Polk

LUNDBY of Linn

HARBOR of Mills

MULLINS of Kossuth

HOUSE FILE 631

H-3447

1 Amend House File 631 as follows:

2 1. Page 38, by inserting after line 27 the fol-
3 lowing:4 "NEW UNNUMBERED PARAGRAPH. The commission shall
5 adopt rules for the distribution of grants to cities,
6 counties, central planning agencies, and public or
7 private agencies working in cooperation with cities or
8 counties, for the purpose of solid waste management.
9 The rules shall base the awarding of grants on a
10 project's reflection of the solid waste management
11 policy and hierarchy established in section 455B.301A,
12 the proposed amount of local matching funds, and
13 community need."14 2. Page 45, by inserting after line 30 the fol-
15 lowing:16 "Sec. ____ . Section 455B.311, subsection 2, Code
17 1987, is amended to read as follows:18 2. Grants shall only be awarded to a city or a
19 county; however, a grant may be made to a central
20 planning agency representing more than one city or
21 county or combination of cities or counties for the
22 purpose of planning and implementing regional solid
23 waste management facilities or may be made to private
24 or public agencies working in cooperation with a city
25 or county. The department shall award grants, in
26 accordance with the rules adopted by the commission,
27 based upon a proposal's reflection of the solid waste
28 management policy and hierarchy established in section
29 455B.301A, the proposed amount of local matching
30 funds, and community need."

31 3. By renumbering as necessary.

H-3447 FILED MARCH 27, 1987 BY SHOULTZ of Black Hawk

Adopted 4/2 (p. 1093)

HOUSE FILE 631

H-3451

1 Amend House File 631 as follows:

2 1. By striking page 32, line 29 through page 33,
3 line 19, and inserting the following: "To solve a
4 variety of pressing problems, the state shall cede
5 Iowa senate district 8 to the state of Minnesota."

BY PAULIN of Plymouth

RENAUD of Polk

RUNNING of Linn

MILLER of Cherokee

MAULSBY of Calhoun

RENKEN of Grundy

SHONING of Woodbury

DE GROOT of Lyon

JAY of Appanoose

PETERSEN of Muscatine

SIEGRIST of Pottawattamie

HALVORSON of Clayton

H-3451 FILED MARCH 27, 1987

4/2 (p. 1089)

HOUSE FILE 631

H-3467

- 1 Amend amendment, H-3363, to House File 631 as
- 2 follows:
- 3 1. Page 1, line 2, by inserting after the figure
- 4 "31" the following: "and inserting the following:
- 5 "1. The department of agriculture and land
- 6 stewardship, in consultation with the department of
- 7 natural resources and the Iowa cooperative extension
- 8 service in home economics, shall report a
- 9 recommendation regarding the mandation of the plugging
- 10 of agricultural drainage wells to the general assembly
- 11 by January 1, 1989".

H-3467 FILED MARCH 30, 1987

BY FOGARTY of Polk AND

GRUEN of Dickinson

Adopted 4/2 (p. 1089)

Reamended 7/2 (p. 1112)

HOUSE FILE 631

H-3469

- 1 Amend House File 631 as follows:
- 2 1. Page 43, line 17, by striking the word
- 3 "required" and inserting the following: "require".

BY RENAUD of Polk

H-3469 FILED MARCH 30, 1987

SPEAR of Lee

Adopted 4/2 (p. 1095)

HOUSE FILE 631

H-3472

- 1 Amend House File 631 as follows:
- 2 1. Page 28, by striking lines 22 through 27.
- 3 2. By relettering as necessary

H-3472 FILED MARCH 30, 1987

BY STROMER of Hancock

Adopted and amended by 3584

4/2 (p. 1087)

HOUSE FILE 631

H-3479

- 1 Amend amendment, H-3377, to House File 631 as
- 2 follows:
- 3 1. Page 1, by striking line 2, and inserting the
- 4 following:
- 5 "_____. Page 32, line 31, by striking the figure
- 6 "1992" and inserting the following: "1995".
- 7 2. Page 1, by inserting before line 3, the
- 8 following:
- 9 "_____. Page 33, line 7, by inserting after the
- 10 word "well" the following: "and a landholder whose
- 11 land is drained by the well or wells of another
- 12 person".
- 13 _____. Page 33, line 12, by striking the word "may"
- 14 and inserting the following: "shall".
- 15 3. Page 1, by inserting after line 10 the
- 16 following:
- 17 "_____. Page 33, line 15, by inserting after the
- 18 word "well" the following: "and a landholder whose
- 19 land is drained by the well or wells of another
- 20 person".

BY MULLINS of Kossuth

H-3479 FILED MARCH 30, 1987

STUEBLAND of Clinton

4/2 4/2 (p. 1089)

HOUSE FILE 631

H-3453

1 Amend House File 631 as follows:

2 1. Page 44, line 22, by striking the words "two
 3 dollars" and inserting the following: "seventy-five
 4 cents".

5 2. Page 44, line 24, by striking the words "one
 6 dollar" and inserting the following: "fifty cents per
 7 ton".

8 3. Page 44, line 25, by inserting after the
 9 figure "1995." the following: "Not more than seventy-
 10 five cents per ton of the fees collected shall be
 11 expended for purposes other than those established in
 12 section 455E.11, subsection 2, paragraph "a",
 13 subparagraphs (3) and (6)."

H-3453 FILED MARCH 27, 1987 BY VAN CAMP of Scott

A. Ladd, C-#15 4/2 (p. 1078)

B- #15 (p. 1099)

HOUSE FILE 631

H-3454

1 Amend House File 631 as follows:

2 1. Page 58, by inserting after line 21, the
 3 following:

4 "Sec. ____ . Section 455B.474, subsection 2, Code
 5 1987, is amended by adding the following new
 6 paragraph.

7 NEW PARAGRAPH. e. If an owner or operator is
 8 required to check an underground storage tank based
 9 upon a determination of the department that the
 10 underground storage tank presents a hazard to the
 11 public health, safety, or the environment, and if upon
 12 inspection of the tank the determination is unfounded,
 13 the state shall be liable for costs incurred in the
 14 inspection of the tank."

15 2. By renumbering as necessary.

H-3454 FILED MARCH 27, 1987 BY MAULSBY of Cathoun

Adopted as amended by 3608 4/2 (p. 1101)

HOUSE FILE 631

H-3461

1 Amend House File 631 as follows:

2 1. Page 44, line 23, by striking the word
 3 "January" and inserting the following: "July".

BY DVORSKY of Johnson

H-3461 FILED MARCH 30, 1987

NEUHAUSER of Johnson

Ladd 4/2 (p. 1099)

HOUSE FILE 631

H-3464

1 Amend amendment, H-3364, to House File 631 as
 2 follows:

3 1. Page 1, by striking line 2, and inserting the
 4 following:

5 "____ . Page 8, line 3, by inserting after the word
 6 "agencies" the following: ", including private
 7 nonprofit organizations under subcontract with a
 8 county,."

H-3464 FILED MARCH 30, 1987

BY MULLINS of Kossuth

Placer 0/6 4/2 (p. 1078)

HOUSE FILE 631

H-3482

1 Amend House File 631 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 455E.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Abandoned well" means a water well, intended
8 to serve a private or public water supply, which is no
9 longer in use, or as defined in section 455B.171,
10 subsection 24.

11 2. "Active cleanup" means removal, treatment, or
12 isolation of a contaminant from groundwater through
13 the directed efforts of humans.

14 3. "Agricultural drainage well" means an
15 excavation that is drilled, cored, bored, augered,
16 driven, dug, or otherwise constructed for the purpose
17 of draining or which drains water from agricultural
18 land into an aquifer.

19 4. "Aquifer" means a geologic formation, group of
20 formations, or a part of a formation that contains
21 sufficient saturated, permeable material to yield
22 water to a well or spring.

23 5. "Background water" means groundwater which lies
24 outside the impact of a source of contamination.

25 6. "Commission" means the environmental protection
26 commission created under section 455A.6.

27 7. "Contaminant" means any chemical, ion,
28 radionuclide, synthetic organic compound,
29 microorganism, waste, or other substance which does
30 not occur naturally in groundwater or which occurs at
31 a lower concentration in background water.

32 8. "Contamination" means the direct or indirect
33 introduction into groundwater of any contaminant
34 caused in whole or in part by human activities.

35 9. "Department" means the department of natural
36 resources created under section 455A.2.

37 10. "Director" means the director of the
38 department.

39 11. "Groundwater" means any water of the state, as
40 defined in section 455B.171, which occurs beneath the
41 surface of the earth in a saturated geological
42 formation of rock or soil.

43 12. "Passive cleanup" means the removal or
44 treatment of a contaminant in groundwater through
45 management practices or the construction of facilities
46 for prevention of contamination and natural processes
47 such as groundwater recharge, natural decay, and
48 chemical or biological decomposition.

49 13. "Person" means a person as defined in section
50 4.1.

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1 Sec. 2. NEW SECTION. 455E.2 GROUNDWATER
2 PROTECTION POLICIES.

3 1. The policy of the state is to prevent
4 contamination of groundwater from point and nonpoint
5 sources of contamination to the maximum extent
6 practical.

7 2. Upon the discovery of groundwater
8 contamination, appropriate actions shall be taken to
9 prevent further contamination. These actions may
10 consist of investigation and evaluation or enforcement
11 actions if necessary to stop further contamination as
12 required under chapter 455B.

13 3. All persons in the state shall conduct their
14 activities so as to prevent contamination which
15 presents a significant risk to human health, the
16 environment, or the quality of life. Upon
17 documentation of a contaminant which presents a
18 significant risk to human health, the environment, or
19 the quality of life, either passive or active cleanup
20 shall be undertaken. In both cases, the best
21 available technology or best management practices
22 shall be used to the extent practical. The department
23 may specify which cleanup actions shall be taken as
24 well as the level of cleanup required to meet the
25 goals of the state and the method for determining a
26 responsible party.

27 4. Adopting health-related groundwater standards
28 may be beneficial to overall groundwater protection or
29 other regulatory efforts of the state. However, the
30 existence of such standards, or lack of them, shall
31 not be construed or used in derogation of the
32 groundwater protection policies of the state.

33 5. The department shall take actions necessary to
34 promote and assure public confidence and public
35 awareness, and as a part of this shall publish the
36 results of groundwater investigations.

37 Sec. 3. NEW SECTION. 455E.3 LEGAL EFFECT.

38 This chapter supplements other legal authority and
39 does not preempt any other state or local authority
40 relative to groundwater protection, nor does it
41 restrict or abrogate any remedy which a person or
42 class of persons has under other statutory or common
43 law which serves the purpose of groundwater
44 protection.

45 Sec. 4. NEW SECTION. 455E.4 PRIMARY
46 ADMINISTRATIVE AGENCY.

47 The department is designated as the agency to
48 coordinate and administer groundwater protection
49 programs for the state.

50 Sec. 5. NEW SECTION. 455E.5 DUTIES OF THE

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DIRECTOR.

2 In addition to other groundwater protection duties,
3 the director shall, in cooperation with other state
4 and local agencies:

5 1. Develop and administer a comprehensive
6 groundwater monitoring network, including point of
7 use, point of contamination, problem assessment
8 monitoring sites across the state, and the assessment
9 of ambient water quality standards.

10 2. Include in the annual report required by
11 section 455A.4, the number and concentration of
12 contaminants detected in groundwater. This
13 information shall also be provided to the director of
14 public health and the secretary of agriculture.

15 3. Report any data concerning the contamination of
16 groundwater by a compound not regulated under the
17 federal Safe Drinking Water Act, 42 U.S.C. § 300 et
18 seq., to the United States environmental protection
19 agency along with a request to establish a maximum
20 contaminant level and to conduct a risk assessment for
21 the compound.

22 4. Complete groundwater hazard mapping of the
23 state and make the results available to state and
24 local planning organizations by July 1, 1991.

25 5. Establish one or more systems within the
26 department for collecting, evaluating, and
27 disseminating groundwater quality data and
28 information. This information shall be accessible to
29 the public.

30 6. Develop and maintain a natural resource
31 geographic information system and comprehensive water
32 resource data system. The system shall be accessible
33 to the public.

34 7. Develop and adopt by rule criteria for
35 evaluating groundwater protection programs by July 1,
36 1988.

37 8. Take any action authorized by law, including
38 the investigatory and enforcement actions authorized
39 by chapter 455B, to implement this chapter and the
40 rules adopted pursuant to this chapter.

41 Sec. 6. NEW SECTION. 455E.6 POWERS OF THE
42 COMMISSION.

43 1. The commission may adopt rules to implement
44 this chapter.

45 2. The commission may establish and collect fees
46 for underground tanks, land application permits, water
47 withdrawal permits, and waste lagoons.

48 3. The commission may adopt groundwater standards
49 if deemed necessary by the director or if required for
participation in federal groundwater protection

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1 programs.

2 Sec. 7. NEW SECTION. 455E.7 JOINT DUTIES --

3 LOCAL AUTHORITY.

4 1. All state agencies shall implement groundwater
5 protection in the administration of their programs.
6 Local agencies shall consider groundwater protection
7 in their programs. All agencies shall cooperate with
8 the department in disseminating public information and
9 educational materials on the use and protection of
10 groundwater, in collecting groundwater management
11 data, and in conducting research of technologies to
12 prevent or ameliorate contamination of groundwater.

13 2. Political subdivisions and their agencies may,
14 and are encouraged to, jointly and concurrently
15 implement groundwater protection programs within their
16 respective jurisdictions, including implementation of
17 sections 455E.10, 455E.11, and 455E.12, provided that
18 implementation is consistent with the rules of the
19 department.

20 Sec. 8. NEW SECTION. 455E.8 TEN-YEAR
21 AGRICULTURAL INITIATIVE.

22 1. CONTENT AND OBJECTIVES. A ten-year program of
23 research, education, and evaluation of the impact of
24 reduced agricultural use of fertilizers and pesticides
25 on groundwater shall be initiated by the director on
26 July 1, 1987. The director shall coordinate the
27 activities of the state regarding this program and
28 ensure that the following objectives are met:

29 a. RESEARCH. Research programs shall identify
30 management techniques which reduce nitrate and
31 pesticide losses to the environment, especially
32 groundwater. These programs may include, but are not
33 limited to, basic and applied research on the
34 efficient use of fertilizer and pesticides, the use of
35 alternative crops, pesticides, or sources of
36 fertilizer, the economic impact of reducing
37 applications of fertilizers and pesticides, and the
38 relationship between soil conservation practices and
39 groundwater quality.

40 b. EDUCATION. Education programs shall promote
41 the widespread adoption of management practices which
42 protect groundwater. They may include, but are not
43 limited to, education programs directed toward the
44 individual farm owner or operator, teachers,
45 agricultural chemical dealers, high school and college
46 students, and groundwater users in the areas of best
47 management practices, current research findings, and
48 health impacts.

49 c. EVALUATION. Evaluation programs shall measure
50 the effectiveness of current state and federal

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1 regulations and current education and research
2 programs in protecting Iowa's groundwater and provide
3 information to guide future groundwater policy. These
4 programs may include, but are not limited to, the
5 evaluation of groundwater monitoring data, reports
6 prepared under sections 206.12 and 135.11, and actions
7 taken under section 455B.491.

8 2. APPROVAL OF RESEARCH AND EDUCATION PLANS. The
9 groundwater strategy implementation council
10 established under section 455E.9 shall approve
11 research and education programs. Prior to approval,
12 consideration shall be given to the objectives listed
13 in subsection 1, paragraph "a" or "b".

14 3. APPROVAL OF EVALUATION PLANS. The director is
15 responsible for approving the state evaluation
16 programs. Prior to approval, consideration shall be
17 given to the objectives listed in subsection 1,
18 paragraph "c".

19 4. BIENNIAL REPORT. The director shall include a
20 progress report on the agricultural initiative in the
21 biennial report required under section 455B.263. This
22 report shall include a list of programs approved under
23 subsections 2 and 3, their status and results, and
24 recommended legislative action.

25 5. FINAL REPORT. The director shall prepare a
26 final report on the success or failure of this program
27 and submit it to the general assembly by July 1, 1998.

28 Sec. 9. NEW SECTION. 455E.9 GROUNDWATER STRATEGY
29 IMPLEMENTATION COUNCIL ESTABLISHED.

30 1. A groundwater strategy implementation council
31 is established.

32 The council consists of the director of the
33 department and the administrator of each of the
34 following organizations or the administrator's
35 designee:

36 a. The energy and geological resources division of
37 the department.

38 b. The environmental protection division of the
39 department.

40 c. Iowa State University of science and
41 technology.

42 d. University of Iowa.

43 e. The division of soil conservation of the
44 department of agriculture and land stewardship.

45 f. The laboratory division of the department of
46 agriculture and land stewardship.

47 g. Iowa cooperative extension service in
48 agriculture and home economics.

49 h. The environmental health division of the
50 department of public health.

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1 The director is the chairperson of the council.
2 The presiding officers of the senate and house shall
3 each appoint two nonvoting members, with not more than
4 one from each house of any one political party, to
5 serve on the council for a term of two years. The
6 council may invite the administrators of the United
7 States geological survey and the United States
8 environmental protection agency to appoint a person to
9 meet with the council in an advisory capacity. The
10 council shall meet quarterly or upon call of the
11 chairperson.

12 2. The council shall:

13 a. Review possible uses of the groundwater fund
14 and the effectiveness of current and past expenditures
15 of the groundwater fund.

16 b. Make recommendations to the director on the
17 uses of the groundwater fund.

18 c. Coordinate the implementation of the
19 groundwater strategy through all involved agencies.

20 d. Recommend expenditure of oil overcharge
21 settlement funds to the energy fund disbursement
22 council created in section 93.11, subsection 3.

23 Sec. 10. NEW SECTION. 455E.10 AGRICULTURAL
24 DRAINAGE WELLS.

25 The commission, in consultation with the department
26 of agriculture and land stewardship, shall adopt rules
27 to encourage the cleanup and elimination of all
28 agricultural drainage wells, including financial
29 assistance or incentives for the plugging of these
30 wells on a demonstration basis, at the minimum. All
31 agricultural drainage wells shall be plugged by June
32 30, 1998.

33 Sec. 11. NEW SECTION. 455E.11 ABANDONED WELLS.

34 The commission, in consultation with the department
35 of public health, shall adopt rules to encourage the
36 cleanup and closing of all abandoned wells, including
37 financial assistance or incentives for the plugging of
38 these wells on a demonstration basis, at the minimum
39 level. All abandoned wells shall be plugged by June
40 30, 1998.

41 Sec. 12. NEW SECTION. 455E.12 CONSERVATION
42 EASEMENT PROGRAM.

43 The department, in consultation with the department
44 of agriculture and land stewardship, shall develop and
45 implement rules to encourage the cleanup of wastes
46 from sinkholes, watershed protection and forestation
47 of watersheds draining to sinkholes, and the
48 management of wetlands where drainage wells once
49 existed.

50 Sec. 13. NEW SECTION. 455E.13 GROUNDWATER FUND.

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1 1. A groundwater fund is created in the state
2 treasury. Moneys received from fees, penalties,
3 general revenue, federal funds, gifts, bequests,
4 donations, appropriations, or other moneys so
5 designated shall be deposited in the state treasury to
6 the credit of the fund. Notwithstanding section 8.33,
7 any unexpended balance in the groundwater fund at the
8 end of each fiscal year, including interest, shall be
9 retained in the fund.

10 2. The department may use the groundwater fund for
11 any of the activities provided under this chapter and
12 any activities conducted under chapter 455B relative
13 to groundwater protection. The department may
14 contract, with the approval of the commission, with
15 public agencies of this state or private persons to
16 carry out the programs and services as provided in
17 this chapter.

18 Sec. 14. A minimum of thirty-seven million dollars
19 of the oil overcharge settlements in the energy
20 conservation trust fund created in section 93.11 shall
21 be deposited in the groundwater fund during the period
22 July 1, 1987, through June 30, 1992, as appropriated
23 by the general assembly.

24 Sec. 15. Section 135.11, Code 1987, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 20. Adopt rules requiring the
27 prompt reporting of all cases of poisoning, including
28 methemoglobinemia and pesticide poisoning. Summaries
29 of these reports shall be made on an annual basis.

30 Sec. 16. Section 206.12, Code 1987, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 7. The secretary of agriculture,
33 in consultation with the director of the department of
34 natural resources, shall develop and implement rules
35 requiring the reporting of all pesticides sold,
36 distributed, or applied in this state on an annual
37 basis. The report shall include, at a minimum, a
38 summary of the amount and type of pesticide sold,
39 distributed, or applied in this state for each month
40 of the calendar year.

41 Sec. 17. Section 455B.309, Code 1987, is amended
42 to read as follows:

43 455B.309 GROUNDWATER SOLID WASTE FUND.

44 1. A groundwater solid waste fund is created in
45 the state treasury. Moneys received from the tonnage
46 fee and from other sources designated for purposes
47 related to groundwater-monitoring-and-groundwater
48 quality-standards environmental protection or resource
49 recovery of sanitary disposal projects shall be
50 deposited in the state treasury to the credit of the

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1 fund. Any unexpended balance in the groundwater fund
2 at the end of each fiscal year shall be retained in
3 the fund.

4 2. The department may use the fund for any of the
5 following purposes:

6 a. The administration of a groundwater monitoring
7 program related to sanitary disposal projects.

8 b. The development of groundwater-quality
9 standards guidelines for groundwater monitoring around
10 landfills.

11 c. Research in alternative methods of solid waste
12 disposal including recycling programs.

13 d. Abatement and cleanup of threats to the public
14 safety and environment resulting from a sanitary
15 landfill when an owner or operator of the facility is
16 unable to effectuate the abatement or cleanup.

17 However, not more than ten percent of the fund may be
18 used for this purpose in any given year without
19 legislative authorization for that purpose.

20 e. Grants to public water supply systems to abate
21 or eliminate threats to public health and safety
22 resulting from contamination of the water supply
23 source resulting from a sanitary landfill.

24 ~~3.--An amount equal to twenty-five percent of the~~
25 ~~moneys received from the tonnage fee imposed under~~
26 ~~section 455B.310 in each fiscal year shall be reserved~~
27 ~~for the purpose of providing grants to public water~~
28 ~~supply systems to abate or eliminate threats to public~~
29 ~~health and safety resulting from contamination of the~~
30 ~~water supply source.--However, a public water supply~~
31 ~~shall not receive a grant for more than ten percent of~~
32 ~~the moneys available for those purposes in any given~~
33 ~~year.--Any moneys not expended under this subsection~~
34 ~~at the end of each fiscal year shall be available for~~
35 ~~any of the uses authorized in subsection 2.~~

36 4 3. An amount equal to fifty percent of the
37 annual receipts to the groundwater fund derived from
38 the landfill tonnage fee imposed pursuant to section
39 455B.310 shall be reserved for the purpose of
40 providing grants to cities and counties required to
41 provide for sanitary disposal projects under section
42 455B.302 for the purpose of developing or updating
43 plans required to be filed under section 455B.306.
44 Grants shall be governed by section 455B.311.

45 Sec. 18. Section 455B.310, subsection 4, Code
46 1987, is amended to read as follows:

47 4. All tonnage fees received by the department
48 under this section shall be paid to ~~a groundwater~~ the
49 solid waste fund created under section 455B.309.

50 Sec. 19. Section 455B.311, unnumbered paragraph 1,

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1 Code 1987, is amended to read as follows:

2 The director, with the approval of the commission,
3 may make grants to cities, counties, or central
4 planning agencies representing cities and counties or
5 combinations of cities, counties, or central planning
6 agencies from funds reserved under and for the
7 purposes specified in section 455B.309, subsection 4
8 3, subject to all of the following conditions:

9 Sec. 20. Section 455B.472, Code 1987, is amended
10 by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The programs implemented
12 pursuant to this chapter shall emphasize the
13 prevention of groundwater contamination, leak
14 prevention, and early leak detection, and all
15 underground storage tanks shall meet the prevention
16 and early leak detection requirements no later than
17 May 1, 1990.

18 Sec. 21. Section 467A.7, subsection 4, Code 1987,
19 is amended to read as follows:

20 4. To co-operate, or enter into agreements with,
21 and within the limits of appropriations duly made
22 available to it by law, to furnish financial or other
23 aid to any agency, governmental or otherwise, or any
24 owner or occupier of lands within the district, in the
25 carrying on of erosion-control, and watershed
26 protection, and flood prevention operations, and
27 management practices which protect groundwater, within
28 the district, subject to such conditions as the
29 commissioners may deem necessary to advance the
30 purposes of this chapter.

31 Sec. 22. Section 467A.7, subsection 16, Code 1987,
32 is amended to read as follows:

33 16. The commissioners shall, as a condition for
34 the receipt of any state cost-sharing funds for
35 permanent soil conservation practices, require the
36 owner of the land on which the practices are to be
37 established to covenant and file, in the office of the
38 soil conservation district of the county in which the
39 land is located, an agreement identifying the
40 particular lands upon which the practices for which
41 state cost-sharing funds are to be received will be
42 established, and providing that the project will not
43 be removed, altered, or modified so as to lessen its
44 effectiveness without the consent of the
45 commissioners, obtained in advance and based on
46 guidelines drawn up by the state soil conservation
47 committee, for a period of twenty years after the date
48 of receiving payment. This agreement shall include
49 adoption of groundwater practices which protect
50 groundwater, including control of nitrogen

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1 fertilization practices and pesticide applications.
 2 The commissioners shall assist the division in the
 3 enforcement of this subsection. The agreement does
 4 not create a lien on the land, but is a charge
 5 personally against the owner of the land at the time
 6 of removal, alteration, or modification if an
 7 administrative order is made under section 467A.61,
 8 subsection 3.

9 Sec. 23. NEW SECTION. 558.69 WELLS AND
 10 UNDERGROUND STORAGE TANKS.

11 The county recorder shall not accept for recording
 12 in that office an instrument of conveyance which does
 13 not contain a statement that there are no wells or
 14 underground storage tanks situated on the property, or
 15 if there are wells or underground storage tanks, the
 16 conveyance must state the location of each and its
 17 legal status pursuant to sections 455B.473, 455B.474,
 18 455E.10, and 455E.11.

19 Sec. 24. Section 633.361, subsection 8, Code 1987,
 20 is amended to read as follows:

21 8. Legal descriptions and estimated values of all
 22 the real estate of the decedent in the state of Iowa.
 23 The legal description shall include a statement that
 24 there are no wells or underground storage tanks
 25 situated on the property, or if there are, the
 26 description shall state the location of each well and
 27 underground storage tank and its status pursuant to
 28 sections 455B.473, 455B.474, 455E.10, and 455E.11."

29 2. Title page, by striking lines 1 through 11 and
 30 inserting the following: "An Act relating to
 31 groundwater protection."

BY STUELAND of Clinton
 PAULIN of Plymouth

H-3482 FILED MARCH 31, 1987

*Added as amended by 3540, 3578
 Lost 4/2 (p.1066)*

HOUSE FILE 631

H-3480

1 Amend House File 631 as follows:

2 1. Page 48, line 23, by inserting after the word
 3 "filters," the following: "gasoline and diesel
 4 additives,".

H-3480 FILED MARCH 31, 1987

Placed o/c 4/2 (p.1084)

BY DVORSKY of Johnson

HOUSE FILE 631

H-3521

- 1 Amend House File 631 as follows:
- 2 1. Page 44, line 23, by striking the figure
- 3 "1988" and inserting the following: "1989".

H-3521 FILED MARCH 31, 1987 BY MAULSBY of Calhoun

Adopted 4/2 (p. 1099)

HOUSE FILE 631

H-3522

- 1 Amend House File 631 as follows:
- 2 1. Page 43, line 2, by inserting after the figure
- 3 "455E.4." the following: "The comprehensive plans for
- 4 these facilities may be varied in consideration of the
- 5 types of sanitary disposal practices, hydrologic and
- 6 geologic conditions, construction and operations
- 7 characteristics, and volumes and types of water
- 8 handled at the disposal site."

H-3522 FILED MARCH 31, 1987 BY SHOULTZ of Black Hawk

Adopted as amended by 3603 4/2 (p. 1094)

HOUSE FILE 631

H-3533

- 1 Amend House File 631 as follows:
- 2 1. Page 38, by inserting after line 27, the
- 3 following:
- 4 "NEW UNNUMBERED PARAGRAPH. By July 1, 1990, a sanitary
- 5 landfill disposal project operating with a permit shall have
- 6 a trained, tested, and certified operator. A certification
- 7 program shall be devised or approved by rule of the depart-
- 8 ment."

H-3533 FILED APRIL 1, 1987 BY SHOULTZ of Black Hawk

Adopted 4/2 (p. 1094)

HOUSE FILE 631

H-3536

- 1 Amend amendment, H-3390, to House File 631 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the words "passive
- 4 or".
- 5 2. Page 1, line 15, by striking the words
- 6 "passive or".

BY ROSENBERG of Story
MULLINS of Kossuth
PAULIN of Plymouth

H-3536 FILED APRIL 1, 1987

Adopted 4/2 (p. 1070)

H-3487

- 1 Amend the amendment, H-3391, to House File 631 as
- 2 follows:
- 3 1. Page 1, by inserting after line 29, the fol-
- 4 lowing:
- 5 "_____. Page 8, by striking lines 17 through 20,
- 6 and inserting the following:
- 7 "d. A storage tank management account."
- 8 2. By renumbering as necessary.

H-3487 FILED MARCH 31, 1987

BY SCHNEKLOTH of Scott

(Adopted 4/2 (p. 1075))

HOUSE FILE 631

H-3503

- 1 Amend House File 631 as follows:
- 2 1. Page 35, by inserting after line 22 the
- 3 following:
- 4 "Sec. _____. Section 28F.1, unnumbered paragraph 1,
- 5 Code 1987, is amended to read as follows:
- 6 This chapter provides a means for the joint
- 7 financing by public agencies of works or facilities
- 8 useful and necessary for the collection, treatment,
- 9 purification, and disposal in a sanitary manner of
- 10 liquid and solid waste, sewage, and industrial waste,
- 11 facilities used for the conversion of solid waste to
- 12 energy, and also electric power facilities constructed
- 13 within the state of Iowa except that hydroelectric
- 14 power facilities may also be located in the waters and
- 15 on the dams of or on land adjacent to either side of
- 16 the Mississippi or Missouri river bordering the state
- 17 of Iowa, water supply systems, swimming pools or golf
- 18 courses. This chapter applies to the acquisition,
- 19 construction, reconstruction, ownership, operation,
- 20 repair, extension, or improvement of such works or
- 21 facilities, by a separate administrative or legal
- 22 entity created pursuant to chapter 28E. When the
- 23 legal entity created under this chapter is comprised
- 24 solely of cities, counties, and sanitary districts
- 25 established under chapter 358, or any combination
- 26 thereof or any combination of the foregoing with other
- 27 public agencies, the entity shall be both a
- 28 corporation and a political subdivision with the name
- 29 under which it was organized. The legal entity may
- 30 sue and be sued, contract, acquire and hold real and
- 31 personal property necessary for corporate purposes,
- 32 adopt a corporate seal and alter the seal at pleasure,
- 33 and execute all the powers conferred in this chapter."
- 34 2. By renumbering as necessary.

H-3503 FILED MARCH 31, 1987

BY ROSENBERG of Story

(Adopted 4/2 (p. 1093))

HOUSE FILE 631

H-3549

- 1 Amend the amendment, H-3405, to House File 631 as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 "no" the word "known".
5 2. Page 1, line 10, by inserting after the word
6 "if" the word "known".
7 3. Page 1, line 11, by inserting before the word
8 "location" the word "approximate".
9 4. Page 1, line 12, by inserting after the word
10 "each" the word "known".
11 5. Page 1, line 15, by striking the word "is" and
12 inserting the word "has been".

H-3549 FILED APRIL 1, 1987 BY BENNETT of Ida

Adopted 4/2 (p. 1091)

HOUSE FILE 631

H-3550

- 1 Amend House File 631 as follows:
2 1. By striking page 34, line 25 through page 35,
3 line 8.
4 2. Page 43, by striking lines 7 through 15.
5 3. By renumbering the sections and correcting
6 internal references in accordance with this amendment.

H-3550 FILED APRIL 1, 1987 BY BENNETT of Ida

Passed 4/2 (p. 1092)

HOUSE FILE 631

H-3559

- 1 Amend House File 631 as follows:
2 1. Page 40, line 15, by inserting after the word
3 "is" the following: "less than or".

H-3559 FILED APRIL 1, 1987 BY SHOULTZ of Black Hawk

Adopted 4/2 (p. 1094)

HOUSE FILE 631

H-3560

- 1 Amend House File 631 as follows:
2 1. Page 2, by striking lines 28 through 34 and
3 inserting the following:
4 "Sec. 104. NEW SECTION. 455E.4 GROUNDWATER
5 PROTECTION GOAL.
6 The goal of the state is to prevent contamination
7 of groundwater from point and nonpoint sources of
8 contamination to the maximum extent practical, and if
9 necessary to restore the groundwater to a potable
10 state, regardless of present condition, use, or
11 characteristics."

BY ROSENBERG of Story
MULLINS of Kossuth

PAULIN of Plymouth
COOPER of Lucas
SKOW of Guthrie

H-3560 FILED APRIL 1, 1987

Adopted 4/2 (p. 1061)

HOUSE FILE 631

H-3534

1 Amend House File 631 as follows:

2 1. Page 34, by inserting after line 34 the
3 following:

4 "Sec. 309. Section 465.22, Code 1987, is amended
5 to read as follows:

6 465.22 DRAINAGE IN COURSE OF NATURAL DRAINAGE --
7 RECONSTRUCTION -- DAMAGES.

8 Owners of land may drain the same land in the
9 general course of natural drainage by constructing or
10 reconstructing open or covered drains, discharging the
11 same drains in any natural watercourse or depression
12 whereby so the water will be carried into some other
13 natural watercourse, and when-such if the drainage is
14 wholly upon the owner's land the owner shall is not be
15 liable in damages therefor; nor shall any-such for the
16 drainage unless it increases the quantity of water or
17 changes the manner of discharge on the land of
18 another. An owner in constructing a replacement
19 drain, wholly on the owner's own land, and in the
20 exercise of due care be, is not liable in damages to
21 another in-case if a previously constructed drain on
22 the owner's own land is rendered inoperative or less
23 efficient by such the new drain, unless in violation
24 of the terms of a written contract. Nothing-in-this
25 This section shall-in-any-manner-be-construed-to does
26 not affect the rights or liabilities of proprietors in
27 respect to running streams."

H-3534 FILED APRIL 1, 1987 BY HANSON of Delaware
Adopted 4/2 (p. 1072)

HOUSE FILE 631

H-3540

1 Amend amendment H-3482 to House File 631 as follows:

2 1. Page 10, by striking lines 13 and 14 and
3 inserting the following: "not contain a statement
4 by the owner that there are no wells or underground
5 storage tanks situated on the property, to the best
6 of the owner's knowledge and belief, or".

7 2. Page 10, by striking lines 23 through 25 and
8 inserting the following: "The legal description
9 shall include a statement by the personal representative
10 that there are no wells or underground storage tanks
11 situated on the property, to the best of the personal
12 representative's knowledge and belief, or if there are,
13 the".

H-3540 FILED APRIL 1, 1987 BY KREMER of Buchanan
Adopted 4/2 (p. 1066)

NOTE: H-3482
may be found
on page 1 of
H.F. 631.

HOUSE FILE 631

H-3564

Amend House File 631 as follows:

1. By striking page 6, line 31 through page 7, line 23, and inserting the following:

"The department shall use the funds in the account for the following purposes:

(1) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 shall be used to administer the solid waste program elements related to groundwater protection with the particular elements including:

(a) The administration of a groundwater monitoring program and other required programs which are related to solid waste management.

(b) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(c) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(d) A total of ten cents per ton of the amount allocated under this subparagraph is appropriated to the Iowa state water resources research institute in order to provide competitive grants to colleges, universities, and private institutions within the state for the development of research and education programs regarding alternative disposal methods and groundwater protection.

(2) An additional one dollar per ton from the fees imposed under section 455B.310 and deposited in the solid waste management account shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(3) The remaining fifty cents per ton collected from the fee imposed under section 455B.310 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(4) The additional fifty cents per ton fee imposed under section 455B.310 for the year 1989, and the years following, shall be allocated among the purposes provided in this account, as follows:

(a) An additional thirty-five cents per ton per year shall be allocated to demonstration projects for

H-3564

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A 1 landfill alternatives.

2 (b) An additional fifteen cents per ton per year
3 shall be allocated to local agencies for use as
4 provided by law.

5 (5) Cities, counties, and private agencies subject
6 to fees imposed under section 455B.310 may use the
7 funds collected in accordance with the provisions of
8 this section and the conditions of this subsection.

9 The funds used from the account may only be used for
10 one of the following purposes:

11 (a) Development of a specific plan for an
12 alternative means of disposal which may include a
13 facility plan or detailed plans and specifications.

14 (b) Development of a closure or postclosure plan.

15 (c) Development of a plan for the control and
16 treatment of leachate which may include a facility
17 plan or detailed plans and specifications.

18 (d) Preparation of a financial plan, but these
19 funds may not be used to actually contribute to any
20 fund created to satisfy financial requirements, or to
21 contribute to the purchase of any instrument to meet
22 this need.

23 On January 1 of the year following the first year
24 in which the funds from the account are used, and
25 annually thereafter, the agency shall report to the
26 department as to the amount of the funds used, the
27 exact nature of the use of the funds, and the projects
28 completed. The report shall include an audit report
29 which states that the funds were, in fact, used
30 entirely for purposes authorized under this
31 subsection."

B 32 2. Page 44, line 24, by striking the words "one
33 dollar until" and inserting the following: "fifty
34 cents per ton through".

35 3. By renumbering as necessary.

BY SHOULTZ of Black Hawk
RENAUD of Polk
HATCH of Polk

H-3564 FILED APRIL 1, 1987

A. Adopted 4/2 (p. 1077)

B. Adopted (p. 1099)

HOUSE FILE 631

H-3566

1 Amend House File 631 as follows:

2 1. Page 8, line 14, by striking the number
3 "455F.8" and inserting the following: "455F.7".

4 2. Page 8, line 16, by inserting after the word
5 "programs" the following: ", education programs, and
6 other activities pursuant to chapter 455F".

7 3. By striking page 47, line 26 through page 51,
8 line 19 and inserting the following:

9 "Sec. 501. NEW SECTION. 455F.1 DEFINITIONS.

10 As used in this chapter unless the context
11 otherwise requires:

12 1. "Department" means the department of natural
13 resources.

14 2. "Commission" means the state environmental
15 protection commission.

16 3. "Distributor" means a person in this state who
17 manufactures or produces a household hazardous
18 material or who ships, transports, or imports into
19 this state or in any manner acquires or possesses a
20 household hazardous material within the state.

21 4. "Wholesaler" means a person other than a
22 distributor or distributor's agent who engages in the
23 business of selling or distributing a household
24 hazardous material within the state, for the purpose
25 of resale.

26 5. "Retailer" means a person offering for sale or
27 selling a household hazardous material to the ultimate
28 consumer, within the state.

29 6. "Display area label" means the signage used by
30 a retailer to mark a household hazardous material
31 display area as prescribed by the department of
32 natural resources.

33 7. "Residential" means a permanent place of abode,
34 which is a person's home as opposed to a person's
35 place of business.

36 8. "Household hazardous material" means a product
37 used for residential purposes and designated by rule
38 of the department of natural resources and may include
39 any hazardous substance as defined in section
40 455B.411, subsection 3; and any hazardous waste as
41 defined in section 455B.411, subsection 4; and shall
42 include but is not limited to the following materials:

43 motor oils, motor oil filters, degreasers, waxes,
44 polishes, solvents, paints, with the exception of
45 latex-based paints, lacquers, thinners, caustic
46 household cleaners, spot and stain remover with
47 petroleum base, lawn, garden and household fungicides,
48 insecticides, herbicides, and petroleum-based
49 fertilizers. However, "household hazardous material"
50 does not include laundry detergents or dishwashing

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1 soaps, and chlorine bleach.

2 Sec. 502. NEW SECTION. 455F.2 POLICY STATEMENT.

3 It is the policy of this state to educate Iowans
4 regarding the hazardous nature of certain household
5 products, proper use of the products, and the proper
6 methods of disposal of residual product and containers
7 in order to protect the public health, safety, and the
8 environment.

9 Sec. 503. NEW SECTION. 455F.3 LABELS REQUIRED.

10 1. A retailer shall affix a display area label, as
11 prescribed by rule of the commission, in a prominent
12 location upon or near the display area of a household
13 hazardous material. If the display area is a shelf,
14 and the price of the product is affixed to the shelf,
15 the label shall be affixed adjacent to the price
16 information.

17 2. The department shall develop, in cooperation
18 with distributors, wholesalers, and retailer
19 associations, and shall distribute to retailers a
20 household hazardous products list to be utilized in
21 the labeling of a display area containing products
22 which are household hazardous materials.

23 3. A person found in violation of this section is,
24 upon conviction, guilty of a simple misdemeanor.

25 Sec. 504. NEW SECTION. 455F.4 CONSUMER
26 INFORMATION BOOKLETS.

27 A retailer shall maintain and prominently display a
28 booklet, developed by the department, in cooperation
29 with distributors, wholesalers, and retailer
30 associations and provided to retailers at departmental
31 expense, which provides information regarding the
32 proper use of household hazardous materials and
33 specific instructions for the proper disposal of
34 certain substance categories. The department shall
35 also develop and provide to a retailer, at
36 departmental expense, bulletins regarding household
37 hazardous materials which provide information
38 designated by rule of the commission. The retailer
39 shall distribute the bulletins without charge to
40 customers.

41 Sec. 505. NEW SECTION. 455F.5 DUTIES OF THE
42 COMMISSION.

43 The commission shall:

44 1. Adopt rules which establish a uniform label to
45 be supplied and used by retailers.

46 2. Adopt rules which designate the type and amount
47 of information to be included in the consumer
48 information booklets and bulletins.

49 Sec. 506. NEW SECTION. 455F.6 DUTIES OF THE
50 DEPARTMENT.

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1 The department shall:

2 1. Designate products which are household
3 hazardous materials and, based upon the designations
4 and in consultation with distributors, wholesalers,
5 and retailer associations, develop a household
6 hazardous product list for the use of retailers in
7 identifying the products.

8 2. Enforce the provisions of this chapter and
9 implement the penalties established.

10 Sec. 507. NEW SECTION. 455F.7 HOUSEHOLD
11 HAZARDOUS MATERIALS PERMIT.

12 A retailer offering for sale or selling a household
13 hazardous material shall have a valid permit for this
14 activity. Every retailer shall submit an annual
15 application and a fee of ten dollars based upon gross
16 retail sales of up to fifty thousand dollars, twenty-
17 five dollars based upon gross retail sales of fifty
18 thousand dollars to three million dollars, and one
19 hundred dollars based upon gross retail sales of three
20 million dollars or more to the department of revenue
21 and finance for a permit upon a form prescribed by the
22 director of revenue and finance. The department shall
23 remit the fees collected to the household hazardous
24 waste account of the groundwater protection fund. The
25 requirements and fee payment prescribed by this
26 section are in lieu of any other reporting or fee
27 requirements which apply to the retail sale of
28 household hazardous materials."

29 4. By renumbering as necessary.

BY SHERZAN of Polk
PARKER of Jasper
OSTERBERG of Linn
HATCH of Polk

H-3566 FILED APRIL 1, 1987

*Adopted as amended by 3580A,
3586, 3592 4/2 (g. 1084)*

HOUSE FILE 631

H-3577

Amend House File 631 as follows:

1. Page 8, by inserting after line 7 the following:
 - "(3) One hundred thousand dollars is appropriated annually to the Iowa consortium on agriculture and groundwater quality for the demonstration project regarding agricultural drainage wells."
2. Page 8, line 9, by striking the word and figure "and (2)" and inserting the following: ", (2), and (3)".
3. Page 32, line 31, by striking the figure "1992" and inserting the following: "1995".
4. Page 33, line 7, by inserting after the word "well" the following: "and a landholder whose land is drained by the well or wells of another person".
5. Page 33, line 12, by striking the words "Cost sharing" and inserting the following: "Financial incentive moneys".
6. Page 33, line 15, by inserting after the word "well" the following: "and a landholder whose land is drained by the well or wells of another person".
7. Page 33, line 16, by striking the words "cost sharing" and inserting the following: "financial incentive moneys".
8. Page 33, by inserting after line 19 the following:
 - "6. The Iowa consortium on agriculture and groundwater quality is created which shall consist of the chief administrator of each of the following organizations or the administrator's designee:
 - a. The secretary of agriculture.
 - b. The Des Moines river water resource district.
 - c. The Iowa cooperative extension service in agriculture and home economics.
 - d. The energy and geological resources division of the department of natural resources.
 - e. The division of soil conservation of the department of agriculture and land stewardship.
 - f. The division of soil conservation of the United States department of agriculture.
 - g. The United States environmental protection agency.
 - h. The state University of Iowa department of preventative medicine and environmental health.
 - i. The state hygienic laboratory.
 The consortium shall elect a chairperson and shall meet at least quarterly or upon request of the chairperson.
 7. The consortium shall:
 - a. Develop a pilot demonstration project to

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1 identify the environmental, economic, and social
2 problems presented by agricultural drainage wells and
3 monitor possible contamination caused by agriculture
4 practices relative to agricultural drainage wells in
5 the Gilmore City area.

6 b. Develop alternative management practices based
7 upon the findings from the demonstration project
8 pursuant to paragraph "a" to reduce any infiltration
9 of synthetic organic compounds found in the
10 groundwater of the area.

11 c. Examine alternatives and the costs of
12 implementation of alternatives to the use of
13 agricultural drainage wells, and examine the legal and
14 technical or hydrological constraints for integrating
15 alternative drainage into existing drainage districts.

16 d. Implement the demonstration project on July 1,
17 1987 and include in the report filed pursuant to
18 section 455B.189, subsection 2, the consortium's
19 discoveries, findings, and recommendations. The
20 consortium shall also, upon request, submit reports to
21 the general assembly regarding the project.

22 8. The consortium may receive, accept, and
23 administer any moneys appropriated or granted to it by
24 any public or private agency."

BY MULLINS of Kossuth

EDDIE of Buena Vista

GRUHN of Dickinson

FOGARTY of Palo Alto

H-3577 FILED APRIL 2, 1987

BRANSTAD of Winnebago

A. ADOPTED, B. CON. OF EX. 22. (p. 1112)

Amended by
2577 4/2 (p. 1112)

HOUSE FILE 631

H-3576

1 Amend House File 631 as follows:

2 1. By striking page 52, line 33 through page 53,
3 line 7 and inserting the following: "The department
4 shall administer a pilot program, utilizing private
5 services to the extent available, to collect used oil
6 from residences and farms at collection stations for
7 used oil, one in an urban county and one in a rural
8 county, by October 1, 1987. The program shall provide
9 for promotion, collection, and proper disposal of the
10 used oil. The department shall report to the general
11 assembly by March 1, 1988, regarding the progress of
12 the pilot program, including the cost of the program,
13 the amount of used oil collected, disposal
14 alternatives, and other important aspects of the
15 program determined by the department".

H-3576 FILED APRIL 2, 1987

BY KOENIGS of Mitchell

Laws 4/2 (p. 1113)

HOUSE FILE 631

H-3578

- 1 Amend the amendment, H-3482, to House File 631, as
 2 follows:
- 3 1. Page 1, by striking lines 27 through 31 and
 4 inserting the following:
- 5 "7. "Contaminant" means any substance which is
 6 detected in the groundwater of the state at a
 7 concentration which is determined, pursuant to this
 8 chapter, to cause unreasonable, adverse effects to man
 9 or the environment."
- 10 2. Page 1, by inserting after line 50 the follow-
 11 ing:
- 12 "14. "Standard" means the numerical value
 13 expressing the concentration of substance in water
 14 adopted by the methodology specified in section
 15 455B.493, subsection 3.
- 16 15. "Predictive procedure" means any of a number
 17 of recognized, scientifically valid processes for
 18 predicting the probability of migration of substances
 19 through soil with eventual entry into groundwater
 20 utilizing, when possible, a defined set of factors
 21 including environmental fate data, and physical and
 22 chemical characteristics of the substance.
- 23 16. "Confirmatory procedure" means an orderly
 24 process for the verification of detections of
 25 substances in groundwater. At a minimum, such
 26 verification shall consist of at least two separate
 27 samplings collected at intervals of not less than
 28 thirty days from the same point of the initial
 29 sampling, and analyses by two different, peer-reviewed
 30 and authenticated analytical laboratory methodologies.
- 31 17. "Federal number" means a maximum contaminant
 32 level, national primary drinking water regulation,
 33 interim final drinking water regulation, health
 34 advisory, suggested no adverse response level or
 35 groundwater residue guidance level as established by
 36 the United States environmental protection agency.
 37 However, the existence of such standards, or lack of
 38 them, shall not be construed or used in derogation of
 39 the groundwater protection policies of the state."
- 40 3. Page 2, line 28, by striking the words "may
 41 be" and inserting the following: "is".
- 42 4. Page 2, by striking lines 39 and 40 and
 43 inserting the following: "shall not".
- 44 5. Page 3, line 6, by inserting after the word
 45 "including" the following: "confirmatory
 46 procedures,".
- 47 6. Page 3, by striking lines 34 through 36.
- 48 7. Page 3, line 43, by striking the word "may"
 49 and inserting the following: "shall".
- 50 8. Page 4, line 1, by inserting after the word

NOTE: H-3482
 may be found
 on page 1
 of H.F. 631.

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Page Two

1 "programs." the following: "In establishing such
2 standards for groundwater, the commission shall adopt
3 federal numbers if they exist. If no federal number
4 exists, the commission shall petition the United
5 States environmental protection agency to establish a
6 federal number. Such standards shall apply to those
7 sources of groundwater which are now, or may in the
8 future, be used by prudent persons as a source of
9 drinking water."

10 9. Page 4, by striking lines 4 through 19 and in-
11 serting the following:

12 "All state agencies shall consider groundwater pro-
13 tection policies in the administration of programs
14 within their existing jurisdiction. Local agencies
15 shall observe groundwater protection policies in their
16 programs consistent with programs conducted by the
17 state agencies. All agencies shall cooperate with the
18 department in disseminating public information and
19 education materials on the use and protection of
20 groundwater."

21 10. Page 7, by striking lines 30 through 40 and
22 inserting the following:

23 "Sec. ____ . Section 206.19, Code 1987, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 3. Establish by rule penalties
26 for violations of this chapter or section 12 of the
27 federal Insecticide, Fungicide and Rodenticide Act, 7
28 U.S.C. 136, et seq. The rules shall be consistent
29 with section 14 of the federal Act. For purposes of
30 this chapter the secretary shall adopt by rule the
31 definition appearing in section 2(ee) of the federal
32 Act."

33 11. Page 10, by inserting after line 28, the
34 following:

35 "Sec. ____ . NEW SECTION. 455B.492 DUTIES OF THE
36 DIRECTOR.

37 In addition to other groundwater protection duties,
38 the director, in cooperation with other state
39 agencies, shall:

40 1. Develop and administer a program to determine
41 with a reasonable degree of scientific probability,
42 the likelihood for fertilizers and pesticides to enter
43 groundwater.

44 2. Develop and conduct in consultation with other
45 appropriate agencies a comprehensive soil and
46 groundwater monitoring program in those areas of the
47 state identified by using either predictive procedures
48 or other information that indicate a reasonable
49 likelihood for the appearance of fertilizers and
50 pesticides in the groundwater.

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1 3. Prior to monitoring, the director shall refer
2 any fertilizers or pesticides identified in this
3 section to the commission for the development of
4 numerical standards.

5 4. Report the monitoring results to the director
6 of public health and to the secretary of agriculture
7 and land stewardship.

8 5. Establish a system or systems within the
9 department for collecting, evaluating, and
10 disseminating groundwater quality data and
11 information.

12 6. Develop and maintain a natural resource
13 geographic information system and comprehensive water
14 resource data system. The system shall be accessible
15 to the public.

16 7. Take any action authorized by law to implement
17 the provisions of this chapter and the rules adopted
18 pursuant to this chapter.

19 8. Disseminate data and information, relative to
20 this chapter, to the public to the greatest extent
21 practical.

22 Sec. ____ . NEW SECTION. 455B.493 DUTIES OF THE
23 COMMISSION.

24 1. The commission shall adopt rules to implement
25 the groundwater protection programs for this section.

26 2. The commission shall adopt numerical standards
27 for all substances referred by the director pursuant
28 to section 455B.492, subsection 3.

29 3. In establishing such standards for groundwater,
30 the commission shall adopt federal numbers if they
31 exist. If no federal number exists, the commission
32 shall petition the United States environmental
33 protection agency to establish a federal number for
34 the substance of interest. If the commission
35 determines that a federal number cannot be obtained
36 within thirty days, it shall consult with the United
37 States environmental protection agency's office of
38 drinking water and other appropriate offices within
39 the agency regarding the agency's conclusion relative
40 to available toxicological information on the
41 substance of interest and the methodology used for
42 establishing a federal number. The commission shall
43 utilize this information and methodology to establish
44 a standard fully consistent with said information and
45 methodology. The commission may also consult with and
46 request similar information from other sources.

47 4. Whenever the commission determines, after
48 adequate scientific investigation and evaluation, that
49 a substance as defined in sections 200.3, subsection
50 1, and 206.2, subsection 1 in the groundwater exceeds

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1 or is likely to exceed duly adopted standards, the
 2 commission shall notify the secretary of agriculture
 3 and land stewardship who shall proceed in accordance
 4 with section 206.21 and other existing laws. In
 5 addition, the department of natural resources may
 6 proceed with authorities granted to them.

7 5. The commission shall establish by rule a
 8 confirmatory procedure which includes an orderly
 9 process for the verification of detections of
 10 pesticides in sources of drinking water. At a
 11 minimum, such verification shall consist of at least
 12 two separate samplings collected at intervals of not
 13 less than thirty days from the same point of the
 14 initial sampling, and analyses by two different, peer-
 15 reviewed and authenticated analytical laboratory
 16 methodologies.

17 Sec. ____ . Section 206.21, Code 1987, is amended by
 18 adding the following new subsections:

19 NEW SUBSECTION. 3. The secretary shall adopt
 20 rules designed to prevent the exceeding or likely
 21 exceeding of a standard adopted pursuant to section
 22 455B.493, subsection 3.

23 NEW SUBSECTION. 4. The secretary of agriculture
 24 shall establish criteria for the designation of
 25 pesticide management areas. Such areas may include
 26 wellhead protection zones, recharge areas, sinkholes,
 27 agricultural drainage wells, and other areas of
 28 similar environmental concern. The secretary may
 29 adopt rules for designating these as pesticide
 30 management areas.

H-3578 FILED APRIL 2, 1987 BY BENNETT of Ida
 ADOPTED (p. 1066)

HOUSE FILE 631

H-3575

1 Amend House File 631 as follows:
 2 1. Page 32, line 27, by striking the figure
 3 "455B.189" and inserting the following: "159.20".
 4 2. By renumbering as necessary.

H-3575 FILED APRIL 2, 1987 BY MULLINS of Kossuth
 Adopted 4/2 (p. 1112)

HOUSE FILE 631

H-3579

1 Amend amendment H-3577 to House File 631 as
 2 follows:
 3 1. Page 2, line 2, by inserting after the word
 4 "by" the words "continued use or closure of".

H-3579 FILED APRIL 2, 1987 BY MULLINS of Kossuth
 Adopted 4/2 (p. 1112)

NOTE: H-3577
 to p. 8 of
 H.F. 631, may
 be found in
 today's clip.

HOUSE FILE 631

H-3588

- 1 Amend House File 631 as follows:
- 2 1. Page 1, by striking line 23 and inserting the
3 following: "which naturally occurs at a lower concen-
4 tration."
- 5 2. Page 1, line 30, by striking the word "of,"
6 and inserting the following: "of".
- 7 3. Page 1, by striking lines 33 and 34.
- 8 4. Page 3, line 19, by striking the words "avail-
9 able technology" and inserting the following:
10 "technology available".
- 11 5. Page 4, lines 25 and 26, by striking the words
12 "water quality standards" and inserting the following:
13 "groundwater quality".
- 14 6. Page 8, by striking line 5 and inserting the
15 following: "basis of the percentage of the population
16 which is rural".
- 17 7. Page 8, line 16, by inserting after the word
18 "programs" the following: ", education programs, and
19 other activities pursuant to chapter 455F".
- 20 8. Page 8, line 35, through page 9, line 1, by
21 striking the words "pursuant to federal requirements".
- 22 9. Page 23, line 28, by inserting after the word
23 "production" the following: "and other nonresidential
24 uses".
- 25 10. Page 27, line 16, by striking the words "the
26 disposal of" and inserting the following: "handling
27 used".
- 28 11. Page 32, line 15, by striking the word
29 "person" and inserting the following: "landowner".
- 30 12. Page 32, lines 19 and 20, by striking the
31 words "the property have been properly plugged." and
32 inserting the following: "all property owned by the
33 applicant have been properly plugged. The department
34 may delegate this permitting authority to a county
35 board of health. In the event of such delegation, the
36 department shall retain concurrent authority."
- 37 13. Page 37, by striking lines 7 through 11.
- 38 14. Page 37, line 28, by inserting after the word
39 "recovery" the following: "and refuse-derived fuel".
- 40 15. Page 43, by striking lines 3 through 24 and
41 inserting the following: "~~This-section-shall-not~~
42 ~~prohibit-a-private-agency~~".
- 43 16. By striking page 45, line 32 through page 46,
44 line 33 and inserting the following:
45 "1. If the department receives a complaint that
46 certain products or packaging which when disposed of
47 are incompatible with an alternative method of
48 managing solid waste and with the solid waste
49 management policy, the director shall investigate the
50 complaint. If the director determines that the

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1 complaint is well-founded, the department shall inform
2 the manufacturer of the product or packaging and
3 attempt to resolve the matter by informal
4 negotiations.

5 2. If informal procedures fail to result in
6 resolution of the matter, the director shall hold a
7 hearing between the affected parties. Following the
8 hearing, if it is determined that removal of the
9 product or packaging is critical to the utilization of
10 the alternative method of disposing of solid waste,
11 the director shall issue an order setting out the
12 requirements for an abatement plan to be prepared by
13 the manufacturer within the time frame established in
14 the order.

15 If an acceptable plan is not prepared, the plan is
16 not implemented, or the problem otherwise continues
17 unabated, the attorney general shall take actions
18 authorized by law to secure compliance."

19 17. Page 46, line 34, by striking the figure
20 "455B.313" and inserting the following: "18.18".

21 18. Page 47, line 30, by striking the word
22 "state".

23 19. Page 49, line 4, by striking the word
24 "commission" and inserting the following:
25 "department".

26 20. Page 49, line 10, by striking the word
27 "commission" and inserting the following:
28 "department".

29 21. Page 49, by striking lines 20 and 21.

30 22. Page 50, by striking lines 29 and 30.

31 23. Page 53, line 33, by striking the word
32 "commission" and inserting the following:
33 "department".

34 24. Page 54, line 3, by striking the words
35 "commission or has been determined by the commission"
36 and inserting the following: "department or has been
37 determined by the department".

38 25. Page 54, line 4, by inserting after the word
39 "no" the following: "known".

40 26. Page 54, line 14, by striking the word
41 "commission" and inserting the following:
42 "department".

43 27. Page 54, line 17, by striking the word
44 "commission" and inserting the following:
45 "department".

46 28. Page 54, line 24, by striking the word
47 "commission" and inserting the following:
48 "department".

49 29. Page 54, line 32, by striking the word
50 "commission" and inserting the following:

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- 1 "department".
- 2 30. Page 55, by striking line 7 and inserting the
- 3 following:
- 4 "Sec. 601. Section 507D.3, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 6. An assistance program for
- 7 the".
- 8 31. Page 55, by striking line 11 and inserting
- 9 the following: "prohibitions of subsections 2 and 3."
- 10 32. Page 56, by striking line 4 and inserting the
- 11 following: "individual owner or operator, which in
- 12 addition to a daily inventory system include but are
- 13 not limited to the".
- 14 33. Page 56, line 15, by inserting after the word
- 15 "of" the following: "tank".
- 16 34. Page 57, line 21, by inserting after the word
- 17 "An" the following: "increase in the".
- 18 35. By renumbering as necessary.

H-3588 FILED APRIL 2, 1987 BY SHOLETZ of Black Hawk
Adopted as amended by 3589 4/2 (p. 1104)

HOUSE FILE SHEET

HOUSE FILE 631

H-3580

- 1 Amend amendment, H-3566, to House File 631 as
- 2 follows:
- 3 1. Page 1, by striking lines 16 through 25 and
- 4 inserting the following:
- 5 "3. "Manufacturer" means a person who
- 6 manufactures or produces a household hazardous
- 7 material for resale in this state.
- 8 4. "Wholesaler" or "distributor" means a person
- 9 other than a manufacturer or manufacturer's agent who
- 10 engages in the business of selling or distributing a
- 11 household hazardous material within the state, for the
- 12 purpose of resale."
- 13 2. Page 2, line 13, by inserting after the word
- 14 "material." the following: "The department shall
- 15 furnish labels in reasonable amounts to sales tax
- 16 permittees at no charge."
- 17 3. Page 2, line 15, by striking the words "the
- 18 label shall" and inserting the following: "a reduced
- 19 size label may".
- 20 4. Page 2, line 16, by inserting after the word
- 21 "information" the following: "if a display area label
- 22 of regular size is displayed within two feet".
- 23 5. Page 2, line 29, by inserting after the word
- 24 "with" the following: "manufacturers,".
- 25 6. Page 2, line 45, by striking the words
- 26 "supplied and".
- 27 7. Page 3, line 4, by inserting after the word
- 28 "with" the following: "manufacturers,".
- 29 8. By renumbering as necessary.

H-3580 FILED APRIL 2, 1987 BY PAULIN of Plymouth
A- Adopted 4/2 (p. 1082)
B- Lost (p. 1083)

NOTE: H-3580
 may be found
 on page 8
 of H.F. 631.

HOUSE FILE 631

H-3589

1 Amend the amendment, H-3588, to House File 631 as
2 follows:
3 1. Page 2, by inserting after line 30 the
4 following:
5 "____. Page 52, by inserting after line 31 the
6 following:
7 "Sec. ____ . NEW SECTION. 455F.11 PENALTIES.
8 Any person violating a provision of this chapter or
9 a rule adopted pursuant to this chapter is guilty,
10 upon conviction, of a simple misdemeanor.""

H-3589 FILED APRIL 2, 1987 BY SHOULTZ of Black Hawk
Adopted 4/2 (7 1104)

HOUSE FILE 631

H-3590

1 Amend House File 631 as follows:
2 1. Page 33, line 6, by inserting after the figure
3 "1989." the following: "The report shall include a
4 recommendation regarding the mandating of the plugging
5 of agricultural drainage wells."

BY FOGARTY of Palo Alto
GRUHN of Dickinson

H-3590 FILED APRIL 2, 1987
Adopted 4/2 (7 1113)

HOUSE FILE 631

H-3586

1 Amend the amendment, H-3566, to House File 631 as
 2 follows:
 3 1. Page 3, by inserting after line 28 the
 4 following:
 5 "_____. Page 52, line 2, by striking the words "a
 6 minimum of twenty" and inserting the following:
 7 "twelve".
 8 _____ . Page 52, lines 4 and 5, by striking the
 9 words "as are supported by the" and inserting the
 10 following: "that can be properly and reasonably
 11 conducted with funds deposited in the".
 12 _____ . Page 53, by inserting after line 10 the
 13 following:
 14 "Sec. _____. NEW SECTION. 455F.10 RECYCLING AND
 15 RECLAMATION PROGRAMS.
 16 Up to eighty thousand dollars of the moneys
 17 deposited in the household hazardous waste account may
 18 be expended to foster and fund waste-specific
 19 recycling and reclamation events."

NOTE: H-3566
may be found
on page 8
of H.F. 631.

BY OSTERBERG of Linn
HATCH of Polk

H-3586 FILED APRIL 2, 1987
Adopted 4/2 (p. 1084)

HOUSE FILE 631

H-3584

1 Amend amendment, H-3472, to House File 631 as
 2 follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "_____. Page 28, line 29 by striking the words
 6 "legislative council" and inserting the words "state
 7 soil conservation committee".
 8 2. By renumbering as necessary.

NOTE: H-3472
may be found
on page 28
of H.F. 631.

H-3584 FILED APRIL 2, 1987 BY BENNETT of Ida
Adopted 4/2/87 (p. 1087)

HOUSE FILE 631

H-3583

1 Amend amendment H-3564 to House File 631 as
 2 follows:
 3 1. Page 1, line 21, by striking the word
 4 "percent" and inserting the words "cents per ton".

NOTE: H-3564
may be found
on page 6
of H.F. 631.

H-3583 FILED APRIL 2, 1987 BY CARPENTER of Polk
Lost 4/2 (p. 1087)

HOUSE FILE 631

H-3596

1 Amend House File 631 as follows:

2 1. Page 7, by striking lines 24 through 30 and
3 inserting the following:

4 "b. AN AGRICULTURE MANAGEMENT ACCOUNT. Moneys
5 collected from the groundwater protection fee levied
6 pursuant to section 200.8, subsection 4, the pesticide
7 dealer license fee levied pursuant to section 206.8,
8 subsection 2, the registration fee levied pursuant to
9 section 206.12, subsection 3, and other moneys
10 designated for the purpose of agriculture management
11 shall be deposited in the agriculture management
12 account."

13 2. Page 8, by striking lines 1 through 7 and
14 inserting the following:

15 "(2) Two million four hundred thousand dollars is
16 appropriated annually to the department of natural
17 resources to provide grants to counties for the
18 testing of private, rural water supply wells and
19 proper closing of private, rural, abandoned wells.
20 The department of natural resources may use a sum not
21 to exceed fifty thousand dollars annually for the
22 purpose of administering grants to counties and
23 conducting oversight of county-based programs. A sum
24 not to exceed one million three hundred thousand
25 dollars shall be used annually for grants to counties
26 for the purpose of conducting programs of private,
27 rural water supply well testing. A sum not to exceed
28 one million fifty thousand dollars shall be used
29 annually for grants to counties for the purpose of
30 conducting programs for properly closing abandoned,
31 rural water supply wells.

32 The department may allocate a sum not to exceed ten
33 percent of the moneys under this subparagraph to the
34 University of Iowa college of preventative medicine
35 for the purpose of conducting human health and cancer
36 studies relative to potential exposure of the state's
37 rural population to contaminated private, rural water
38 supply wells."

39 3. Page 8, lines 10 and 11, by striking the word
40 "cost-sharing" and inserting the following:
41 "financial incentive".

42 4. Page 9, by striking lines 2 through 12.

43 5. Page 10, by striking lines 23 through line 31
44 and inserting the following:

45 "The commission shall make grants to counties for
46 the purpose of conducting programs for the testing of
47 private, rural water supply wells and for the proper
48 closing of abandoned, rural, private water supply
49 wells within the jurisdiction of the county. Grants
50 shall be funded through allocation of the agriculture

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Page Two

1 management account of the groundwater protection fund.
2 Grants awarded, continued, or renewed shall be subject
3 to the following conditions:"

4 6. By striking page 10, line 34, through page 11,
5 line 3 and inserting the following:

6 "b. Nothing in this section shall be construed to
7 prohibit the department from making grants to one or
8 more counties to carry out the purpose of the grant on
9 a joint, multicounty basis."

10 7. Page 11, lines 9 and 10, by striking the words
11 "relative to private water supply and private sewage
12 disposal facilities".

13 8. Page 14, line 30, by striking the word
14 "methemoglobinemia" and inserting the following:
15 "methemoglobinemia,".

16 9. Page 17, line 14, by striking the word
17 "person" and inserting the following: "person
18 manufacturer".

19 10. Page 18, line 32, by striking the word
20 "fifty" and inserting the following: "forty".

21 11. Page 21, by striking lines 10 through 15 and
22 inserting the following: "applicators. Commercial
23 and public applicators shall choose between one-year
24 certification for which the applicator shall pay a
25 twenty-five dollar fee, or two-year certification for
26 which the applicator shall pay a fifty dollar fee.
27 The commercial or public applicator shall be tested
28 prior to certification annually, if the applicator
29 chooses a one-year certification or each two years if
30 the applicator chooses two-year certification. A
31 private applicator shall be tested prior to initial
32 certification. The test shall include, but is not
33 limited to the area of safe handling of agriculture
34 chemicals and the effects of these chemicals on
35 groundwater. After initial certification, a private
36 applicator shall, at three-year intervals, participate
37 in a course developed by the department which meets
38 the standards established by the department, for
39 renewal of certification. At the time of initial
40 testing and at the time of renewal of certification, a
41 private applicator shall pay a fee of five dollars."

42 12. Page 22, line 6, by striking the words "or
43 employed by the business" and inserting the following:
44 "and employed by the business to apply pesticides".

45 13. Page 22, line 7, by striking the word
46 "qualified" and inserting the following: "qualified
47 certified".

48 14. Page 22, lines 12 and 13, by striking the
49 words "this examination" and inserting the following:
50 "this-examination the certification".

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Page Three

1 15. Page 22, line 22, by striking the words "have
2 also been licensed" and inserting the following: "are
3 certified".

4 16. Page 22, line 29, by striking the word
5 "examinations" and inserting the following:
6 "examinations certification requirements".

7 17. Page 23, line 2, by striking the word
8 "Individuals" and inserting the following:
9 "Individuals Public agencies or municipal
10 corporations".

11 18. Page 23, by striking lines 13 through 18 and
12 inserting the following:

13 "2. Application-for-a-license-shall-be-accompanied
14 by-a-twenty-five-dollar A pesticide dealer shall pay
15 an annual license fee for-the-primary-business
16 location-and-an-additional-five-dollar-annual-license
17 fee-for-each-other-location-or-outlet-within-the
18 state,-and-shall-be-on-a-form-prescribed-by-the
19 secretary-and-shall-include-the-full-name-of-the
20 person-applying-for-such-license based upon the gross
21 retail sales of all pesticides sold by the pesticide
22 dealer in the previous year. A person applying for
23 initial licensure shall pay a fee of twenty-five
24 dollars at the time of application. The annual
25 license fee shall be paid to the department of
26 agriculture and land stewardship, beginning July 1,
27 1988, and July 1 of each year thereafter. The fee
28 paid shall be in accordance with the following
29 schedule:

30 a. Twenty-five dollars for gross retail sales of
31 under twenty-five thousand dollars.

32 b. Fifty dollars for gross retail sales of twenty-
33 five to fifty thousand dollars.

34 c. One hundred dollars for gross retail sales of
35 fifty thousand to one hundred thousand dollars.

36 d. Two hundred fifty dollars for gross retail
37 sales of one hundred thousand to five hundred thousand
38 dollars.

39 e. Five hundred dollars for gross retail sales of
40 five hundred thousand to one million dollars.

41 f. One thousand dollars for gross retail sales of
42 one million dollars to two million dollars.

43 g. For each one million dollar increment of gross
44 retail sales or portion thereof above that increment,
45 and until the subsequent million dollar increment is
46 reached, a one thousand dollar fee shall be paid in
47 addition to the initial one thousand dollar fee.

48 The initial twenty-five dollars of each annual
49 license fee shall be retained by the department for
50 administration of the program, and the remaining

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Page Four

1 moneys collected shall be deposited in the agriculture
2 management account of the groundwater protection
3 fund."

4 19. By striking page 23, line 24 through page 24,
5 line 15.

6 20. Page 25, line 29, by striking the word "one"
7 and inserting the following: "five".

8 21. Page 25, line 30, by striking the words "One-
9 half of the fees" and inserting the following: "fees
10 Fifty dollars of each fee".

11 22. Page 25, lines 33 and 34, by striking the
12 words "one-half of the fees" and inserting the
13 following: "four hundred fifty dollars of each fee".

14 23. Page 26, line 4, by striking the words "a
15 quarterly" and inserting the following: "an annual".

16 24. Page 26, line 7, by striking the word
17 "quarter." and inserting the following: "year. This
18 report shall be filed at the time of payment for
19 licensure or annually on July 1."

20 25. Page 27, lines 34 and 35, by striking the
21 words "cooperative extension service in agriculture
22 and home economics" and inserting the following:
23 "agricultural experiment station at Iowa State
24 University of science and technology".

25 26. By striking page 30, line 7, through page 32,
26 line 12 and inserting the following: "AND WETLANDS".

27 27. Page 33, line 12, by striking the words "Cost
28 sharing" and inserting the following: "Financial
29 incentive moneys".

30 28. Page 33, line 16, by striking the words "cost
31 sharing" and inserting the following: "financial
32 incentive moneys".

33 29. Page 33, lines 32 and 33, by striking the
34 words "cost sharing" and inserting the following:
35 "financial incentive moneys".

36 30. Page 33, line 34, by striking the word "cost-
37 sharing" and inserting the following: "financial-
38 incentive-program".

39 31. Page 34, line 14, by striking the word "cost-
40 sharing" and inserting the following: "financial-
41 incentive-program".

42 32. Page 35, line 11, by striking the words "cost
43 sharing" and inserting the following: "the financial-
44 incentive-program portion".

45 33. By renumbering as necessary.

BY JOHNSON of Winneshiek

COOPER of Lucas

FOGARTY of Palo Alto

H-3596 FILED APRIL 2, 1987

Adopted 4/2/87 (p. 1109)

MUHLBAUER of Crawford

CRUHN of Dickinson

SKOW of Guthrie

HOUSE FILE 631

3608

Amend amendment, H-3454, to House File 631 as follows:

- 1. Page 1, line 8, by striking the word "check" and inserting the following: "uncover or remove".
- 2. Page 1, line 13, by striking the words "be liable for" and inserting the following: "reimburse reasonable".
- 3. Page 1, line 14, by inserting after the word "tank." the following: "Claims for reimbursement shall be filed on forms provided by the commission. The commission shall adopt rules pursuant to chapter 17A relating to determinations of reasonableness in cases of dispute. Claims shall be paid from the general fund of the state. When any one of the tanks or the related pumps and piping at a multiple tank facility are found to be leaking, the state shall not reimburse costs for uncovering or removing any of the other tanks, piping, or pumps that are not found to be leaking."

BY JAY of Appanoose
HATCH of Polk

H-3608 FILED APRIL 2, 1987

Adopted 4/2 (p. 1101)

NOTE: H-3454
may be found
on page 58
of H.F. 631.

HOUSE FILE 631

3594

Amend the amendment, H-3370, to House File 631 as follows:

- 1. Page 1, by inserting after line 4 the following:
- " . Page 4, line 12, by inserting after the word "protection." the following: "An activity that does not violate chapter 455B does not violate this chapter. In the event of a conflict between this section and another provision of this chapter, it is the intent of the general assembly that this section prevails."

BY ROSENBERG of Story
TABOR of Jackson

H-3594 FILED APRIL 2, 1987

Adopted 4/2 (p. 1114)

NOTE: H-3370
may be found
on page 4
of H.F. 631.

HOUSE FILE 631

3592

Amend amendment, H-3566, to House File 631 as follows:

- 1. Page 1, line 43, by inserting after the word "filters," the following: "gasoline and diesel additives,".

H-3592 FILED APRIL 2, 1987

Adopted 4/2 (p. 1082)

BY DVORSKY of Johnson

NOTE: H-3566
may be found
on page 8
of H.F. 631.

HOUSE FILE 631

H-3597

- 1 Amend House File 631 as follows:
- 2 1. By striking page 52, line 32 through page 53,
- 3 line 10.
- 4 2. Renumber sections and correct internal
- 5 references as necessary in accordance with this
- 6 amendment.

H-3597 FILED APRIL 2, 1987 BY KOENIGS of Mitchell

Done 4/2/87 (J 11.3)

HOUSE FILE 631

H-3603

- 1 Amend amendment H-3522, to House File 631 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the word "water"
- 4 and inserting the word "waste".

H-3603 FILED APRIL 2, 1987 BY SHOULTZ of Black Hawk
ADOPTED BY UNANIMOUS CONSENT (*p. 1094*)

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pilot project at two sites.

FISCAL EFFECT:

The Department of Transportation estimates a cost of \$4,000 per site. This program is not eligible for Household Hazardous Waste funds.

PART SIX -- STORAGE TANK MANAGEMENT

SECTIONS 601 - 603

Directs the Division of Insurance of the Department of Commerce to develop a plan of operations program regarding the financial responsibility requirements for owners or operators of underground storage tanks which store petroleum.

FISCAL EFFECT:

The Division of Insurance estimates that \$25,000 will be needed for actuarial services. The Division responsibilities resulting from this provision will be absorbed within its current budget. There is an appropriation of \$25,000 to the Division of Insurance from the Storage Tank Management Account.

SECTIONS 604 - 605

Requires owners and operators of storage tanks to notify the Department of Natural Resources of the existence of any tanks. Tanks shall comply with the underground storage tank regulations by July 1, 1992.

ASSUMPTIONS:

Full implementation of the state's storage tank program.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DNR RECEIPTS		
Storage Tank Acct. (for storage tank program admin.)	\$ 636,000	\$ 525,000
DNR EXPENDITURES		
Salaries	\$ 360,000	\$ 360,000
Support	60,000	60,000
Contracts	84,000	84,000
	-----	-----
TOTAL EXPENDITURES	\$ 504,000	\$ 504,000
	12	12
NET EFFECT	\$ 132,000	\$ 21,000
	=====	=====

SECTION 605

Requires owners and operators of farm or residential storage tanks under 1,100 gallons which store motor fuel for noncommercial purposes to pay, along with other underground storage tank owners and operators not currently exempt, a \$5

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tank registration fee with all moneys collected being deposited in the Storage Tank Management Account of the Groundwater Protection Fund. Any fees collected prior to July 1, 1987 that are unspent are also deposited in the Storage Tank Management Account.

FISCAL EFFECT:

No estimate is available on the number of farm and residential storage tanks under 1,100 gallons that would be subject to the \$5 fee. To date, \$136,000 has been collected and remains unspent.

SECTION 606

Establishes a storage tank management fee of \$17.50 for all underground storage tanks above 1,100 gallons to be deposited in the Storage Tank Management Account of the Groundwater Protection Fund.

FISCAL EFFECT:

Currently, there are 30,000 registered storage tanks. Assuming all registered tanks are 1,100 gallons or more, \$525,000 would be generated annually in receipts for deposit in the Solid Waste Account.

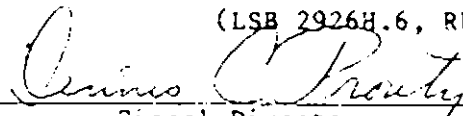
NOTE

This fiscal note does not include costs to state agencies that may be required to pay fees and licenses imposed by this bill.

SOURCES:

- Department of Natural Resources
- Department of Agriculture and Land Stewardship
- Department of Public Health
- Department of Commerce
- Department of Transportation
- Department of Revenue and Finance

(LSB 2926H.6, RLB)


Fiscal Director
Legislative Fiscal Bureau
Date: 4/8/87

Filed by the Sec. of the Senate April 10, 1987

STATE OF IOWA

FISCAL NOTE TO
HOUSE FILE 631

LSB No. 2926H.6
Staff ID. RLB

BY SENATOR DELUERY

In compliance with a written request received April 6, 1987, a fiscal note for HOUSE FILE 631 AS PASSED BY THE HOUSE is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE FILE 631 AS PASSED BY THE HOUSE establishes measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards.

REVENUE AND EXPENDITURE SUMMARY

NOTE: The total amount appropriated from the Agriculture Management Account by House File 631 exceeds the estimated receipts deposited in the Account by \$502,840 in FY88 and by \$287,840 in FY89. Therefore, the receipts reflected in the summary table below are pro rated amounts.

	FY88 -----	FY89 -----
PART ONE - GENERAL PROVISIONS		
REVENUE		
Ag. Management Account	2,104,000	2,236,000
Solid Waste Account	86,520	173,040
Revenue Subtotal	\$ 2,190,520	\$ 2,409,040
EXPENDITURES		
Department of Natural Resources	\$ 4,223,920 (16 FTE)	\$ 5,155,920 (16 FTE)
Iowa State Water Resources Inst.	86,520	173,040
Expenditure Subtotal	\$ 4,310,440	\$ 5,328,960
NET EFFECT	\$ (2,119,920)	\$ (2,919,920)
PART TWO - PESTICIDES AND FERTILIZERS		
REVENUE		
Pesticide Trust Fund	\$ 802,667	\$ 802,667
Fertilizer Trust Fund	417,250	417,250
Ag. Management Account	1,310,000	1,390,000
Revenue Subtotal	\$ 2,529,917	\$ 2,609,917
EXPENDITURES		
Department of Public Health	* \$ 66,031 (2 FTE)	* \$ 69,333 (2 FTE)
Dept. of Ag. & Land Stewardship	1,234,579 (22 FTE)	900,741 (22 FTE)
Leopold Center	1,310,000	1,390,000
Expenditure Subtotal	\$ 2,610,610	\$ 2,360,074
NET EFFECT	\$ (80,693)	\$ 249,843
*Note: Not eligible for funding from the Pesticide Trust, Fertilizer Trust or Ag. Management Account.		
PART THREE - WELLS, SINKHOLES, ETC.		
REVENUE		
Ag. Management Account	\$ 176,000	\$ 186,000
EXPENDITURES		
Consortium on Ag. & Groundwater	\$ 88,000	\$ 93,000
Dept. of Ag. & Land Stewardship	270,400 (4 FTE)	270,400 (4 FTE)
Department of Natural Resources	140,000 (4 FTE)	140,000 (4 FTE)
Expenditure Subtotal	\$ 498,400	\$ 503,400
NET EFFECT	\$ (322,400)	\$ (317,400)

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	FY88 -----	FY89 -----
<u>PART FOUR - SOLID WASTE MANAGEMENT</u>		
REVENUE		
Solid Waste Account	\$ 346,080	\$ 3,287,760
EXPENDITURES		
Department of Natural Resources	\$ 527,000 (10 FTE)	\$ 3,122,600 (10 FTE)
NET EFFECT	\$ (180,920)	\$ 165,160
<u>PART FIVE - HOUSEHOLD HAZARDOUS WASTE</u>		
REVENUE		
Household Hazardous Waste Account	\$ 1,000,000	\$ 1,000,000
EXPENDITURES		
Department of Revenue & Finance	\$ 75,000	\$ 75,000
Department of Natural Resources	710,000 (3 FTE)	710,000 (3 FTE)
Department of Transportation	8,000	NA
Expenditure Subtotal	\$ 793,000	\$ 785,000
NET EFFECT	\$ 207,000	\$ 215,000
*Note: Not eligible for funding from the Household Hazardous Waste Account.		
<u>PART SIX - STORAGE TANK MANAGEMENT</u>		
REVENUE		
Storage Tank Management Account	\$ 661,000	\$ 525,000
EXPENDITURES		
Department of Natural Resources	\$ 504,000 (12 FTE)	\$ 504,000 (12 FTE)
Department of Commerce	25,000	--
Expenditure Subtotal	\$ 529,000	\$ 504,000
NET EFFECT	\$ 132,000	\$ 21,000
TOTAL REVENUE	\$ 6,903,517	\$10,017,717
TOTAL EXPENDITURES	\$ 9,268,450	\$12,604,034
TOTAL FTE	(73 FTE)	(73 FTE)
TOTAL NET EFFECT	\$(2,304,933)	\$(2,586,317)

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PART ONE -- GENERAL PROVISIONS

SECTIONS 105 and 108

The Department of Natural Resources is required to promote and assure public confidence and public awareness, including publishing the results of groundwater investigations. The Department shall develop a comprehensive groundwater monitoring network, a groundwater hazard mapping of the state, a system for collecting, evaluating, and disseminating groundwater quality data and information, a natural resource geographic information system, a comprehensive water resource data system, and a water quality education program.

ASSUMPTIONS:

1. Public awareness promotion - \$400,000 annually, including TV/radio time, printing costs, and salaries.
2. Monitoring network costs, excluding private well monitoring - \$400,000 annually. The expansion of the University Hygenic Laboratory facilities will cost \$200,000 per year for two years.
3. Hazard mapping - \$100,000 annually.
4. Information collection, evaluation and dissemination costs - \$300,000 annually.
5. Geographic and water resource data systems development and installation - \$500,000 annually.
6. Water quality education program development - \$35,000 annually.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DNR EXPENDITURES		
Salaries	\$ 419,920	\$ 419,920
Support	200,000	200,000
Capital Outlay	200,000	200,000
Contracts	1,300,000	2,100,000
	-----	-----
TOTAL EXPENDITURES	\$2,119,920	\$2,919,920
FTE	14	14

SECTION 111

Establishes a Groundwater Protection Fund and creates the following accounts within the fund: the Solid Waste Account; the Agriculture Management Account; the Household Hazardous Waste Account; and the Storage Tank Management Account.

The Solid Waste Account receives moneys collected from the solid waste tonnage fee. The moneys received from the tonnage fee shall be allocated in the following way:

1. The first \$.50 per ton is for administration of the solid waste programs, research, education, and cleanup. Of the first \$.50 per ton, \$.10 per ton is allocated to the Iowa State Water Resources Research Institute for research and education and not more than \$.05 per ton is allocated for cleanup.

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2. \$1 per ton is for the development and implementation of demonstration projects for landfill alternatives.
3. \$.50 per ton is retained by the local agencies subject to the tonnage fee for plan development.
4. The annual fee increase of \$.50 per ton is allocated to demonstration projects (\$.35 per ton) and plan development by local agencies (\$.15 per ton).

The Agriculture Management Account receives moneys collected from the \$.40 per ton fertilizer fee, the pesticide dealer license fee and the pesticide registration fee. Of the moneys deposited in the account, \$1,500,000 is appropriated annually to the Leopold Center for Sustainable Agriculture at ISU, \$2,400,000 is appropriated annually to the Department of Natural Resources for grants to counties for testing of private, rural water wells and closing of abandoned wells, \$100,000 is appropriated annually to the Iowa Consortium on Agriculture and Groundwater Quality for agricultural drainage well demonstration projects, and any remaining funds are appropriated to the Department of Agriculture and Land Stewardship for financial incentive programs and agriculture groundwater programs. Of the \$2,400,000 appropriated for private, rural well testing and abandoned well closing, not more than \$1,300,000 annually is for well testing grants, not more than \$1,050,000 is for well closing grants, and not more than \$50,000 may be used by the Department of Natural Resources for administration. In addition, the Department of Natural Resources may allocate up to 10% of the \$2,400,000 to the University of Iowa College of Preventive Medicine for health studies relating to contaminated private, rural water supply wells.

The Household Hazardous Waste Account receives moneys collected from the household hazardous materials permit fee. The account shall be used to fund toxic cleanup days programs, education programs, and other activities pursuant to Chapter 455F.

The Storage Tank Management Account receives moneys collected from the storage tank registration fee and the storage tank management fee. Of the moneys deposited in the account, \$500,000 is appropriated annually to the Department of Natural Resources for administration of the storage tank program, \$25,000 is appropriated for FY 1988 to the Division of Insurance, and the remainder is appropriated to the Department of Natural Resources for funding state remedial cleanup efforts.

FISCAL EFFECT:

Revenue estimate summaries for FY88 and FY89 are available from the Legislative Fiscal Bureau.

SECTIONS 112 - 115

Requires the Department of Natural Resources to administer, through county boards of health, the responsibilities of our state relating to private water supplies and sewage disposal systems. The Department shall make grants from the funds allocated from the Agriculture Management Account, to counties for testing of private, rural water supply wells and the proper closing of abandoned wells.

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ASSUMPTIONS:

1. There is \$2,400,000 appropriated from the Agriculture Management Account for grants to counties and administration of the grant program. However, the total amount appropriated from the Agriculture Management Account by House File 631 exceeds the estimated receipts deposited in the Account by \$502,840 in FY88 and by \$287,840 in FY89. Therefore, the receipts reflected in the table below are pro rated amounts.
2. Up to \$240,000 of the \$2,400,000 appropriation could be allocated for health studies at the University of Iowa College of Preventive Medicine.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DNR RECEIPTS		
Ag. Management Acct.		
(for well testing grants)	\$1,140,000	\$1,210,000
(for well closing grants)	\$ 920,000	980,000
(for program admin)	44,000	46,000
	-----	-----
DNR TOTAL RECEIPTS	\$2,104,000	\$2,236,000
DNR EXPENDITURES		
Grants to counties		
for well testing	\$1,140,000	\$1,210,000
for well closing	920,000	980,000
Program administration	44,000	46,000
	-----	-----
DNR TOTAL EXPEND.	\$2,104,000	\$2,236,000
FTE	2	2
NET EFFECT	\$ 0	\$ 0
	=====	=====

PART TWO -- PESTICIDES AND FERTILIZER

SECTIONS 202 - 203

Directs the Department of Public Health to establish, publish and enforce rules regarding reporting of methemoglobinemia, pesticide poisonings, other reportable poisonings and illnesses. The Department must also collect and maintain reports of poisonings, illnesses, injuries, and cases of methemoglobinemia and hypersensitivity to pesticides and fertilizers. Laboratories are required to report certain poisonings and illnesses to the Department of Public Health.

ASSUMPTIONS:

1. Evaluate data and develop risk assessment papers to be used by IDPH and other state agencies in managing health risks of groundwater contamination.
2. Educate public on health effects of groundwater contamination.

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3. Establish a health care provider reporting program for selected environmental illnesses in humans.
4. Develop rules for enforcement of such programs.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DPH EXPENDITURES		
Salaries	\$ 51,531	\$ 54,108
Support	14,500	15,225
	-----	-----
TOTAL EXPENDITURES	\$ 66,031	\$ 69,333
FTE	2	2

SECTIONS 208 - 209

Requires that a Groundwater Protection Fee of \$0.40 per ton of fertilizer be paid by each licensee registering to sell fertilizer in the state and that the fees collected are deposited in the Agriculture Management Account of the Groundwater Protection Fund.

FISCAL EFFECT:

The estimated fertilizer tonnage used is 2,017,900. A \$.50 per ton tax will generate \$807,160 for deposit in the Agriculture Management Account.

No additional administrative costs are expected.

SECTIONS 206 - 207, 210 - 220, 222 - 224, AND 226 - 227

Section 206 includes manufacturers or sellers of specialty fertilizers in the licensing requirements for fertilizer.

Section 207 raises the small package registration fee from \$25 to \$100 and imposes an annual \$50 inspection fee on sellers of specialty fertilizers.

Sections 210 through 219 require applicators to be tested for certification. The commercial and public applicator certification fee is changed from a \$10 fee paid every 3 years to \$25 for one-year certification and \$50 for two-year certification. The private applicator will only be tested prior to initial certification. For renewal of certification every three years, the private applicator shall participate in a training course developed by the Department of Agriculture and Land Stewardship.

Section 220 strikes the \$25 annual license fee for pesticide dealers and creates an annual license fee schedule based on gross retail sales that will take affect July 1, 1988. The initial \$25 of each annual license fee will be retained by the Department of Agriculture and Land Stewardship for administration of the program and the remaining moneys collected shall be deposited in the Agriculture Management Account of the Groundwater Protection Fund.

Section 222 increases the annual registration fee for pesticides from \$20 to \$50. Of each fee collected, \$50 is deposited in the Pesticide Trust Fund for

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enforcement and \$450 is deposited in the Agriculture Management Account of the Groundwater Protection Fund.

Section 223 requires annual reporting of all pesticides sold, distributed, or applied in the state by licensees registering to sell or apply pesticide.

Section 224 requires applicators in urban areas to notify adjoining property owners prior to or after application of pesticides.

Section 226 requires the Secretary of Agriculture to initiate an education and demonstration program in agricultural uses of fertilizer and pesticides.

Section 227 requires the Department of Agriculture and Land Stewardship to develop a pesticide container disposal program by February 1, 1988.

ASSUMPTIONS:

1. Assuming there are 6,100 specialty fertilizer manufacturers and sellers, the \$10 licensing fee would raise \$61,000 for deposit in the Fertilizer Trust Fund.
2. There are 750 small package registrants currently, the \$100 fee would raise an additional \$56,250 for deposit in the Fertilizer Trust Fund. Assuming 6,000 specialty fertilizer sellers, the \$50 inspection fee would raise \$300,000 for deposit in the Fertilizer Trust Fund.
3. Specialty fertilizer license, registration and inspection fee administration - 1 Clerk and \$12,000 for computer updating.
4. Annual applicator certification by testing - Assuming 15,000 commercial applicators and 75,000 private applicators would require certification, the costs associated with study manual development, mailing, testing supplies, and training program development are estimated to be \$366,000 in the first year and \$189,000 in subsequent years. Three computer staff and \$135,000 needed to computerize the testing system. In addition, 8 FTE for support and 6 FTE for enforcement are needed.
5. Commercial applicators certification fee increase - Currently the certification fee raises, on the average, \$18,613 annually. Assuming 15,000 commercial applicators will be certified under House File 631, an additional \$356,667 would be deposited annually in the Pesticide Trust Fund.
6. Pesticide dealer license fee - \$310,000 will be generated in FY88 (12,400 pesticide dealers x \$25 license fee) and \$525,000 in receipts is estimated for FY89 (\$12,400 pesticide dealers paying as per the fee schedule based on gross retail sales). Based on these receipts estimates, an additional \$260,000 would be deposited in the Fertilizer Trust Fund in FY88. In FY89, an additional \$260,000 would be deposited in the Fertilizer Trust Fund and \$215,000 would be deposited in the Agriculture Management Account.
7. Cost estimates assume no enforcement for compliance on pesticide dealer licensing.
8. Registration fee increase - Assuming 6,200 products are registered, \$2,790,000 would be deposited in the Agriculture Management Account of the Groundwater Protection Fund and an additional \$186,000 would be deposited annually in the Pesticide Trust Fund.
9. Annual reporting of pesticide sales - 1 FTE for data entry.
10. Urban pesticide application notification - 3 additional pesticide

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- investigators for enforcement.
- 11. Education and demonstration initiative - \$50,000 annually.
- 12. Pesticide container disposal program - \$25,000 for developing and printing report.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
DALS RECEIPTS		
Pesticide Trust Fund	\$ 802,667	\$ 802,667
Fertilizer Trust Fund	417,250	417,250
	-----	-----
TOTAL RECEIPTS	\$1,219,917	\$1,219,917
DALS EXPENDITURES		
Salaries	\$ 313,729	\$ 464,491
Support	742,750	386,250
Capital Outlay	103,100	0
Ag. Initiative-Educ	50,000	50,000
Pest. Container Study	25,000	0
	-----	-----
TOTAL EXPENDITURES	\$1,234,579	\$ 900,741
FTE	22	22
NET EFFECT	\$ (14,662)	\$ 319,176
	=====	=====

SECTION 229

Establishes the Leopold Center for Sustainable Agriculture at Iowa State University with a board of directors.

FISCAL EFFECT:

There is \$1,500,000 appropriated from the Agriculture Management Fund of the Groundwater Protection Fund for the Leopold Center. However, the total amount appropriated from the Agriculture Management Account by House File 631 exceeds the estimated receipts into the Account by \$502,840 in FY88 and by \$287,840 in FY89. The pro rated amount that would be available for the Leopold Center would be \$1,310,000 in FY88 and \$1,390,000 in FY89.

PART THREE -- WELLS, SINKHOLES, WATERSHEDS, AND WETLANDS

SECTIONS 301 - 304 AND 307

Section 301 requires the Department of Agriculture and Land Stewardship to assess the problems associated with agricultural drainage wells and develop alternatives and funding options for implementing these alternatives. Financial incentive moneys may be allocated from the Agriculture Management Account. The Iowa Consortium of Agriculture and Groundwater Quality is created to develop demonstration projects relating to agricultural drainage wells.

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Section 302 requires landowners to properly plug any abandoned wells prior to the drilling or constructing of a new water well. Persons drilling or constructing a new well must acquire a permit from the Department of Natural Resources. The Department may delegate its permitting authority to county boards of health.

Section 303 requires that all abandoned wells be plugged in accordance with a schedule developed by the Department of Natural Resources. Financial incentive moneys allocated from the Agriculture Management Account may be used to reduce the cost of plugging wells abandoned prior to July 1, 1987.

Section 304 requires the Department of Agriculture and Land Stewardship to develop and implement a program for the cleanup of sinkholes and management of watersheds and wetlands, with a provision for cost sharing and conservation easements using funds allocated from the Agriculture Management Account.

Section 307 appropriates \$100,000 from the financial incentive program allocation of the Agriculture Management Account to the Department of Agriculture and Land Stewardship, for FY88 and the first half of FY89, to assess problems relative to agricultural drainage wells and to develop alternatives.

ASSUMPTIONS:

1. The total amount appropriated from the Agriculture Management Account by House File 631 exceeds the estimated receipts in to the Account by \$502,840 in FY88 and by \$287,840 in FY89. Therefore, the receipts reflected in the table below are a pro rated amount.
2. Agricultural drainage well assessment, planning, and costsharing - \$140,400 (4 FTE) and \$130,000 in support.
3. Abandoned well plugging program will be administered by the Department of Natural Resources (see Section 112).
4. Permit issuance and rule development - 4 FTE for the Department of Natural Resources. These costs may decline as county boards of health assume the permitting responsibilities.
5. No cost estimate is included for administering the conservation easement and cost sharing program relating to sinkholes, watersheds and wetlands.

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FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
CONSORTIUM RECEIPTS		
Ag. Management Acct.	\$ 88,000	\$ 93,000
CONSORTIUM EXPENDITURES		
Demonstration projects	\$ 88,000	\$ 93,000
DALS RECEIPTS		
Ag. Management Acct. (for ag. drainage well plan)	\$ 88,000	\$ 93,000
DALS EXPENDITURES		
Salaries	\$ 140,400	\$ 140,400
Support	130,000	130,000
	-----	-----
DALS TOTAL EXPEND.	\$ 270,400	\$ 270,400
FTE	4	4
DALS NET EFFECT	\$ (182,400)	\$ (177,400)
DNR EXPENDITURES		
Salaries	\$ 120,000	\$ 120,000
Support	20,000	20,000
	-----	-----
TOTAL EXPENDITURES	\$ 140,000	\$ 140,000
FTE	4	4

PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

SECTIONS 401 - 410 AND 415 - 416

Sections 401 through 409 establish the solid waste disposal policy of the state and a disposal hierarchy; requires the Department of Natural Resources to adopt rules for the distribution of grants to local agencies and develop a certification program for landfill operators; requires various plans for the issuance or reissuance of sanitary disposal project permits; requires establishment of financial responsibility and assurance for sanitary disposal projects.

Section 416 establishes a recycled product purchase program.

ASSUMPTIONS:

1. Solid waste management program administration - 9 FTE. Assumes current program is fully funded at \$262,000 (6 FTE).
2. No cost estimate is included for administration of the landfill operator certification program.

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3. Recycled product purchase program - \$35,000 (1 FTE) for rules development, procurement specification review, and product suppliers list development.

FISCAL EFFECT:

	<u>FY1988</u>	<u>FY1989</u>
DNR RECEIPTS		
Solid Waste Mgmt Acct. (for program admin. & cleanup)	\$ 346,080	\$ 692,160
(for demo. proj.)	0	1,730,400
(for local agencies)	0	865,200
TOTAL RECEIPTS	\$ 346,080	\$3,287,760
DNR EXPENDITURES		
Salaries	\$ 390,000	\$ 390,000
Support	55,000	55,000
Contracts	82,000	82,000
Demonstration proj.	0	1,730,400
Local agency grants	0	865,200
TOTAL EXPENDITURES	\$ 527,000	\$3,122,600
FTE	10	10
NET EFFECT	\$ (180,920)	\$ 165,160

SECTIONS 412 - 414

Provides for an increase from \$.25 to \$2 in the tonnage fee charged for solid waste received and disposed of at a sanitary landfill with the fees collected being deposited in the Solid Waste Account of the Groundwater Protection Fund. The fee increase is effective January 1, 1988 and shall increase annually in the amount of \$.50 until January 1, 1995. An exemption from the increased fee is provided for waste received as a result of contracts executed prior to January 1, 1987. This exemption is terminated by January 1, 1989.

FISCAL EFFECT:

Total waste landfilled is estimated to be 1,730,400 tons per year. Tonnage fees are collected every April for the previous calendar year. An increase in the tonnage fee to \$2 on January 1, 1988 would generate \$3,460,800 in FY89 for deposit in the Solid Waste Account. Receipts in FY88 would total \$432,600 from the current \$.25 fee. The FY89 estimate does not include any adjustment for the amount of waste that may be delivered under existing contracts which would not be subject to the fee until January 1, 1989.

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PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

SECTIONS 501 - 509 AND 512

A license fee based on gross retail sales is imposed on sellers of household hazardous materials. The license fee receipts are deposited in the Household Hazardous Waste Account of the Groundwater Protection Fund. A household hazardous materials labeling and consumer information and education program is established.

A "Toxic Cleanup Days" program is to be conducted by the Department of Natural Resources and funded from the Household Hazardous Waste Account. The Department shall also implement a public information and education program regarding the use and disposal of household hazardous materials.

Up to \$80,000 of the moneys deposited in the Household Hazardous Waste Account may be expended on waste-specific recycling and reclamation programs.

FISCAL EFFECT:

1. It is estimated that up to 40,000 retailers would be subject to the license fee. Using an average license fee of \$25, approximately \$1,000,000 would be generated in receipts for deposit in the Household Hazardous Waste Account.
2. The Department of Revenue and Finance estimates \$60,000 in expenses to administer the licensing provisions.
3. To conduct twelve "Toxic Cleanup Days" each year and the public information and education program, the Department of Natural Resources would need \$150,000 in salaries and support (3 FTE) and \$40,000 per site for contracts for waste disposal.

FISCAL EFFECT:

	FY1988	FY1989
	-----	-----
RECEIPTS		
Household Haz. Acct.	\$1,000,000	\$1,000,000
DRF EXPENDITURES		
License administration	\$ 75,000	\$ 75,000
DNR EXPENDITURES		
Salaries	\$ 90,000	\$ 90,000
Support	60,000	60,000
Contracts	480,000	480,000
Waste Recycling	80,000	80,000
	-----	-----
TOTAL EXPENDITURES	\$ 710,000	\$ 710,000
FTE	3	3
NET EFFECT	\$ 215,000	\$ 215,000
	=====	=====

SECTION 511

Requires the Department of Transportation to conduct a used oil collection

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FISCAL NOTE TO
HOUSE FILE 631

LSB No. 2926H.8
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Q. BY SENATOR DELUERY

In compliance with a written request received April 23, 1987, a fiscal note for AMENDMENT S-3770 TO HOUSE FILE 631 AND AMENDMENT S-3771 TO AMENDMENT S-3698 TO HOUSE FILE 631 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

AMENDMENT S-3770 TO HOUSE FILE 631 and AMENDMENT S-3771 to AMENDMENT S-3698 TO HOUSE FILE 631 make changes to the revenue generated by the bill:

1. The solid waste tonnage fee is reduced from \$2 per ton to \$1 per ton. The \$.50 per ton annual increase in the fee is eliminated. The estimated receipts to the Solid Waste Account are \$432,600 in FY88 and \$1,730,400 in FY89.
2. The fertilizer tonnage fee is changed from \$.40 per ton to a fee based on nitrogen concentration. Receipts into the Agriculture Management Account are estimated to be \$400,000 annually.
3. The pesticide dealer license fee is changed from a fee schedule based on gross retail sales to a fee of one-twentieth of one percent of gross retail sales. The current \$25 fee is struck and the existing fee does not go into effect until July 1, 1988. In addition, the definition of a pesticide dealer is changed to include only persons selling pesticide for commercial application or agricultural use. The estimated receipts for FY89 are \$193,550 under the amendments compared to \$525,000 in receipts under House File 631. Consequently, there will be no pesticide dealer license fee deposited in the Pesticide Trust Fund in FY88 and \$193,000 in FY89. No funds are deposited in the Agriculture Management Account.
4. The pesticide registration fee is changed from a \$500 fee to a fee ranging from \$50 to \$500 to be set by the Secretary of Agriculture. The estimated annual receipts are an additional \$186,000 to the Pesticide Trust Fund and \$1,395,000 to the Agriculture Management Account.
5. Overall, the total annual receipts to the Agriculture Management Account are estimated at \$1,795,000.
6. The storage tank management fee is reduced from \$17.50 per tank to \$10 per tank, resulting in receipts to the Storage Tank Management Account of \$300,000.

AMENDMENT S-3770 creates an Oil Overcharge Account and appropriates funds from that account for a five-year period. The amounts allocated for FY88 and FY89 reflect an annual average of the five-year appropriation.

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REVENUE AND EXPENDITURE SUMMARY

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
	=====	=====	=====	=====
PART ONE - GENERAL PROVISIONS				
REVENUE				
Ag. Mgmt. Acct.	\$ 2,104,000	\$ 1,472,330	\$ 2,236,000	\$ 1,471,900
Solid Waste Acct.	173,040	0	173,040	0
Oil Overchg Acct.	0	3,770,000	0	3,770,000
Revenue Subtot.	\$ 2,277,040	\$ 5,242,330	\$ 2,409,040	\$ 5,241,900
EXPENDITURES				
DNR	\$ 4,229,920	\$ 4,823,250	\$ 5,159,970	\$ 5,461,920
	(16 FTE)	(16 FTE)	(16 FTE)	(16 FTE)
ISWRI	173,040	170,000	173,040	170,000
Center for Health	0	79,000	0	240,000
Ag Energy Council	0	1,200,000	0	1,200,000
DALS	0	280,000	0	280,000
Expend. Subtot.	\$ 4,402,960	\$ 6,552,250	\$ 5,332,960	\$ 7,351,820
NET EFFECT	\$ (2,125,920)	\$ (1,309,920)	\$ (2,923,920)	\$ (2,109,920)
PART TWO - PESTICIDES AND FERTILIZERS				
REVENUE				
Oil Overchg Acct.	\$ 0	\$ 800,000	\$ 0	\$ 800,000
Pest. Trust Fund	802,667	432,667	507,667	676,217
Fert. Trust Fund	417,250	417,250	417,250	417,250
Ag. Mgmt. Acct.	1,310,000	0	1,310,000	0
Solid Waste Acct.	0	8,000	0	8,000
Hild. Waste Acct.	0	2,000	0	2,000
Tank Mgmt. Acct.	0	1,000	0	1,000
Revenue Subtot.	\$ 2,529,917	\$ 1,660,917	\$ 2,629,917	\$ 1,904,467
EXPENDITURES				
DPII	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
	(2 FTE)	(2 FTE)	(2 FTE)	(2 FTE)
DALS	1,234,579	1,220,770	800,741	883,441
	(22 FTE)	(21 FTE)	(22 FTE)	(21 FTE)
Leopold Center	1,310,000	800,000	1,310,000	800,000
Expend. Subtot.	\$ 2,610,610	\$ 2,086,801	\$ 2,360,074	\$ 1,752,774
NET EFFECT	\$ (80,693)	\$ (425,884)	\$ (730,157)	\$ (848,307)
PART THREE - WELLS, SINKHOLES, ETC.				
REVENUE				
Ag. Mgmt. Acct.	\$ 176,000	\$ 200,100	\$ 186,000	\$ 323,100
Oil Overcharge	0	100,000	0	100,000
Revenue Subtot.	\$ 176,000	\$ 423,100	\$ 186,000	\$ 423,100
EXPENDITURES				
CONSORTIUM	\$ 88,000	\$ 0	\$ 93,000	\$ 0
DALS	270,400	423,100	270,400	423,100
	(4 FTE)	(4 FTE)	(4 FTE)	(4 FTE)
DNR	140,000	0	140,000	0
	(4 FTE)		(4 FTE)	
Expend. Subtot.	\$ 498,400	\$ 423,100	\$ 503,400	\$ 423,100
NET EFFECT	\$ (322,400)	\$ 0	\$ (317,400)	\$ 0

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	-----FY1988-----		-----FY1989-----	
	HF631	AS AMENDED	HF631	AS AMENDED
	-----	-----	-----	-----
<u>PART FOUR - SOLID WASTE MANAGEMENT</u>				
REVENUE				
Solid Waste Acct.	\$ 259,560	\$ 424,600	\$ 3,287,760	\$ 1,722,400
Oil Overchg Acct.	0	860,000	0	860,000
Revenue Subtot.	\$ 259,560	\$ 1,284,600	\$ 3,287,760	\$ 2,582,400
EXPENDITURES				
DNR	\$ 527,000 (10 FTE)	\$ 1,287,000 (10 FTE)	\$ 3,122,600 (10 FTE)	\$ 2,152,200 (10 FTE)
NET EFFECT	\$ (267,440)	\$ (2,400)	\$ 165,160	\$ 430 00
<u>PART FIVE - HOUSEHOLD HAZARDOUS WASTE</u>				
REVENUE				
Hhld. Waste Acct.	\$ 1,000,000	\$ 998,000	\$ 1,000,000	\$ 998,000
EXPENDITURES				
DRF	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
DNR	710,000 (3 FTE)	710,000 (3 FTE)	710,000 (3 FTE)	710,000 (3 FTE)
DOT	8,000	8,000	NA	NA
Expenditure Sub	\$ 793,000	\$ 793,000	\$ 785,000	\$ 785,000
NET EFFECT	\$ 207,000	\$ 205,000	\$ 215,000	\$ 213,000
<u>PART SIX - STORAGE TANK MANAGEMENT</u>				
REVENUE				
Tank Mgmt. Acct.	\$ 661,000	\$ 435,000	\$ 525,000	\$ 299,000
EXPENDITURES				
DNR	\$ 640,000 (12 FTE)	\$ 704,000 (12 FTE)	\$ 529,000 (12 FTE)	\$ 593,000 (12 FTE)
Dept. of Commerce	25,000	25,000	--	--
Expenditure Sub	\$ 665,000	\$ 729,000	\$ 529,000	\$ 593,000
NET EFFECT	\$ (4,000)	\$ (294,000)	\$ (4,000)	\$ (294,000)
TOTAL REVENUE	\$ 6,903,517	\$10,043,947	\$10,017,717	\$11,448,867
TOTAL EXPENDITURE FTE	\$ 9,496,970 (73 FTE)	\$11,871,160 (68 FTE)	\$12,633,034 (73 FTE)	\$13,057,894 (68 FTE)
TOTAL NET EFFECT	\$(2,593,453)	\$(1,827,213)	\$(2,615,317)	\$(1,609,027)

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FISCAL EFFECT:

PART ONE -- GENERAL PROVISIONS

The changes in the fiscal effect of Part One include:

1. the allocation of Oil Overcharge Account funds to DNR to carry out the General Provisions section of House File 631;
2. the allocation of Oil Overcharge Account funds to DNR for an assessment of private, rural water supply systems;
3. revised appropriations from the Agriculture Management Account for well testing grants (\$580,000) and for well closing grants (\$980,000). The amounts reflected below are pro rated amounts because the total appropriations out of the Agriculture Management Account exceed the estimated receipts;
4. a change in the funding source for the Iowa State Water Resources Research Institute;
5. an appropriation for FY88 from the Agriculture Management Account for the Center for Health Effects of Environmental Contamination of \$79,000 for the development of a plan for the Center. In subsequent years, up to \$240,000 of the Agriculture Management Account may be spent for the Center. It is assumed that the full amount will be so allocated; and
6. appropriations from the Oil Overcharge Account for the Agricultural Energy Management Council, the Big Springs Project, and for assessments of groundwater contamination from chemical and grain storage facilities and from urban use of chemicals and fertilizer.

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
DNR RECEIPTS - GEN. PROVISIONS				
Oil Overcharge Account \$	0	\$ 860,000	\$ 0	\$ 860,000
DNR EXPEND.- GEN. PROVISIONS				
Salaries	\$ 419,920	\$ 419,920	\$ 419,920	\$ 419,920
Support	200,000	200,000	200,000	200,000
Capital Outlay	200,000	200,000	200,000	200,000
Contracts	1,300,000	1,300,000	2,100,000	2,100,000
TOTAL EXPENDITURES	\$2,119,920	\$2,119,920	\$2,919,920	\$2,919,920
FTE	14	14	14	14
NET EFFECT	\$(2,119,920)	\$(1,259,920)	\$(2,919,920)	\$(2,059,920)

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DNR RECEIPTS - WELLS PROGRAM

Oil Overcharge Acct. (prvt/rural well assessment)	\$ 0	\$ 560,000	\$ 0	\$ 560,000
Ag. Management Acct. (well test. grants)	\$1,140,000	\$ 515,803	\$1,210,000	\$ 455,803
(well closing grant)	920,000	877,527	980,000	776,097
(program admin.)	44,000	0	46,000	0
	-----	-----	-----	-----
TOTAL RECEIPTS	\$2,104,000	\$1,953,330	\$2,236,000	\$1,791,900

DNR EXPENDITURES - WELLS PROGRAM

Prvt/Rural Well Asses.	\$ 0	\$ 560,000	\$ 0	\$ 560,000
Grants to counties for well testing	1,140,000	\$ 515,803	\$1,210,000	\$ 455,803
for well closing	920,000	877,527	980,000	776,097
Program admin.	50,000	50,000	50,000	50,000
	-----	-----	-----	-----
TOTAL EXPENDITURES	\$2,110,000	\$2,003,330	\$2,240,000	\$1,841,900
FTE	2	2	2	2

NET EFFECT	\$ (6,000)	\$ (50,000)	\$ (4,000)	\$ (50,000)
	=====	=====	=====	=====

ISWRRI RECEIPTS

Solid Waste Account	\$ 173,040	\$ 0	\$ 173,040	\$ 0
Oil Overcharge Acct.	0	170,000	0	170,000
	-----	-----	-----	-----
TOTAL RECEIPTS	\$ 173,040	\$ 170,000	\$ 173,040	\$ 170,000

ISWRRI EXPENDITURES

Research & Educ.	\$ 173,040	\$ 170,000	\$ 173,040	\$ 170,000
------------------	------------	------------	------------	------------

CENTER FOR HEALTH EFFECTS RECEIPTS

Ag. Management Acct.	\$ 0	\$ 79,000	\$ 0	\$ 240,000
----------------------	------	-----------	------	------------

CENTER EXPENDITURES	\$ 0	\$ 79,000	\$ 0	\$ 240,000
---------------------	------	-----------	------	------------

AG. ENERGY MGMT. COUNCIL RECEIPTS

Oil Overcharge Acct.	\$ 0	\$1,200,000	\$ 0	\$1,200,000
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AG. ENERGY MGMT COUNCIL EXPENDITURES

Educ. & applied study	\$ 0	\$1,200,000	\$ 0	\$1,200,000
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DNR RECEIPTS - BIG SPRINGS PROJECT

Oil Overcharge Acct. \$ 0 \$ 700,000 \$ 0 \$ 700,000

DNR EXPENDITURES - BIG SPRINGS PROJECT

Demonstration project \$ 0 \$ 700,000 \$ 0 \$ 700,000

DAIS RECEIPTS - GROUNDWATER CONTAMINATION ASSESSMENTS

Oil Overcharge

(Chemical & grain storage facilities) \$ 0 \$ 240,000 \$ 0 \$ 240,000

(Urban chemical & fertilizer use) 0 40,000 0 40,000

TOTAL RECEIPTS \$ 0 \$ 280,000 \$ 0 \$ 280,000

DAIS EXPEND. - GROUNDWATER CONTAMINATION ASSESSMENTS

Chemical & grain fac. assessment \$ 0 \$ 240,000 \$ 0 \$ 240,000

Urban chemical & fert. assessment 0 40,000 0 40,000

TOTAL EXPENDITURES \$ 0 \$ 280,000 \$ 0 \$ 280,000

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PART TWO -- PESTICIDES AND FERTILIZER

The changes to the fiscal effect of Part Two include:

1. a total appropriation of \$11,000 from three of the accounts in the Groundwater Protection Fund for the Department of Public Health;
2. a decline in receipts to the Pesticide Trust Fund due to changes in the public applicator certification fee and the pesticide dealer license fee;
3. the change in the Department of Agriculture and Land Stewardship's expenditure estimate. Two FTE are eliminated because of the change in commercial and public applicator certification from a one or two year certification to a one or three year certification. One FTE is added to audit and enforce the fertilizer tonnage fee based upon nitrogen concentration; and
4. the Leopold Center is renamed the Agriculture Resources Management Research Center and its funding source is changed. The amount of the funds to the Center are reduced by \$590,000.

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
DPH RECEIPTS				
Solid Waste Acct.	\$ 0	\$ 8,000	\$ 0	\$ 8,000
Hhld Waste Acct.	0	2,000	0	2,000
Storage Tank Acct.	0	1,000	0	1,000
TOTAL RECEIPTS	\$ 0	\$ 11,000	\$ 0	\$ 11,000
DPH EXPENDITURES				
Salaries	\$ 51,531	\$ 51,531	\$ 54,108	\$ 51,531
Support	14,500	14,500	15,225	15,225
TOTAL EXPENDITURES	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
FTE	2	2	2	2
NET EFFECT	\$ (66,031)	\$ (55,031)	\$ (69,333)	\$ (58,333)

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DAIS RECEIPTS

Pesticide Trust Fund	\$ 802,667	\$ 432,667	\$ 802,667	\$ 676,217
Fertilizer Trust Fund	417,250	417,250	417,250	417,250
	-----	-----	-----	-----
TOTAL RECEIPTS	\$1,219,917	\$ 849,917	\$1,219,917	\$1,093,467

DAIS EXPENDITURES

Salaries	\$ 313,729	\$ 299,929	\$ 464,491	\$ 447,191
Support	742,750	742,750	386,250	386,250
Capital Outlay	103,100	103,100	0	0
Ag. Initiative-Educ	50,000	50,000	50,000	50,000
Pest. Container Study	25,000	25,000	0	0
	-----	-----	-----	-----
TOTAL EXPENDITURES	\$1,234,579	\$1,220,779	\$ 900,741	\$ 883,441
FTE	22	21	22	21

NET EFFECT	\$ (14,662)	\$ (370,862)	\$ 319,176	\$ 210,026
	=====	=====	=====	=====

AG. RESOURCE MGMT RESEARCH CENTER

Ag. Management Acct.	\$1,310,000	\$ 0	\$1,390,000	\$ 0
Oil Overcharge Acct.	0	800,000	0	800,000
	-----	-----	-----	-----
TOTAL RECEIPTS	\$1,310,000	\$ 800,000	\$1,390,000	\$ 800,000

AG RESEARCH CENTER EXP.	\$1,310,000	\$ 800,000	\$1,390,000	\$ 800,000
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PART THREE -- WELLS, SINKHOLES, WATERSHEDS, WETLANDS, AND ANIMAL WASTE MANAGEMENT

The changes in the fiscal effect of Part Three include:

1. the elimination of the Consortium on Agriculture and Groundwater Quality;
2. an allocation from the Oil Overcharge Account for BMP education in agricultural drainage wells, abandoned wells and sinkholes;
3. an appropriation of 18% of the Agriculture Management Account to the Department of Agriculture and Land Stewardship for financial incentives and administration relative to agriculture drainage wells, abandoned wells and sinkholes; and
4. the elimination of the well permitting and licensing responsibilities of the DNR.

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
CONSORTIUM RECEIPTS				
Ag. Management Acct.	\$ 88,000	\$ 0	\$ 93,000	\$ 0
CONSORTIUM EXPENDITURES				
Demonstration projects	\$ 88,000	\$ 0	\$ 93,000	\$ 0
DALS RECEIPTS - ADW, ABANDONED WELLS & SINKHOLES				
Oil Overcharge Acct.	\$ 0	\$ 100,000	\$ 0	\$ 100,000
(for ag. drain. wells abandoned wells & sinkhole BMP educ.)				
Ag. Management Acct.				
(for ag. drainage well plan)				
	\$ 88,000	\$ 0	\$ 93,000	\$ 0
(for admin & financial incentives for ag. drainage wells & sinkholes)				
	0	323,100	0	323,100
DALS TOTAL RECPTS	\$ 88,000	\$ 423,100	\$ 93,000	\$ 423,100
DALS EXPENDITURES - ADW, ABANDONED WELLS & SINKHOLES				
Salaries	\$ 140,400	\$ 140,400	\$ 140,400	\$ 140,400
Support	130,000	130,000	130,000	130,000
Demo. Project	0	100,000	0	100,000
Financial Incentives	0	52,700	0	52,700
DALS TOTAL EXPEND.	\$ 270,400	\$ 423,100	\$ 270,400	\$ 423,100
FTE	4	4	4	4
DALS NET EFFECT	\$ (182,400)	\$ 0	\$ (177,400)	\$ 0

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DNR EXPENDITURES - WELL PERMITS & LICENSING				
Salaries	\$ 120,000	\$ 0	\$ 120,000	\$ 0
Support	20,000	0	20,000	0
	-----	-----	-----	-----
DNR TOTAL EXPEND.	\$ 140,000	\$ 0	\$ 140,000	\$ 0
FTE	4		4	
	-----	-----	-----	-----
DNR NET EFFECT	\$ (140,000)	\$ 0	\$ (140,000)	\$ 0
	=====	=====	=====	=====

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PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

The changes to the fiscal effect of Part Four include:

1. an increase from \$.40 per ton to \$.50 per ton in the portion of the solid waste tonnage fee that is allocated for the administration of the solid waste programs and for cleanup;
2. the elimination of the Solid Waste Account appropriation for demonstration projects. Instead, funds are appropriated for that purpose from the Oil Overcharge Account;
3. an appropriation from the Oil Overcharge Account for groundwater monitoring at disposal sites; and
4. an appropriation of \$8,000 from the Solid Waste Account to the Department of Public Health (see Part Two).

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
DNR RECEIPTS				
Solid Waste Mgmt Acct. (for program admin. & cleanup)	\$ 259,560	\$ 424,600	\$ 692,160	\$ 857,200
(for demo. project)	0	0	1,730,400	0
(for local agencies)	0	0	865,200	865,200
Oil Overcharge Acct. (for groundwater monitoring)	0	100,000	0	100,000
(for landfill alter. demonstrations)	0	760,000	0	760,000
	<u>\$ 259,560</u>	<u>\$1,284,600</u>	<u>\$3,287,760</u>	<u>\$2,582,400</u>
DNR EXPENDITURES				
Salaries	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000
Support	55,000	55,000	55,000	55,000
Contracts	82,000	82,000	82,000	82,000
Demonstration proj.	0	760,000	1,730,400	760,000
Local agency plans	0	0	865,200	865,200
	<u>\$ 527,000</u>	<u>\$1,287,000</u>	<u>\$3,122,600</u>	<u>\$2,152,200</u>
TOTAL EXPENDITURES				
FTE	10	10	10	10
 NET EFFECT	 \$ (267,440)	 \$ (2,400)	 \$ 165,160	 \$ 430,200

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PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

The changes to the fiscal effect for Part Five reflect the appropriations from the Household Hazardous Waste Account of \$2,000 to the Department of Public Health (see Part Two) and \$8,000 for FY88 to the Department of Transportation for the use oil collection pilot project.

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
RECEIPTS				
Household Haz. Acct.	\$1,000,000	\$ 990,000	\$1,000,000	\$ 998,000
DRF EXPENDITURES				
License Administration	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
DNR EXPENDITURES				
Salaries	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000
Support	60,000	60,000	60,000	60,000
Contracts	480,000	480,000	480,000	480,000
Waste Recycling	80,000	80,000	80,000	80,000
TOTAL EXPENDITURES	\$ 710,000	\$ 710,000	\$ 710,000	\$ 710,000
FTE	3	3	3	3
NET EFFECT	\$ 215,000	\$ 205,000	\$ 215,000	\$ 213,000
DOT RECEIPTS				
Household Haz. Acct.	\$ 0	\$ 8,000	\$ 0	\$ 0
DOT EXPENDITURES				
Used Oil Pilot Proj.	\$ 8,000	\$ 8,000	\$ 0	\$ 0
NET EFFECT	\$ (8,000)	\$ 0	\$ 0	\$ 0

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PART SIX -- STORAGE TANK MANAGEMENT

The changes to the fiscal effect of Part Six reflect a \$1,000 appropriation to the Department of Public Health (see Part Two) and a restriction on the amount allocated from the Storage Tank Management Account for administration of the storage tank program. The maximum amount that may be used for administration is reduced from \$500,000 to \$210,000.

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
DNR RECEIPTS				
Storage Tank Acct. (for storage tank program admin.)	\$ 500,000	\$ 210,000	\$ 500,000	\$ 210,000
(for remedial cleanup)	136,000	200,000	25,000	89,000
TOTAL RECEIPTS	\$ 636,000	\$ 410,000	\$ 525,000	\$ 299,000
DNR EXPENDITURES				
Salaries	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000
Support	60,000	60,000	60,000	60,000
Contracts	84,000	84,000	84,000	84,000
Remedial Cleanup	136,000	200,000	25,000	89,000
TOTAL EXPENDITURES	\$ 640,000	\$ 704,000	\$ 529,000	\$ 593,000
FTE	12	12	12	12
NET EFFECT	\$ (4,000)	\$ (294,000)	\$ (4,000)	\$ (294,000)

SOURCES:

- Department of Natural Resources
- Department of Agriculture and Land Stewardship
- Department of Public Health
- Department of Commerce
- Department of Transportation

(LSB 2926H.8, RLB)

Dennis C. Proxby
 Fiscal Director
 Legislative Fiscal Bureau
 Date: 4/24/87

San Environment 4/6/87
Amend (3698) & Do Pass 4/20/87 (p. 1407)
Referred Joint Ag & Natural Resources 4/20/87
Amend (3770-3771) & Do Pass 4/23 (p. 1486)
Way & Means Do Pass 4/24 (p. 1514)
Appropriations 4/24 Do Pass (p. 1527)

HOUSE FILE 631
BY COMMITTEE ON WAYS AND MEANS

(As Amended and Passed by the House April 2, 1987)

Passed House, Date _____ Passed Senate, Date 4/20/87 (p. 1528)
Vote: Ayes _____ Nays _____ Vote: Ayes 40 Nays 5
Approved June 9, 1987
House 5/8/87 (p. 2196) Senate 5/9/87 (p. 1845)
85-10 A BILL FOR 34-11

1 An Act relating to public health and safety by establishing
2 measures to improve and protect groundwater quality and to
3 manage substances which pose health and safety hazards, by
4 establishing goals, policies, funding mechanisms, including
5 taxes and fees, and administrative provisions for the
6 measures, by establishing programs relating to the management
7 of agricultural activities, solid waste disposal, household
8 hazardous wastes, storage tanks, fertilizers, pesticides,
9 landfills, and watersheds, by providing penalties,
10 establishing effective dates, and by providing for other
11 properly related matters.

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

House Amendments _____
Deleted Language *

Conference Committee Appointed 4/28/87

18 Senators Delaney (Chair), Prueh, Murphy, Sedow, Rife (p. 1578)
19 Representatives Rosenberg (Chair), Johnson, Mullins, Berlin, Schmittz (p. 1746)
20 Passed

1 PART ONE -- GENERAL PROVISIONS

2 Chapter 455E

3 GROUNDWATER PROTECTION

4 Sec. 101. NEW SECTION. 455E.1 TITLE. This chapter shall
5 be known and may be cited as the "Groundwater Protection Act".

6 Sec. 102. NEW SECTION. 455E.2 DEFINITIONS.

7 As used in this chapter, unless the context otherwise
8 requires:

9 1. "Groundwater" means any water of the state, as defined
10 in section 455B.171, which occurs beneath the surface of the
11 earth in a saturated geological formation of rock or soil.

12 2. "Department" means the department of natural resources
13 created under section 455A.2.

14 3. "Director" means the director of the department.

15 4. "Commission" means the environmental protection
16 commission created under section 455A.6.

17 5. "Contamination" means the direct or indirect
18 introduction into groundwater of any contaminant caused in
19 whole or in part by human activities.

20 6. "Contaminant" means any chemical, ion, radionuclide,
21 synthetic organic compound, microorganism, waste, or other
22 substance which does not occur naturally in groundwater or
23 which naturally occurs at a lower concentration.

24 7. "Active cleanup" means removal, treatment, or isolation
25 of a contaminant from groundwater through the directed efforts
26 of humans.

27 8. "Passive cleanup" means the removal or treatment of a
28 contaminant in groundwater through management practices or the
29 construction of facilities for prevention of contamination, as
30 well as the use of natural processes such as groundwater
31 recharge, natural decay, and chemical or biological
32 decomposition.

33 Sec. 103. NEW SECTION. 455E.3 FINDINGS.

34 The general assembly finds that:

35 1. Groundwater is a precious and vulnerable natural

1 resource. The vast majority of persons in the state depend on
2 groundwater as a drinking water source. Agriculture,
3 commerce, and industry also depend heavily on groundwater.
4 Historically, the majority of Iowa's groundwater has been
5 useable for these purposes without treatment. Protection of
6 groundwater is essential to the health, welfare, and economic
7 prosperity of all citizens of the state.

8 2. Many activities of humans, including the manufacturing,
9 storing, handling, and application to land of pesticides and
10 fertilizers; the disposal of solid and hazardous wastes; the
11 storing and handling of hazardous substances; and the improper
12 construction and the abandonment of wells and septic systems
13 have resulted in groundwater contamination throughout the
14 state.

15 3. Knowledge of the health effects of contaminants varies
16 greatly. The long-term detriment to human health from
17 synthetic organic compounds in particular is largely unknown
18 but is of concern.

19 4. Any detectable quantity of a synthetic organic compound
20 in groundwater is unnatural and undesirable.

21 5. The movement of groundwater, and the movement of
22 contaminants in groundwater, is often difficult to ascertain
23 or control. Decontamination is difficult and expensive to
24 accomplish. Therefore, preventing contamination of
25 groundwater is of paramount importance.

26 Sec. 104. NEW SECTION. 455E.4 GROUNDWATER PROTECTION
27 GOAL.

28 The goal of the state is to prevent contamination of
29 groundwater from point and nonpoint sources of contamination
30 to the maximum extent practical, and if necessary to restore
31 the groundwater to a potable state, regardless of present
32 condition, use, or characteristics.

33 Sec. 105. NEW SECTION. 455E.5 GROUNDWATER PROTECTION
34 POLICIES.

35 1. It is the policy of the state to prevent further

1 contamination of groundwater from any source to the maximum
2 extent practical.

3 2. The discovery of any groundwater contamination shall
4 require appropriate actions to prevent further contamination.
5 These actions may consist of investigation and evaluation or
6 enforcement actions if necessary to stop further contamination
7 as required under chapter 455B.

8 3. All persons in the state have the right to have their
9 lawful use of groundwater unimpaired by the activities of any
10 person which render the water unsafe or unpotable.

11 4. All persons in the state have the duty to conduct their
12 activities so as to prevent the release of contaminants into
13 groundwater.

14 5. Documentation of any contaminant which presents a
15 significant risk to human health, the environment, or the
16 quality of life shall result in either passive or active
17 cleanup. In both cases, the best technology available or best
18 management practices shall be utilized. The department may
19 specify which cleanup actions shall be taken as well as the
20 level of cleanup required to meet the goals of the state, and
21 the method for determining the party responsible.

22 Liability shall not be imposed upon an agricultural
23 producer for the costs of active cleanup, or for any damages
24 associated with or resulting from the detection in the
25 groundwater of any quantity of nitrates provided that
26 application has been in compliance with soil test results and
27 that the applicator has properly complied with label
28 instructions for application of the fertilizer. Compliance
29 with the above provisions may be raised as an affirmative
30 defense by an agricultural producer.

31 Liability shall not be imposed upon an agricultural
32 producer for costs of active cleanup, or for any damages
33 associated with or resulting from the detection in the
34 groundwater of pesticide provided that the applicator has
35 properly complied with label instructions for application of

1 the pesticide and that the applicator has a valid appropriate
2 applicator's license. Compliance with the above provisions
3 may be raised as an affirmative defense by an agricultural
4 producer.

5 6. Adopting health-related groundwater standards may be of
6 benefit in the overall groundwater protection or other
7 regulatory efforts of the state. However, the existence of
8 such standards, or lack of them, shall not be construed or
9 utilized in derogation of the groundwater nondegradation goal
10 and protection policies of the state.

11 7. The department shall take actions necessary to promote
12 and assure public confidence and public awareness. In
13 pursuing this goal, the department shall make public the
14 results of groundwater investigations.

15 8. Education of the people of the state is necessary to
16 preserve and restore groundwater quality. The content of this
17 groundwater protection education must assign obligations, call
18 for sacrifice, and change some current values. Educational
19 efforts should strive to establish a conservation ethic among
20 Iowans and should encourage each Iowan to go beyond
21 enlightened self-interest in the protection of groundwater
22 quality.

23 Sec. 106. NEW SECTION. 455E.6 LEGAL EFFECTS. This
24 chapter supplements other legal authority and shall not
25 enlarge, restrict, or abrogate any remedy which any person or
26 class of persons may have under other statutory or common law
27 and which serves the purpose of groundwater protection. An
28 activity that does not violate chapter 455B does not violate
29 this chapter. In the event of a conflict between this section
30 and another provision of this chapter, it is the intent of the
31 general assembly that this section prevails.

32 Sec. 107. NEW SECTION. 455E.7 PRIMARY ADMINISTRATIVE
33 AGENCY.

34 The department is designated as the agency to coordinate
35 and administer groundwater protection programs for the state.

1 Sec. 108. NEW SECTION. 455E.8 POWERS AND DUTIES OF THE
2 DIRECTOR.

3 In addition to other groundwater protection duties, the
4 director, in cooperation with soil district commissioners and
5 with other state and local agencies, shall:

6 1. Develop and administer a comprehensive groundwater
7 monitoring network, including point of use, point of
8 contamination, and problem assessment monitoring sites across
9 the state, and the assessment of ambient groundwater quality.

10 2. Include in the annual report required by section
11 455A.4, the number and concentration of contaminants detected
12 in groundwater. This information shall also be provided to
13 the director of public health and the secretary of
14 agriculture.

15 3. Report any data concerning the contamination of
16 groundwater by a contaminant not regulated under the federal
17 Safe Drinking Water Act, 42 U.S.C. § 300(f) et seq. to the
18 United States environmental protection agency along with a
19 request to establish a maximum contaminant level and to
20 conduct a risk assessment for the contaminant.

21 4. Complete groundwater hazard mapping of the state and
22 make the results available to state and local planning
23 organizations by July 1, 1991.

24 5. Establish a system or systems within the department for
25 collecting, evaluating, and disseminating groundwater quality
26 data and information.

27 6. Develop and maintain a natural resource geographic
28 information system and comprehensive water resource data
29 system. The system shall be accessible to the public.

30 7. Develop and adopt by administrative rule, criteria for
31 evaluating groundwater protection programs by July 1, 1988.

32 8. Take any action authorized by law, including the
33 investigatory and enforcement actions authorized by chapter
34 455B, to implement the provisions of this chapter and the
35 rules adopted pursuant to this chapter.

1 9. Disseminate data and information, relative to this
2 chapter, to the public to the greatest extent practical.

3 10. Develop a program, in consultation with the department
4 of education and the department of environmental education of
5 the University of Northern Iowa, regarding water quality
6 issues which shall be included in the minimum program required
7 in grades seven and eight pursuant to section 256.11,
8 subsection 4.

9 Sec. 109. NEW SECTION. 455E.9 POWERS AND DUTIES OF THE
10 COMMISSION.

11 1. The commission shall adopt rules to implement this
12 chapter.

13 2. The commission may adopt groundwater standards if
14 deemed necessary by the director or if required for
15 participation in federal groundwater protection programs.

16 Sec. 110. NEW SECTION. 455E.10 JOINT DUTIES -- LOCAL
17 AUTHORITY.

18 1. All state agencies shall consider groundwater
19 protection policies in the administration of their programs.
20 Local agencies shall consider groundwater protection policies
21 in their programs. All agencies shall cooperate with the
22 department in disseminating public information and education
23 materials concerning the use and protection of groundwater, in
24 collecting groundwater management data, and in conducting
25 research on technologies to prevent or remedy contamination of
26 groundwater.

27 2. Political subdivisions and their agencies are
28 authorized and encouraged to jointly and concurrently
29 implement groundwater protection policies within their
30 respective jurisdictions, provided that implementation is at
31 least as stringent as provided in the rules of the department.

32 Sec. 111. NEW SECTION. 455E.11 GROUNDWATER PROTECTION
33 FUND ESTABLISHED.

34 1. A groundwater protection fund is created in the state
35 treasury. Moneys received from sources designated for

1 purposes related to groundwater monitoring and groundwater
2 quality standards shall be deposited in the fund.

3 Notwithstanding section 8.33, any unexpended balances in the
4 groundwater protection fund and in any of the accounts within
5 the groundwater protection fund at the end of each fiscal year
6 shall be retained in the fund and the respective accounts
7 within the fund. The fund may be used for the purposes
8 established for each account within the fund.

9 2. The following accounts are created within the
10 groundwater protection fund:

11 a. A solid waste account. Moneys received from the
12 tonnage fee imposed under section 455B.310 and from other
13 sources designated for environmental protection purposes in
14 relation to sanitary disposal projects shall be deposited in
15 the solid waste account.

16 The department shall use the funds in the account for the
17 following purposes:

18 (1) The first fifty cents per ton of funds received from
19 the tonnage fee imposed under section 455B.310 shall be used
20 to administer the solid waste program elements related to
21 groundwater protection with the particular elements including:

22 (a) The administration of a groundwater monitoring program
23 and other required programs which are related to solid waste
24 management.

25 (b) The development of guidelines for groundwater
26 monitoring at sanitary disposal projects as defined in section
27 455B.301, subsection 3.

28 (c) Abatement and cleanup of threats to the public health,
29 safety, and the environment resulting from a sanitary landfill
30 if an owner or operator of the landfill is unable to
31 facilitate the abatement or cleanup. However, not more than
32 ten percent of the total funds allocated under this
33 subparagraph may be used for this purpose without legislative
34 authorization.

35 (d) A total of ten cents per ton of the amount allocated

1 under this subparagraph is appropriated to the Iowa state
2 water resources research institute in order to provide
3 competitive grants to colleges, universities, and private
4 institutions within the state for the development of research
5 and education programs regarding alternative disposal methods
6 and groundwater protection.

7 (2) An additional one dollar per ton from the fees imposed
8 under section 455B.310 and deposited in the solid waste
9 management account shall be used by the department to develop
10 and implement demonstration projects for landfill alternatives
11 to solid waste disposal including recycling programs.

12 (3) The remaining fifty cents per ton collected from the
13 fee imposed under section 455B.310 may be retained by the
14 agency making the payments to the state provided that a
15 separate account is established for these funds and that they
16 are used in accordance with the requirements of section
17 455B.306.

18 (4) The additional fifty cents per ton fee imposed under
19 section 455B.310 for the year 1989, and the years following,
20 shall be allocated among the purposes provided in this
21 account, as follows:

22 (a) An additional thirty-five cents per ton per year shall
23 be allocated to demonstration projects for landfill
24 alternatives.

25 (b) An additional fifteen cents per ton per year shall be
26 allocated to local agencies for use as provided by law.

27 (5) Cities, counties, and private agencies subject to fees
28 imposed under section 455B.310 may use the funds collected in
29 accordance with the provisions of this section and the
30 conditions of this subsection: The funds used from the
31 account may only be used for one of the following purposes:

32 (a) Development of a specific plan for an alternative
33 means of disposal which may include a facility plan or
34 detailed plans and specifications.

35 (b) Development of a closure or postclosure plan.

1 (c) Development of a plan for the control and treatment of
2 leachate which may include a facility plan or detailed plans
3 and specifications.

4 (d) Preparation of a financial plan, but these funds may
5 not be used to actually contribute to any fund created to
6 satisfy financial requirements, or to contribute to the
7 purchase of any instrument to meet this need.

8 On January 1 of the year following the first year in which
9 the funds from the account are used, and annually thereafter,
10 the agency shall report to the department as to the amount of
11 the funds used, the exact nature of the use of the funds, and
12 the projects completed. The report shall include an audit
13 report which states that the funds were, in fact, used
14 entirely for purposes authorized under this subsection.

15 b. AN AGRICULTURE MANAGEMENT ACCOUNT. Moneys collected
16 from the groundwater protection fee levied pursuant to section
17 200.8, subsection 4, the pesticide dealer license fee levied
18 pursuant to section 206.8, subsection 2, the registration fee
19 levied pursuant to section 206.12, subsection 3, and other
20 moneys designated for the purpose of agriculture management
21 shall be deposited in the agriculture management account.

22 The agriculture management account shall be used for the
23 following purposes:

24 (1) One million five hundred thousand dollars is
25 appropriated annually for the Leopold center for sustainable
26 agriculture at Iowa State University.

27 (2) Two million four hundred thousand dollars is
28 appropriated annually to the department of natural resources
29 to provide grants to counties for the testing of private,
30 rural water supply wells and proper closing of private, rural,
31 abandoned wells. The department of natural resources may use
32 a sum not to exceed fifty thousand dollars annually for the
33 purpose of administering grants to counties and conducting
34 oversight of county-based programs. A sum not to exceed one
35 million three hundred thousand dollars shall be used annually

1 for grants to counties for the purpose of conducting programs
2 of private, rural water supply well testing. A sum not to
3 exceed one million fifty thousand dollars shall be used
4 annually for grants to counties for the purpose of conducting
5 programs for properly closing abandoned, rural water supply
6 wells.

7 The department may allocate a sum not to exceed ten percent
8 of the moneys under this subparagraph to the University of
9 Iowa college of preventative medicine for the purpose of
10 conducting human health and cancer studies relative to
11 potential exposure of the state's rural population to
12 contaminated private, rural water supply wells.

13 (3) One hundred thousand dollars is appropriated annually
14 to the Iowa consortium on agriculture and groundwater quality
15 for the demonstration project regarding agricultural drainage
16 wells.

17 (4) Any moneys not expended for the purposes of
18 subparagraphs (1), (2), and (3) are appropriated to the
19 department of agriculture and land stewardship for the
20 purposes of financial incentive programs and the carrying out
21 of agriculture groundwater programs.

22 c. A household hazardous waste account. The moneys
23 collected pursuant to section 455F.7 shall be deposited in the
24 household hazardous waste account. The account shall be used
25 to fund Toxic Cleanup Days programs, education programs, and
26 other activities pursuant to chapter 455F.

27 d. A storage tank management account. All fees collected
28 pursuant to section 455B.473, subsection 4, and section
29 455B.479, shall be deposited in the storage tank management
30 account. Funds shall be expended for the following purposes:

31 (1) Five hundred thousand dollars of the moneys deposited
32 in the account annually are appropriated to the department of
33 natural resources for the administration of a state storage
34 tank program pursuant to chapter 455B, division IV, part 8,
35 and for programs which reduce the potential for harm to the

1 environment and the public health from storage tanks.

2 (2) For the fiscal year beginning July 1, 1987, and ending
3 June 30, 1988, twenty-five thousand dollars is appropriated
4 from the account to the division of insurance for payment of
5 costs incurred in the establishment of the plan of operations
6 program regarding the financial responsibility of owners and
7 operators of underground storage tanks which store petroleum.

8 (3) The remaining funds in the account are appropriated
9 annually to the department of natural resources for the
*10 funding of state remedial cleanup efforts.

11 Sec. 112. Section 455B.172, subsection 2, Code 1987, is
12 amended by striking the subsection and inserting in lieu
13 thereof the following:

14 2. The department shall carry out the responsibilities of
15 the state related to private water supplies and private sewage
16 disposal systems for the protection of the environment and the
17 public health and safety of the citizens of the state.

18 Sec. 113. Section 455B.172, Code 1987, is amended by
19 adding the following new subsections after subsection 2 and
20 renumbering the subsequent subsections:

21 NEW SUBSECTION. 3. Each county board of health shall
22 adopt standards for private water supplies and private sewage
23 disposal facilities. These standards may be more stringent
24 but shall not be less stringent than the standards adopted by
25 the commission. If a county board of health has not adopted
26 standards for private water supplies and private sewage
27 disposal facilities, the standards adopted by the commission
28 shall be applied and enforced within the county by the county
29 board of health.

30 NEW SUBSECTION. 4. Each county board of health shall
31 regulate the private water supply and private sewage disposal
32 facilities located within the county board's jurisdiction, in-
33 cluding the enforcement of standards adopted pursuant to this
34 section.

35 NEW SUBSECTION. 5. The department shall maintain juris-

1 diction over and regulate the direct discharge to a water of
2 the state. The department shall retain concurrent authority
3 to enforce state standards for private water supply and
4 private sewage disposal facilities within a county, and
5 exercise departmental authority if the county board of health
6 fails to fulfill board responsibilities pursuant to this
7 section.

8 The commission shall make grants to counties for the
9 purpose of conducting programs for the testing of private,
10 rural water supply wells and for the proper closing of
11 abandoned, rural, private water supply wells within the
12 jurisdiction of the county. Grants shall be funded through
13 allocation of the agriculture management account of the
14 groundwater protection fund. Grants awarded, continued, or
15 renewed shall be subject to the following conditions:

16 a. An application for a grant shall be in a form and shall
17 contain information as prescribed by rule of the commission.

18 b. Nothing in this section shall be construed to prohibit
19 the department from making grants to one or more counties to
20 carry out the purpose of the grant on a joint, multicounty
21 basis.

22 c. A grant shall be awarded on an annual basis to cover a
23 fiscal year from July 1 to June 30 of the following calendar
24 year.

25 d. The continuation or renewal of a grant shall be con-
26 tingent upon the county's acceptable performance in carrying
* 27 out its responsibilities, as determined by the director. The
28 director, subject to approval by the commission, may deny the
29 awarding of a grant or withdraw a grant awarded if, by
30 determination of the director, the county has not carried out
31 the responsibilities for which the grant was awarded, or
32 cannot reasonably be expected to carry out the
* 33 responsibilities for which the grant would be awarded.

34 Sec. 114. Section 455B.173, Code 1987, is amended by
35 adding the following new subsection:

1 NEW SUBSECTION. 10. Adopt, modify, or repeal rules re-
2 lating to the awarding of grants to counties for the purpose
3 of carrying out responsibilities pursuant to section 455B.172
4 relative to private water supplies and private sewage disposal
5 facilities.

6 Sec. 115. Section 455B.311, unnumbered paragraph 1, Code
7 1987, is amended to read as follows:

8 The director, with the approval of the commission, may make
9 grants to cities, counties, or central planning agencies
10 representing cities and counties or combinations of cities,
11 counties, or central planning agencies from funds reserved
12 under and for the purposes specified in section 455B-309,
13 ~~subsection-4~~ 455E.11, subsection 2, paragraph "a", subject to
14 all of the following conditions:

* 15 Sec. 116. Section 455B.309, Code 1987, is repealed.

16 PART TWO -- PESTICIDES AND FERTILIZER

17 Sec. 201. Section 89B.4, subsection 1, Code 1987, is
18 amended to read as follows:

19 1. Except for section 89B.9, this chapter does not apply
20 to a person engaged in farming as defined in this section; or
21 a pesticide, as defined in section 206.2, subsection 1, used,
22 stored, or available for sale by a ~~commercial-applicator-as~~
23 ~~defined-in-section-206-27-subsection-127-a-certified~~
24 ~~applicator-as-defined-in-section-206-27-subsection-177-a~~
25 certified private applicator as defined in section 206.2,
26 subsection 18; ~~a-certified-commercial-applicator-as-defined~~
27 ~~in-section-206-27-subsection-197-a-pesticide-dealer-as-defined~~
28 ~~in-section-206-27-subsection-247~~ or to activities which are
29 covered under the federal Insecticide, Fungicide, and
30 Rodenticide Act, 7 U.S.C. § 135 et seq. ~~provided, however,~~
31 that However, such persons shall comply with the requirements
32 of the regulations for the federal Insecticide, Fungicide, and
33 Rodenticide Act, 40 C.F.R. § 170, and the requirements of and
34 rules adopted under chapter 206 where applicable to such the
35 persons. As used in this section, "farming" means the

1 cultivation of land for the production of agricultural crops,
2 the raising of poultry, the production of eggs, the production
3 of milk, the production of fruit or other horticultural crops,
4 grazing or the production of livestock, spraying, or
5 harvesting. The department of agriculture and land
6 stewardship shall cooperate with the division in an
7 investigation of an agricultural employee's complaint filed
8 pursuant to section 89B.9.

9 Sec. 202. Section 135.11, Code 1987, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 20. Establish, publish, and enforce rules
12 requiring prompt reporting of methemoglobinemia, pesticide
13 poisoning, and the reportable poisonings and illnesses
14 established pursuant to section 139.35.

15 NEW SUBSECTION. 21. Collect and maintain reports of
16 pesticide poisonings and other poisonings, illnesses, or
17 injuries caused by selected chemical or physical agents,
18 including methemoglobinemia and pesticide and fertilizer
19 hypersensitivity; and compile and publish, annually, a
20 statewide and county-by-county profile based on the reports.

21 Sec. 203. NEW SECTION. 139.35 REPORTABLE POISONINGS AND
22 ILLNESSES.

23 1. If the results of an examination by a public, private,
24 or hospital clinical laboratory of a specimen from a person in
25 Iowa yield evidence of or are reactive for a reportable
26 poisoning or a reportable illness from a toxic agent,
27 including methemoglobinemia, the results shall be reported to
28 the Iowa department of public health on forms prescribed by
29 the department. If the laboratory is located in Iowa, the
30 person in charge of the laboratory shall report the results.
31 If the laboratory is not in Iowa, the health care provider
32 submitting the specimen shall report the results.

33 2. A person in charge of a poison control or poison
34 information center shall report cases of reportable poisoning,
35 including methemoglobinemia, about which they receive

1 inquiries to the Iowa department of public health.

2 3. The Iowa department of public health shall adopt rules
3 designating reportable poisonings, including
4 methemoglobinemia, and illnesses which must be reported under
5 this section.

6 4. The Iowa department of public health shall establish
7 and maintain a central registry to collect and store data
8 reported pursuant to this section.

9 Sec. 204. Section 159.5, Code 1987, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 17. Establish an agricultural best
12 management practices advisory committee to develop and
13 recommend best management practices for concentrated animal
14 feeding operations. In establishing the advisory committee,
15 the secretary shall select at least one representative from
16 the environmental protection division of the department of
17 natural resources.

18 Sec. 205. Section 177.2, subsection 1, Code 1987, is
19 amended to read as follows:

20 1. To encourage the use of good agricultural practices in
21 crop production, including best management practices for
22 applying fertilizer and pesticide, and to conserve, maintain,
23 and improve soil productivity.

24 Sec. 206. Section 200.4, Code 1987, is amended to read as
25 follows:

26 200.4 LICENSES.

27 1. Any person who manufactures, mixes, blends, ~~or mixes to~~
28 customers order, offers for sale, sells, or distributes any
29 fertilizer or soil conditioner ~~offered-for-sale, sold, or~~
30 ~~distributed~~ in Iowa must first obtain a license from the
31 secretary of agriculture and shall pay a ten-dollar license
32 fee for each ~~plant or place of manufacture, or distribution~~
33 from which fertilizer or soil conditioner products are sold or
34 distributed in Iowa. Such license fee shall be paid annually
35 on July 1 of each year ~~and the manufacturer, blender or mixer~~

1 shall-at-the-same-time,-list-the-name-and-address-of-each-such
2 plant-or-place-of-manufacture,-from-which-sale-or-distribution
3 is-made.

4 This-subsection-shall-not-apply-to-a-manufacturer-who
5 manufactures-"specialty-fertilizer"-only,-as-defined-in
6 section-200.3,-subsection-5,-in-packages-of-twenty-five-pounds
7 or-less.

8 2. Said licensee shall at all times produce an intimate
9 and uniform mixture of fertilizers or soil conditioners. When
10 two or more fertilizer materials are delivered in the same
11 load, they shall be thoroughly and uniformly mixed unless they
12 are in separate compartments.

13 Sec. 207. Section 200.8, Code 1987, is amended to read as
14 follows:

15 200.8 INSPECTION FEES.

16 1. There shall be paid by the licensee to the secretary
17 for all commercial fertilizers and soil conditioners sold, or
18 distributed in this state, an inspection fee to be fixed
19 annually by the secretary of agriculture at not more than
20 twenty cents per ton--~~Except sales.~~ Sales for manufacturing
21 purposes only are hereby exempted from fees but must still be
22 reported showing manufacturer who purchased same. Payment of
23 said inspection fee by any licensee shall exempt all other
24 persons, firms or corporations from the payment thereof.

25 On individual packages of specialty fertilizer containing
26 twenty-five pounds or less, there shall be paid by the
27 manufacturer in lieu of the ~~annual-license-fee-and-the~~
28 semiannual inspection fee as set forth in this chapter, an
29 annual registration and inspection fee of twenty-five one
30 hundred dollars for each brand and grade sold or distributed
31 in the state. In the event that any person manufacturer sells
32 specialty fertilizer in packages of twenty-five pounds or less
33 and also in packages of more than twenty-five pounds, this
34 annual registration and inspection fee shall apply only to
35 that portion sold in packages of twenty-five pounds or less,

1 and that portion sold in packages of more than twenty-five
2 pounds shall be subject to the same inspection fee as fixed by
3 the secretary of agriculture as provided in this chapter.

4 Any person who offers for sale, sells, or distributes
5 specialty fertilizer in packages of twenty-five pounds or less
6 or applies specialty fertilizer for compensation shall be
7 required to pay an annual inspection fee of fifty dollars in
8 lieu of the semiannual inspection fee as set forth in this
9 chapter.

10 2. Every licensee and any person required to pay an annual
11 registration and inspection fee under this chapter in this
12 state shall:

13 a. File not later than the last day of January and July of
14 each year, on forms furnished by secretary, a semiannual
15 statement setting forth the number of net tons of commercial
16 fertilizer or soil conditioners distributed in this state by
17 grade for each county during the preceding six months' period;
18 and upon filing such statement shall pay the inspection fee at
19 the rate stated in subsection 1 of this section. However, in
20 lieu of the semiannual statement by grade for each county, as
21 hereinabove provided for, the registrant, on individual
22 packages of ~~commercial~~ specialty fertilizer containing twenty-
23 five pounds or less, shall file not later than the last day of
24 July of each year, on forms furnished by the secretary, an
25 annual statement setting forth the number of net tons of
26 ~~commercial~~ specialty fertilizer distributed in this state by
27 grade during the preceding twelve-month period, ~~but no~~
28 ~~inspection fee shall be due thereon.~~

29 b. If the tonnage report is not filed or the payment of
30 inspection fees, or both, is not made within ten days after
31 the last day of January and July of each year as required in
32 paragraph "a" of this subsection, a penalty amounting to ten
33 percent of the amount due, if any, shall be assessed against
34 the licensee. In any case, the penalty shall be no less than
35 fifty dollars. The amount of fees due, if any, and penalty

1 shall constitute a debt and become the basis of a judgment
2 against the licensee.

3 3. If there is an unencumbered balance of funds in the
4 fertilizer fund on June 30 of any fiscal year equal to or
5 exceeding three hundred fifty thousand dollars, the secretary
6 of agriculture shall reduce the per ton fee provided for in
7 subsection 1 and the annual license fee established pursuant
8 to section 201.3 for the next fiscal year in such amount as
9 will result in an ending estimated balance for the June 30 of
10 the next fiscal year of three hundred fifty thousand dollars.

11 Sec. 208. Section 200.8, Code 1987, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 4. In addition to the fees imposed under
14 subsection 1, a groundwater protection fee of forty cents per
15 ton shall also be paid by each licensee registering to sell
16 fertilizer. This fee shall be paid to the secretary of
17 agriculture for all commercial fertilizers and soil
18 conditioners sold or distributed in the state. The fees
19 collected shall be deposited in the agriculture management
20 account of the groundwater protection fund. The secretary of
21 agriculture shall adopt rules for the payment, filing, and
22 collection of groundwater protection fees from licensees in
23 conjunction with the collection of registration and inspection
24 fees.

25 Sec. 209. Section 200.9, Code 1987, is amended to read as
26 follows:

27 200.9 FERTILIZER FUND.

28 Fees collected for licenses and inspection fees under
29 sections 200.4 and 200.8, with the exception of those fees
30 collected for deposit in the agriculture management account of
31 the groundwater protection fund, shall be deposited in the
32 treasury to the credit of the fertilizer fund to be used only
33 by the department for the purpose of inspection, sampling,
34 analysis, preparation, and publishing of reports and other
35 expenses necessary for administration of this chapter. The

1 secretary may assign moneys to the Iowa agricultural
2 experiment station for research, work projects, and
3 investigations as may-be needed for the specific purpose of
4 improving the regulatory functions for enforcement of this
5 chapter.

* 6 Sec. 210. Section 206.2, subsection 12, Code 1987, is
7 amended to read as follows:

8 12. ~~The term "commercial"~~ "Commercial applicator" shall
9 mean means any person, or corporation, or employee of a person
10 or corporation who enters into a contract or an agreement for
11 the sake of monetary payment and agrees to perform a service
12 by applying any pesticide or servicing any device but shall
13 not include a farmer trading work with another, a person
14 employed by a farmer not solely as a pesticide applicator who
15 applies pesticide as an incidental part of the person's
16 general duties, or a person who applies pesticide as an
17 incidental part of a custom farming operation.

18 Sec. 211. Section 206.2, subsection 17, Code 1987, is
19 amended to read as follows:

20 17. "Certified applicator" means any individual who is
21 certified under this chapter as authorized to use ~~or supervise~~
22 ~~the use of~~ any pesticide ~~which is classified for restricted~~
23 ~~use.~~

24 Sec. 212. Section 206.2, subsection 18, Code 1987, is
25 amended to read as follows:

26 18. "Certified private applicator" means a certified
27 applicator who uses ~~or supervises the use of~~ any pesticide
28 which is classified for restricted use ~~for purposes of~~
29 ~~producing any agricultural commodity~~ on property owned or
30 rented by the applicator or the applicator's employer or, if
31 applied without compensation other than trading of personal
32 services between producers of agricultural commodities, on the
33 property of another person.

34 Sec. 213. Section 206.2, subsection 19, Code 1987, is
35 amended to read as follows:

1 19. "Certified commercial applicator" means a pesticide
2 applicator or individual who applies or uses a restricted-use
3 pesticide or device ~~for-the-purpose-of-producing-any~~
4 ~~agricultural-commodity-or~~ on any property of another for
5 compensation.

6 Sec. 214. Section 206.2, subsection 24, Code 1987, is
7 amended to read as follows:

8 24. The term "pesticide dealer" means any person who
9 distributes any restricted-use pesticides which, by
10 ~~regulation, are restricted to application only by certified~~
11 applicators.

12 Sec. 215. Section 206.5, Code 1987, is amended to read as
13 follows:

14 206.5 CERTIFICATION REQUIREMENTS.

15 No A person shall not apply any restricted-use pesticide
16 without first complying with the certification requirements of
17 this chapter and such other restrictions as determined by the
18 ~~secretary or being under the direct supervision of a certified~~
19 applicator.

20 The secretary shall adopt, by rule, requirements for the
21 examination, re-examination and certification of applicants
22 ~~and set a fee of not more than ten dollars for the~~
23 ~~certification program of commercial applicators and not more~~
24 ~~than five dollars for the certification program of private~~
25 ~~applicators. Commercial and public applicators shall choose~~
26 ~~between one-year certification for which the applicator shall~~
27 ~~pay a twenty-five dollar fee, or two-year certification for~~
28 ~~which the applicator shall pay a fifty dollar fee. The~~
29 ~~commercial or public applicator shall be tested prior to~~
30 ~~certification annually, if the applicator chooses a one-year~~
31 ~~certification or each two years if the applicator chooses two-~~
32 ~~year certification. A private applicator shall be tested~~
33 ~~prior to initial certification. The test shall include, but~~
34 ~~is not limited to the area of safe handling of agriculture~~
35 ~~chemicals and the effects of these chemicals on groundwater.~~

1 After initial certification, a private applicator shall, at
2 three-year intervals, participate in a course developed by the
3 department which meets the standards established by the
4 department, for renewal of certification. At the time of
5 initial testing and at the time of renewal of certification, a
6 private applicator shall pay a fee of five dollars.

7 ~~The secretary may adopt rules for the training of~~
8 ~~applicators in co-operation with the co-operative extension~~
9 ~~service at Iowa State University of science and technology.~~

10 The secretary shall not require applicants for
11 certification as private applicators to take and pass a
12 written test, ~~if the applicant instead shows proof that the~~
13 ~~applicant has attended an informational course of instruction~~
14 ~~approved by the secretary. The secretary shall provide for~~
15 ~~temporary certification for emergency purchases of restricted~~
16 ~~use products by requiring the purchaser to sign an affidavit,~~
17 ~~at the point of purchase, that the purchaser has read and~~
18 ~~understands the information on the label of the restricted-use~~
19 ~~product being purchased.~~

20 The secretary shall provide by rule for the purchase of a
21 restricted use product by a person not meeting certification
22 requirements as long as the person signs an affidavit which
23 states that the purchase is made for the convenience of and
24 use by a certified applicator and that the person will not
25 apply or otherwise use the restricted use product until or
26 unless the person receives proper certification.

27 A person employed by a farmer not solely as a pesticide
28 applicator who applies pesticide as an incidental part of the
29 person's general duties or a person who applies pesticide as
30 an incidental part of a custom farming operation is required
31 to meet the certification requirements of a private
32 applicator.

33 Sec. 216. Section 206.6, subsection 3, Code 1987, is
34 amended to read as follows:

35 3. EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE. The

1 secretary of agriculture shall not issue a commercial
2 applicator license until the individual engaged in or managing
3 the pesticide application business and employed by the
4 business to apply pesticides is qualified certified by passing
5 an examination to demonstrate to the secretary the
6 individual's knowledge of how to apply pesticides under the
7 classifications the individual has applied for, and the
8 individual's knowledge of the nature and effect of pesticides
9 the individual may apply under such classifications. The
10 applicant successfully completing this-examination the
11 certification requirement shall be a licensed commercial
12 applicator.

13 Sec. 217. Section 206.6, subsection 4, Code 1987, is
14 amended to read as follows:

15 4. RENEWAL OF APPLICANT'S LICENSE. The secretary of
16 agriculture shall renew any applicant's license under the
17 classifications for which such applicant is licensed, provided
18 that ~~a-program-of-training-of~~ all of the applicant's personnel
19 who apply pesticides ~~has-been-established-and-maintained-by~~
20 ~~the-licensee~~ are certified. Such-a-program-may-include
21 ~~attending-training-sessions-such-as-co-operative-extension~~
22 ~~short-courses-or-industry-trade-association-training-seminars.~~

23 Sec. 218. Section 206.6, subsection 6, paragraph b, Code
24 1987, is amended to read as follows:

25 b. Public applicators for agencies listed in this
26 subsection shall be subject to examinations certification
27 requirements as provided for in this section, ~~however,~~ the
28 ~~secretary shall issue a limited license without a fee to such~~
29 ~~public applicator who has qualified for such license.~~ The
30 public applicator license shall be valid only when such
31 applicator is acting as an applicator applying or supervising
32 ~~the-application-of~~ pesticides used by such entities.
33 Government research personnel shall be exempt from this
34 licensing requirement when applying pesticides only to
35 experimental plots. Individuals Public agencies or municipal

1 corporations licensed pursuant to this section shall be
2 licensed public applicators.

3 Sec. 219. Section 206.7, subsection 1, Code 1987, is
4 amended to read as follows:

5 1. REQUIREMENT FOR CERTIFICATION. No A commercial or
6 public applicator shall not apply any restricted-use pesticide
7 without first complying with the certification standards or
8 being-under-the-direct-supervision-of-a-certified-applicator.

9 Sec. 220. Section 206.8, subsections 2 and 3, Code 1987,
10 are amended to read as follows:

11 2. Application-for-a-license-shall-be-accompanied-by-a
12 twenty-five-dollar A pesticide dealer shall pay an annual
13 license fee for-the-primary-business-location-and-an
14 additional-five-dollar-annual-license-fee-for-each-other
15 location-or-outlet-within-the-state,-and-shall-be-on-a-form
16 prescribed-by-the-secretary-and-shall-include-the-full-name-of
17 the-person-applying-for-such-license based upon the gross
18 retail sales of all pesticides sold by the pesticide dealer in
19 the previous year. A person applying for initial licensure
20 shall pay a fee of twenty-five dollars at the time of
21 application. The annual license fee shall be paid to the
22 department of agriculture and land stewardship, beginning July
23 1, 1988, and July 1 of each year thereafter. The fee paid
24 shall be in accordance with the following schedule:

25 a. Twenty-five dollars for gross retail sales of under
26 twenty-five thousand dollars.

27 b. Fifty dollars for gross retail sales of twenty-five to
28 fifty thousand dollars.

29 c. One hundred dollars for gross retail sales of fifty
30 thousand to one hundred thousand dollars.

31 d. Two hundred fifty dollars for gross retail sales of one
32 hundred thousand to five hundred thousand dollars.

33 e. Five hundred dollars for gross retail sales of five
34 hundred thousand to one million dollars.

35 f. One thousand dollars for gross retail sales of one

1 million dollars to two million dollars.

2 g. For each one million dollar increment of gross retail
3 sales or portion thereof above that increment, and until the
4 subsequent million dollar increment is reached, a one thousand
5 dollar fee shall be paid in addition to the initial one
6 thousand dollar fee.

7 The initial twenty-five dollars of each annual license fee
8 shall be retained by the department for administration of the
9 program, and the remaining moneys collected shall be deposited
10 in the agriculture management account of the groundwater
11 protection fund.

12 3. Provisions of this section shall not apply to a
13 pesticide applicator who sells pesticides as an integral part
14 of the applicator's pesticide application service, or any
15 federal, state, county, or municipal agency which provides
16 pesticides only for its own programs.

* 17 Sec. 221. Section 206.9, Code 1987, is amended to read as
18 follows:

19 206.9 CO-OPERATIVE AGREEMENTS.

20 The secretary may co-operate, receive grants-in-aid and
21 enter into agreements with any agency of the federal
22 government, of this state or its subdivisions, or with any
23 agency of another state, or trade associations to obtain
24 assistance in the implementation of this chapter and to do all
25 of the following:

26 1. Secure uniformity of regulations;_

27 2. Co-operate in the enforcement of the federal pesticide
28 control laws through the use of state or federal personnel and
29 facilities and to implement co-operative enforcement
30 programs;_

31 ~~3--Develop and administer state programs for training and~~
32 ~~certification of certified applicators consistent with federal~~
33 ~~standards;_~~

34 ~~4--Contract for training with other agencies including~~
35 ~~federal agencies for the purpose of training certified~~

1 applicators;

2 5 3. Contract for monitoring pesticides for the national
3 plan.

4 6 4. Prepare and submit state plans to meet federal
5 certification standards and.

6 7 5. Regulate certified applicators.

7 6. Develop, in conjunction with the Iowa cooperative
8 extension service in agriculture and home economics, courses
9 available to the public regarding pesticide best management
10 practices.

11 Sec. 222. Section 206.12, subsection 3, Code 1987, is
12 amended to read as follows:

13 3. The registrant, before selling or offering for sale any
14 pesticide in this state, shall register each brand and grade
15 of such pesticide with the secretary upon forms furnished by
16 the secretary, and ~~for the purpose of defraying expenses~~
17 ~~connected with the enforcement of this chapter~~, the secretary
18 shall set the registration fee annually at ~~no more than twenty~~
19 five hundred dollars for each and every brand and grade to be
20 offered for sale in this state. ~~The fees Fifty dollars of~~
21 each fee collected shall be deposited in the treasury to the
22 credit of the pesticide fund to be used only for the purpose
23 of enforcing the provisions of this chapter and four hundred
24 fifty dollars of each fee collected shall be placed in the
25 agriculture management account of the groundwater protection
26 fund.

27 Sec. 223. Section 206.12, Code 1987, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 7. Each licensee under section 206.6 or
30 206.8 shall file an annual report with the secretary of
31 agriculture listing the amount and type of all pesticides
32 sold, offered for sale, distributed, or applied in this state
33 during each month of the previous year. This report shall be
34 filed at the time of payment for licensure or annually on July
35 1. The secretary, by rule, may specify the form of the report

1 and require additional information deemed necessary to
2 determine pesticide use within the state.

3 Sec. 224. Section 206.19, Code 1987, is amended by adding
4 the following new subsections:

5 NEW SUBSECTION. 3. Determine in cooperation with
6 municipalities, the proper notice to be given to occupants of
7 adjoining properties in urban areas prior to or after the
8 application of pesticides, establish a schedule to determine
9 the periods of application least harmful to living beings, and
10 adopt rules to implement these provisions. Municipalities
11 shall cooperate with the department by reporting infractions
12 and in implementing this subsection.

13 NEW SUBSECTION. 4. Establish civil penalties for
14 violations by commercial applicators.

15 Sec. 225. Section 206.21, Code 1987, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 3. The secretary of agriculture, in
18 cooperation with the pesticide advisory council, shall
19 designate areas with a history of concerns regarding nearby
20 pesticide applications as pesticide management areas. The
21 secretary shall adopt rules for designating pesticide
22 management areas.

23 Sec. 226. NEW SECTION. 206.24 AGRICULTURAL INITIATIVE.

24 A program of education and demonstration in the area of the
25 agricultural use of fertilizers and pesticides shall be
26 initiated by the secretary of agriculture on July 1, 1987.
27 The secretary shall coordinate the activities of the state
28 regarding this program.

29 Education and demonstration programs shall promote the
30 widespread adoption of management practices which protect
31 groundwater. The programs may include but are not limited to
32 programs targeted toward the individual farm owner or
33 operator, high school and college students, and groundwater
34 users, in the areas of best management practices, current
35 research findings, and health impacts. Emphasis shall be

1 given to programs which enable these persons to demonstrate
2 best management practices to their peers.

3 Sec. 227. NEW SECTION. 206.25 PESTICIDE CONTAINERS
4 DISPOSAL.

5 The department of agriculture and land stewardship, in
6 cooperation with the environmental protection division of the
7 department of natural resources, shall develop a program for
8 handling used pesticide containers which reflects the state
9 solid waste management policy hierarchy, and shall present the
10 program developed to the general assembly by February 1, 1988.

11 Sec. 228. NEW SECTION. 266.37 SOIL TEST INTERPRETATION.

12 The Iowa cooperative extension service in agriculture and
13 home economics shall develop and publish material on the
14 interpretation of the results of soil tests. The material
15 shall also feature the danger to groundwater quality from the
16 overuse of fertilizers and pesticides. The material shall be
17 available from the service at cost and any person providing
18 soil tests for agricultural or horticultural purposes shall
19 provide the material to the customer with the soil test
20 results.

21 Sec. 229. NEW SECTION. 266.38 LEOPOLD CENTER FOR
22 SUSTAINABLE AGRICULTURE.

23 1. For the purposes of this section, "sustainable
24 agriculture" means the appropriate use of crop and livestock
25 systems and agricultural inputs supporting those activities
26 which maintain economic and social viability while preserving
27 the high productivity and quality of Iowa's land.

28 2. The Leopold center for sustainable agriculture is
29 established at Iowa State University. The center shall
30 conduct and sponsor research in conjunction with the Iowa
31 agricultural experiment station at Iowa State University of
32 science and technology to identify and reduce negative
33 environmental and socio-economic impacts of agricultural
34 practices. The center shall also research and assist in
35 developing emerging alternative practices that are consistent

1 with a sustainable agriculture. The center shall develop the
2 educational framework necessary to inform the agricultural
3 community and the general public of its findings.

4 3. A board of directors is established consisting of the
5 following members:

6 a. Three persons from Iowa State University, appointed by
7 its president.

8 b. Two persons from the University of Iowa, appointed by
9 its president.

10 c. Two persons from the University of Northern Iowa,
11 appointed by its president.

12 d. Two representatives of private colleges and uni-
13 versities within the state, to be appointed by the association
14 of private colleges and universities.

15 e. One representative of the department of agriculture and
16 land stewardship, appointed by the secretary of agriculture.

17 f. One representative of the department of natural re-
18 sources, appointed by the director.

* 19 g. One man and one woman, actively engaged in agricultural
20 production, appointed by the state soil conservation
21 committee.

22 The director of the center shall coordinate the appointment
23 process for compliance with section 69.16A.

24 4. The board shall employ, as an employee of the state of
25 Iowa, a full-time director to operate the center. The
26 director shall employ research staff, subject to the approval
27 of the board.

28 5. The board shall solicit input from the public through a
29 public hearing process implemented throughout the state.

30 Sec. 230. Section 467E.1, subsection 2, Code 1987, is
31 amended to read as follows:

32 2. An agricultural energy management advisory council is
33 established which shall consist of the secretary of
34 agriculture and the chief administrator of each of the
35 following organizations or the administrator's designee:

- 1 a. The energy and geological resources division of the
- 2 department of natural resources.
- 3 b. The environmental protection division of the department
- 4 of natural resources.
- 5 c. Iowa state university of science and technology college
- 6 of agriculture.
- 7 d. Iowa state university of science and technology college
- 8 of engineering.
- 9 e. Iowa state water resource research institute.
- 10 f. State university of Iowa department of preventative
- 11 medicine and environmental health.
- 12 g. Division of soil conservation of the department of
- 13 agriculture and land stewardship.
- 14 h. Iowa cooperative extension service in agriculture and
- 15 home economics.
- 16 i. The University of Northern Iowa.
- 17 j. The state hygienic laboratory.
- 18 The secretary of agriculture shall coordinate the
- 19 appointment process for compliance with section 69.16A.

20 The secretary of agriculture shall be the chairperson of

21 the council. The presiding officers of the senate and house

22 shall each appoint two nonvoting members, not more than one of

23 any one political party, to serve on the advisory council for

24 a term of two years. The council may invite the

25 administrators of the United States geological survey and the

26 federal environmental protection agency to each appoint a

27 person to meet with the council in an advisory capacity. The

28 council shall meet quarterly or upon the call of the

29 chairperson. The council shall review possible uses of the

30 funds fund and the effectiveness of current and past

31 expenditures of the fund. The council shall make

32 recommendations to the department of agriculture and land

33 stewardship on the uses of the fund.

34 PART THREE -- WELLS, SINKHOLES, WATERSHEDS,

*35 AND WETLANDS

1 Sec. 301. NEW SECTION. 159.20 AGRICULTURAL DRAINAGE
2 WELLS.

* 3 1. The department of agriculture and land stewardship, in
4 consultation with soil district commissioners, the department
5 of natural resources, and the Iowa cooperative extension
6 service in agriculture and home economics, shall assess the
7 environmental, economic, and social problems associated with
8 agricultural drainage wells and shall develop alternatives to
9 agricultural drainage wells and options for the funding of
10 implementation of alternatives. The department of agriculture
11 and land stewardship shall report its findings to the energy
12 and environmental protection committees of the legislature by
13 January 1, 1989. The report shall include a recommendation
14 regarding the mandating of the plugging of agricultural
15 drainage wells.

16 2. An owner of an agricultural drainage well and a
17 landholder whose land is drained by the well or wells of
18 another person shall develop, in consultation with the
19 department of agriculture and land stewardship and the
20 department of natural resources, a plan which proposes
21 alternatives to the use of an agricultural drainage well by
22 January 1, 1990.

23 3. Financial incentive moneys may be allocated from the
24 agriculture management account of the groundwater protection
25 fund to implement alternatives to agricultural drainage wells.

26 4. An owner of an agricultural drainage well and a
27 landholder whose land is drained by the well or wells of
28 another person shall not be eligible for financial incentive
29 moneys if the owner fails to develop a plan for alternatives
30 in cooperation with the department of agriculture and land
31 stewardship and the department of natural resources.

32 5. The Iowa consortium on agriculture and groundwater
33 quality is created which shall consist of the chief
34 administrator of each of the following organizations or the
35 administrator's designee:

- 1 a. The secretary of agriculture.
- 2 b. The Des Moines river water resource district.
- 3 c. The Iowa cooperative extension service in agriculture
4 and home economics.
- 5 d. The energy and geological resources division of the
6 department of natural resources.
- 7 e. The division of soil conservation of the department of
8 agriculture and land stewardship.
- 9 f. The division of soil conservation of the United States
10 department of agriculture.
- 11 g. The United States environmental protection agency.
- 12 h. The state University of Iowa department of preventative
13 medicine and environmental health.
- 14 i. The state hygienic laboratory.
- 15 The consortium shall elect a chairperson and shall meet at
16 least quarterly or upon request of the chairperson.
- 17 6. The consortium shall:
 - 18 a. Develop a pilot demonstration project to identify the
19 environmental, economic, and social problems presented by
20 continued use or closure of agricultural drainage wells and
21 monitor possible contamination caused by agriculture practices
22 relative to agricultural drainage wells in the Gilmore City
23 area.
 - 24 b. Develop alternative management practices based upon the
25 findings from the demonstration project pursuant to paragraph
26 "a" to reduce any infiltration of synthetic organic compounds
27 found in the groundwater of the area.
 - 28 c. Examine alternatives and the costs of implementation of
29 alternatives to the use of agricultural drainage wells, and
30 examine the legal and technical or hydrological constraints
31 for integrating alternative drainage into existing drainage
32 districts.
 - 33 d. Implement the demonstration project on July 1, 1987 and
34 include in the report filed pursuant to section 159.20,
35 subsection 1, the consortium's discoveries, findings, and

1 recommendations. The consortium shall also, upon request,
2 submit reports to the general assembly regarding the project.

3 7. The consortium may receive, accept, and administer any
4 moneys appropriated or granted to it by any public or private
5 agency.

6 Sec. 302. Section 455B.187, Code 1987, is amended by
7 adding the following new unnumbered paragraphs:

8 NEW UNNUMBERED PARAGRAPH. A landowner shall not drill for
9 or construct a new water well without first obtaining a permit
10 for this activity from the department. The department shall
11 not issue a permit to any person for this activity unless the
12 person provides proof that all abandoned wells on all property
13 owned by the applicant have been properly plugged. The
14 department may delegate this permitting authority to a county
15 board of health. In the event of such delegation, the
16 department shall retain concurrent authority.

17 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
18 for the issuance of a permit to a person drilling for or
19 constructing a well and for the enforcement of the proper
20 plugging of any well abandoned prior to July 1, 1987, before a
21 permit to the person drilling for or constructing a new well
22 is issued.

23 Sec. 303. NEW SECTION. 455B.190 ABANDONED WELLS PROPERLY
24 PLUGGED.

25 All abandoned wells, as defined in section 455B.171, shall
26 be properly plugged in accordance with the schedule
27 established by the department. The department shall develop a
28 prioritized closure program and a time frame for the
29 completion of the program and shall adopt rules to implement
30 the program. A person who fails to properly plug an abandoned
31 well on property the person owns, in accordance with the
32 program established by the department, is subject to a civil
33 penalty of up to five hundred dollars per day that the well
34 remains unplugged or improperly plugged. The department of
35 agriculture and land stewardship may provide by rule for

1 financial incentive moneys, through expenditure of the moneys
2 allocated to the financial-incentive-program portion of the
3 agriculture management account, to reduce a person's cost in
4 properly plugging wells abandoned prior to July 1, 1987.

5 Sec. 304. NEW SECTION. 455B.190A SINKHOLES -- WATERSHEDS
6 AND WETLANDS -- CONSERVATION EASEMENT PROGRAMS.

7 The department of agriculture and land stewardship, with
8 the advisement and assistance of the department of natural
9 resources, shall develop and implement rules to encourage the
10 cleanup of wastes from sinkholes, watershed protection and
11 forestation of watersheds draining to sinkholes, and the
12 management of wetlands where drainage wells once existed. The
13 department of agriculture and land stewardship shall develop a
14 program to provide for cost sharing of cleanup of sinkholes,
15 water management around sinkholes and wetlands, and the
16 acquisition of conservation easements through expenditure of
17 moneys allocated to the financial-incentive-program portion of
18 the agriculture management account. The rules shall allow the
19 department of agriculture and land stewardship to contract the
20 services of a private nonprofit conservation organization to
21 develop a public-private resource protection program. This
22 program shall include the coordination of negotiations for
23 conservation easements or other protection or acquisition
24 alternatives and the identification of private funding
25 sources and programs of county, state, or federal government
26 which could compensate landowners for resource protection
27 measures.

28 Sec. 305. Section 465.22, Code 1987, is amended to read as
29 follows:

30 465.22 DRAINAGE IN COURSE OF NATURAL DRAINAGE --

31 RECONSTRUCTION -- DAMAGES.

32 Owners of land may drain the same land in the general
33 course of natural drainage by constructing or reconstructing
34 open or covered drains, discharging the same drains in any
35 natural watercourse or depression whereby so the water will be

1 carried into some other natural watercourse, and when such if
2 the drainage is wholly upon the owner's land the owner shall
3 is not be liable in damages therefor, nor shall any such for
4 the drainage unless it increases the quantity of water or
5 changes the manner of discharge on the land of another. An
6 owner in constructing a replacement drain, wholly on the
7 owner's own land, and in the exercise of due care be, is not
8 liable in damages to another in case if a previously
9 constructed drain on the owner's own land is rendered
10 inoperative or less efficient by such the new drain, unless in
11 violation of the terms of a written contract. Nothing in this
12 This section shall in any manner be construed to does not
13 affect the rights or liabilities of proprietors in respect to
14 running streams.

15 Sec. 306. NEW SECTION. 558.69 EXISTENCE AND LOCATION OF
16 WELLS, DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND
17 HAZARDOUS WASTE.

18 With each declaration of value submitted to the county
19 recorder under chapter 428A, there shall also be submitted a
20 statement that no known wells are situated on the property, or
21 if known wells are situated on the property, the statement
22 must state the approximate location of each known well and its
23 status with respect to section 159.20 or 455B.190. The
24 statement shall also state that no disposal site for solid
25 waste, as defined in section 455B.301, which has been deemed
26 to be potentially hazardous by the department of natural
27 resources, exists on the property, or if such a disposal site
28 does exist, the location of the site on the property. The
29 statement shall additionally state that no underground storage
30 tank, as defined in section 455B.471, subsection 6, exists on
31 the property, or if an underground storage tank does exist,
32 the type and size of the tank, and the substance in the tank.
33 The statement shall also state that no hazardous waste as
34 defined in section 455B.411, subsection 4, or listed by the
35 department pursuant to section 455B.412, subsection 2, or

1 section 455B.464, exists on the property, or if hazardous
2 waste does exist, that the waste is being managed in
3 accordance with rules adopted by the department of natural
4 resources. The statement shall be signed by the grantors or
5 the transferors of the property. The county recorder shall
6 refuse to record any deed, instrument, or writing for which a
7 declaration of value is required under chapter 428A unless the
8 statement required by this section has been submitted to the
9 county recorder. The director of the department of natural
10 resources shall prescribe the form of the statement and
11 provide an adequate number of the forms to each county
12 recorder in the state. The county recorder shall transmit the
13 statements to the department of natural resources at times
14 directed by the director of the department.

15 Sec. 307. There is appropriated from the agriculture
16 management account of the groundwater protection fund, from
17 moneys allocated to the financial-incentive-program portion,
18 for the fiscal period beginning July 1, 1987, and ending
19 January 1, 1989, one hundred thousand (100,000) dollars, or so
20 much thereof as is necessary, to the department of agriculture
21 and land stewardship in order to assess problems relative to
22 agricultural drainage wells and to develop alternatives to
23 drainage wells.

24 PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

25 Sec. 401. Section 18.3, Code 1987, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 9. Administering the provisions of
28 section 455B.313.

29 Sec. 402. Section 28F.1, unnumbered paragraph 1, Code
30 1987, is amended to read as follows:

31 This chapter provides a means for the joint financing by
32 public agencies of works or facilities useful and necessary
33 for the collection, treatment, purification, and disposal in a
34 sanitary manner of liquid and solid waste, sewage, and
35 industrial waste, facilities used for the conversion of solid

1 waste to energy, and also electric power facilities
2 constructed within the state of Iowa except that hydroelectric
3 power facilities may also be located in the waters and on the
4 dams of or on land adjacent to either side of the Mississippi
5 or Missouri river bordering the state of Iowa, water supply
6 systems, swimming pools or golf courses. This chapter applies
7 to the acquisition, construction, reconstruction, ownership,
8 operation, repair, extension, or improvement of such works or
9 facilities, by a separate administrative or legal entity
10 created pursuant to chapter 28E. When the legal entity
11 created under this chapter is comprised solely of cities,
12 counties, and sanitary districts established under chapter
13 358, or any combination thereof or any combination of the
14 foregoing with other public agencies, the entity shall be both
15 a corporation and a political subdivision with the name under
16 which it was organized. The legal entity may sue and be sued,
17 contract, acquire and hold real and personal property
18 necessary for corporate purposes, adopt a corporate seal and
19 alter the seal at pleasure, and execute all the powers
20 conferred in this chapter.

21 Sec. 403. Section 455B.301, Code 1987, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 7. "Closure" means actions that will
24 prevent, mitigate, or minimize the threat to public health and
25 the environment posed by a closed sanitary landfill,
26 including, but not limited to, application of final cover,
27 grading and seeding of final cover, installation of an
28 adequate monitoring system, and construction of ground and
29 surface water diversion structures, if necessary.

30 NEW SUBSECTION. 8. "Closure plan" means the plan which
31 specifies the methods and schedule by which an operator will
32 complete or cease disposal operations of a sanitary disposal
33 project, prepare the area for long-term care, and make the
34 area suitable for other uses.

35 NEW SUBSECTION. 9. "Lifetime of the project" means the

1 projected period of years that a landfill will receive waste,
2 from the time of opening until closure, based on the volume of
3 waste to be received projected at the time of submittal of the
4 initial project plan and the calculated refuse capacity of the
5 landfill based upon the design of the project.

6 NEW SUBSECTION. 10. "Financial assurance instrument"
7 means an instrument submitted by an applicant to ensure the
8 operator's financial capability to provide reasonable and
9 necessary response during the lifetime of the project and for
10 the thirty years following closure, and to provide for the
11 closure of the facility and postclosure care required by rules
12 adopted by the commission in the event that the operator fails
13 to correctly perform closure and postclosure care
14 requirements. The form may include the establishment of a
15 secured trust fund, use of a cash or surety bond, or the
16 obtaining of an irrevocable letter of credit.

17 NEW SUBSECTION. 11. "Postclosure" and "postclosure care"
18 mean the time and actions taken for the care, maintenance, and
19 monitoring of a sanitary disposal project after closure that
20 will prevent, mitigate, or minimize the threat to public
21 health, safety, and welfare and the threat to the environment
22 posed by the closed facility.

23 NEW SUBSECTION. 12. "Postclosure plan" means the plan
24 which specifies the methods and schedule by which the operator
25 will perform the necessary monitoring and care for the area
26 after closure of a sanitary disposal project.

27 NEW SUBSECTION. 13. "Manufacturer" means a person who by
28 labor, art, or skill transforms raw material into a finished
29 product or article of trade.

30 NEW SUBSECTION. 14. "Waste stream" means the total waste
31 output of an area, location, or project.

32 NEW SUBSECTION. 15. "Leachate" means fluid that has
33 percolated through solid waste and which contains contaminants
34 consisting of dissolved or suspended materials, chemicals, or
35 microbial waste products from the solid waste.

1 NEW SUBSECTION. 16. "Actual cost" means the operational,
2 remedial and emergency action, closure, postclosure, and
3 monitoring costs of a sanitary disposal project for the
* 4 lifetime of the project.

5 Sec. 404. NEW SECTION. 455B.301A DECLARATION OF POLICY.

6 1. The protection of the health, safety, and welfare of
7 Iowans and the protection of the environment require the safe
8 and sanitary disposal of solid wastes. An effective and
9 efficient solid waste disposal program, protects the
10 environment and the public, and provides the most practical
11 and beneficial use of the material and energy values of solid
12 waste. While recognizing the continuing necessity for the
13 existence of landfills, alternative methods of managing solid
14 waste and a reduction in the reliance upon land disposal of
15 solid waste are encouraged. In the promotion of these goals,
16 the following waste management hierarchy in descending order
17 of preference, is established as the solid waste management
18 policy of the state:

- 19 a. Volume reduction at the source.
20 b. Recycling and reuse.
21 c. Combustion with energy recovery and refuse-derived
22 fuel.
23 d. Combustion for volume reduction.
24 e. Disposal in sanitary landfills.

25 2. In the implementation of the solid waste management
26 policy, the state shall:

- 27 a. Establish and maintain a cooperative state and local
28 program of project planning, and technical and financial
29 assistance to encourage comprehensive solid waste management.
30 b. Utilize the capabilities of private enterprise as well
31 as the services of public agencies to accomplish the desired
32 objectives of an effective solid waste management program.

33 Sec. 405. Section 455B.304, unnumbered paragraph 6, Code
34 1987, is amended to read as follows:

35 The commission shall, by rule, require continued monitoring

1 of groundwater pursuant to this section for a period of twenty
2 thirty years after the sanitary disposal project is closed.
3 The commission may prescribe a lesser period of monitoring
4 duration and frequency in consideration of the potential or
5 lack thereof for groundwater contamination from the sanitary
6 disposal project. The commission may extend the twenty-year
7 thirty-year monitoring period on a site-specific basis by
8 adopting rules specifically addressing additional monitoring
9 requirements for each sanitary disposal project for which the
10 monitoring period is to be extended.

11 Sec. 406. Section 455B.304, Code 1987, is amended by
12 adding the following new unnumbered paragraphs:

13 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
14 which establish closure, postclosure, leachate control and
15 treatment, and financial assurance standards and requirements
16 and which establish minimum levels of financial responsibility
17 for sanitary disposal projects.

18 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
19 which establish the minimum distance between tiling lines and
20 a sanitary landfill in order to assure no adverse effect on
21 the groundwater.

22 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
23 for the distribution of grants to cities, counties, central
24 planning agencies, and public or private agencies working in
25 cooperation with cities or counties, for the purpose of solid
26 waste management. The rules shall base the awarding of grants
27 on a project's reflection of the solid waste management policy
28 and hierarchy established in section 455B.301A, the proposed
29 amount of local matching funds, and community need.

30 NEW UNNUMBERED PARAGRAPH. By July 1, 1990, a sanitary
31 landfill disposal project operating with a permit shall have a
32 trained, tested, and certified operator. A certification
33 program shall be devised or approved by rule of the depart-
34 ment.

35 Sec. 407. Section 455B.305, Code 1987, is amended by

1 adding the following new subsection:

2 NEW SUBSECTION. 6. Beginning July 1, 1992, the director
3 shall not issue, renew, or reissue a permit for a sanitary
4 landfill unless the sanitary landfill is equipped with a
5 leachate control system. The director may exempt a permit
6 applicant from this requirement if the director determines
7 that certain conditions regarding, but not limited to, exist-
8 ing physical conditions, topography, soil, geology, and
9 climate, are such that a leachate control system is
10 unnecessary.

11 Sec. 408. Section 455B.306, subsection 1, Code 1987, is
12 amended to read as follows:

13 1. A city, county, and a private agency operating or
14 planning to operate a sanitary disposal project shall file
15 with the director a comprehensive plan detailing the method by
16 which the city, county, or private agency will comply with
17 this part 1. The director shall review each comprehensive
18 plan submitted and may reject, suggest modification, or
19 approve the proposed plan. The director shall aid in the
20 development of comprehensive plans for compliance with this
21 part. The director shall make available to a city, county,
22 and private agency appropriate forms for the submission of
23 comprehensive plans and may hold hearings for the purpose of
24 implementing this part. The director and governmental
25 agencies with primary responsibility for the development and
26 conservation of energy resources shall provide research and
27 assistance, when cities and counties operating or planning to
28 operate sanitary disposal projects request aid in planning and
29 implementing resource recovery systems. A comprehensive plan
30 filed by a private agency operating or planning to operate a
31 sanitary disposal project shall be developed in cooperation
32 and consultation with the city or county responsible to
33 provide for the establishment and operation of a sanitary
34 disposal project.

35 Sec. 409. Section 455B.306, subsection 3, Code 1987, is

1 amended to read as follows:

2 3. A comprehensive plan filed pursuant to this section in
3 conjunction with an application for issuance, renewal, or
4 reissuance of a permit for a sanitary landfill shall address
5 include all of the following:

6 ~~a.---The extent to which solid waste is or can be recycled.~~

7 ~~b.---The economic and technical feasibility of using other~~
8 ~~existing sanitary disposal project facilities in lieu of~~
9 ~~initiating or continuing the sanitary landfill for which the~~
10 ~~permit is being sought.~~

11 ~~c.---The expected environmental impact of alternative solid~~
12 ~~waste disposal methods, including the use of sanitary~~
13 ~~landfills.~~

14 ~~d.---A specific plan and schedule for implementing~~
15 ~~technically and economically feasible solid waste disposal~~
16 ~~methods that will result in minimal environmental impact.~~

17 a. A specific plan for implementing alternative methods of
18 solid waste disposal. The plan shall incorporate and reflect
19 the waste management hierarchy of the state solid waste
20 management policy. This plan shall be implemented when the
21 actual cost of the implementation of the alternative disposal
22 method is less than or equal to the actual cost of the
23 existing disposal method and no later than July 1, 1997.

24 b. A closure and postclosure plan detailing the schedule
25 for and the methods by which the operator will meet the
26 conditions for proper closure and postclosure adopted by rule
27 by the commission. The plan shall include, but is not limited
28 to, the proposed frequency and types of actions to be
29 implemented prior to and following closure of an operation,
30 the proposed postclosure actions to be taken to return the
31 area to a condition suitable for other uses, and an estimate
32 of the costs of closure and postclosure and the proposed
33 method of meeting these costs. The postclosure plan shall
34 reflect the thirty-year time period requirement for
35 postclosure responsibility.

1 c. A plan for the control and treatment of leachate,
2 including financial considerations proposed in meeting the
3 costs of control and treatment. The plan must provide that
4 upon detection of leaking, the leachate control and treatment
5 plan will be implemented.

6 d. A financial plan detailing the actual cost of the
7 sanitary landfill project and including the funding sources of
8 the project. In addition to the submittal of the financial
9 plan filed pursuant to this subsection, the operator of an
10 existing sanitary landfill shall submit an annual financial
11 statement to the department.

12 e. An emergency response and remedial action plan
13 including established provisions to minimize the possibility
14 of fire, explosion, or any release to air, land, or water of
15 pollutants that could threaten human health and the
16 environment, and the identification of possible occurrences
17 that may endanger human health and environment.

18 Sec. 410. Section 455B.306, Code 1987, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 4. In addition to the comprehensive plan
21 filed pursuant to subsection 1, a person operating or
22 proposing to operate a sanitary disposal project shall provide
23 a financial assurance instrument to the department prior to
24 the initial approval of a permit by the department beginning
25 July 1, 1987, and prior to the renewal of a permit for an
26 existing or expanding facility beginning January 1, 1988.

27 a. The financial assurance instrument shall meet all
28 requirements adopted by rule by the commission, and shall not
29 be canceled, revoked, disbursed, released, or allowed to
30 terminate without the approval of the department. Following
31 the cessation of operation or closure of a sanitary disposal
32 project, neither the guarantor nor the operator shall cancel,
33 revoke, or disburse the financial assurance instrument or
34 allow the instrument to terminate until the operator is
35 released from closure, postclosure, and monitoring

1 responsibilities.

2 b. The operator shall maintain closure, and postclosure
3 accounts. The commission shall adopt by rule the amounts to
4 be contributed to the accounts based upon the amount of solid
5 waste received by the facility. The accounts established
6 shall be specific to the facility.

7 (1) Money in the accounts shall not be assigned for the
8 benefit of creditors with the exception of the state.

9 (2) Money in an account shall not be used to pay any final
10 judgment against a licensee arising out of the ownership or
11 operation of the site during its active life or after closure.

12 (3) Conditions under which the department may gain access
13 to the accounts and circumstances under which the accounts may
14 be released to the operator after closure and postclosure
15 responsibilities have been met, shall be established by the
16 commission.

17 c. The commission shall adopt by rule the minimum amounts
18 of financial responsibility for sanitary disposal projects.

19 d. Financial assurance instruments may include instruments
20 such as cash or surety bond, a letter of credit, a secured
21 trust fund, or a corporate guarantee.

22 e. The annual financial statement submitted to the
23 department pursuant to section 455B.306, subsection 3,
24 paragraph "d", shall include the current amounts established
25 in each of the accounts and the projected amounts to be
26 deposited in the accounts in the following year.

27 Sec. 411. Section 455B.307, Code 1987, is amended to read
28 as follows:

29 455B.307 DUMPING -- WHERE PROHIBITED.

30 1. ~~It shall be unlawful for any~~ A private agency or public
31 agency ~~to shall not~~ dump or deposit or permit the dumping or
32 depositing of any solid waste resulting from its own
33 residential, farming, manufacturing, mining, or commercial
34 activities at any place other than a sanitary disposal project
35 approved by the director unless the agency has been granted a

1 permit by the department which allows the dumping or
2 depositing of solid waste on land owned or leased by the
3 agency. The department shall adopt rules regarding the
4 permitting of this activity which shall provide that the
5 public interest is best served, but which may be based upon
6 criteria less stringent than those regulating a public
7 sanitary disposal project provided that the rules adopted meet
8 the groundwater nondegradation goal specified in section
9 455E.4. The comprehensive plans for these facilities may be
10 varied in consideration of the types of sanitary disposal
11 practices, hydrologic and geologic conditions, construction
12 and operations characteristics, and volumes and types of waste
13 handled at the disposal site. ~~This section shall not prohibit~~
14 ~~a private agency or public agency from dumping or depositing~~
15 ~~solid waste resulting from its own residential, farming,~~
16 ~~manufacturing, mining or commercial activities on land owned~~
17 ~~or leased by it if the action does not violate any statute of~~
18 ~~this state or rules promulgated by the commission or local~~
19 ~~boards of health, or local ordinances.~~ The director may issue
20 temporary permits for dumping or disposal of solid waste at
21 disposal sites for which an application for a permit to
22 operate a sanitary disposal project has been made and which
23 have not met all of the requirements of part 1 of this
24 division and the rules adopted by the commission if a
25 compliance schedule has been submitted by the applicant
26 specifying how and when the applicant will meet the
27 requirements for an operational sanitary disposal project and
28 the director determines the public interest will be best
29 served by granting such temporary permit.

30 2 7. The director may issue any order necessary to secure
31 compliance with or prevent a violation of the provisions of
32 this part 1 of division IV or the rules ~~promulgated~~ adopted
33 pursuant ~~thereto~~ to the part. The attorney general shall, on
34 request of the department, institute any legal proceedings
35 necessary in obtaining compliance with an order of the

1 commission or the director or prosecuting any person for a
2 violation of the provisions of ~~said~~ the part or rules issued
3 pursuant ~~thereto~~ to the part.

4 3 8. Any person who violates any provision of part 1 of
5 this division or any rule or any order ~~promulgated~~ adopted or
6 the conditions of any permit or order issued pursuant to part
7 1 of this division shall be subject to a civil penalty. The
8 amount of the civil penalty shall be based upon the toxicity
9 and severity of the solid waste as determined by rule, but not
10 to exceed five hundred dollars for each day of such violation.

11 Sec. 412. Section 455B.310, subsection 2, Code 1987, is
12 amended to read as follows:

13 2. The tonnage fee is ~~twenty-five-cents~~ two dollars per
14 ton of solid waste for the year beginning January 1, 1988 and
15 shall increase annually in the amount of fifty cents per ton
16 through January 1, 1995. The city or county providing for the
17 establishment and operation of the sanitary landfill may
18 charge an additional tonnage fee for the disposal of solid
19 waste at the sanitary landfill, to be used exclusively for the
20 development and implementation of alternatives to sanitary
21 landfills.

22 Sec. 413. Section 455B.310, subsection 4, Code 1987, is
23 amended to read as follows:

24 4. All tonnage fees received by the department under this
25 section shall be ~~paid-to-a-groundwater-fund-created-under~~
26 ~~section-455B-309~~ deposited in the solid waste account of the
27 groundwater protection fund created under section 455E.11.

28 Sec. 414. Section 455B.310, Code 1987, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 7. The department shall grant exemptions
31 from the fee requirements of subsection 2 for receipt of solid
32 waste meeting all of the following criteria:

33 a. Receipt of the solid waste is pursuant to a written
34 contract between the owner or operator of the sanitary
35 landfill and another person.

1 b. The contract was lawfully executed prior to January 1,
2 1987.

3 c. The contract expressly prohibits an increase in the
4 compensation or fee payable to the owner or operator of the
5 landfill and does not allow voluntary cancellation or
6 renegotiation of the compensation or fee during the term of
7 the contract.

8 d. The contract has not been amended at any time after
9 January 1, 1987.

10 e. The owner or operator of the sanitary landfill applying
11 for exemption demonstrates to the satisfaction of the
12 department that good faith efforts were made to renegotiate
13 the contract notwithstanding its terms, and has been unable to
14 agree on an amendment allowing the fee provided in subsection
15 2 to be added to the compensation or fee provisions of the
16 contract.

17 f. Applications for exemption must be submitted on forms
18 provided by the department with proof of satisfaction of all
19 criteria.

20 g. Notwithstanding the time specified within the contract,
21 an exemption from payment of the fee increase requirements for
22 a multiyear contract shall terminate by January 1, 1989.

23 Sec. 415. Section 455B.311, subsection 2, Code 1987, is
24 amended to read as follows:

25 2. Grants shall only be awarded to a city or a county;
26 however, a grant may be made to a central planning agency
27 representing more than one city or county or combination of
28 cities or counties for the purpose of planning and
29 implementing regional solid waste management facilities or may
30 be made to private or public agencies working in cooperation
31 with a city or county. The department shall award grants, in
32 accordance with the rules adopted by the commission, based
33 upon a proposal's reflection of the solid waste management
34 policy and hierarchy established in section 455B.301A, the
35 proposed amount of local matching funds, and community need.

1 Sec. 416. NEW SECTION. 455B.312 WASTE ABATEMENT PROGRAM.

2 1. If the department receives a complaint that certain
3 products or packaging which when disposed of are incompatible
4 with an alternative method of managing solid waste and with
5 the solid waste management policy, the director shall
6 investigate the complaint. If the director determines that
7 the complaint is well-founded, the department shall inform the
8 manufacturer of the product or packaging and attempt to
9 resolve the matter by informal negotiations.

10 2. If informal procedures fail to result in resolution of
11 the matter, the director shall hold a hearing between the
12 affected parties. Following the hearing, if it is determined
13 that removal of the product or packaging is critical to the
14 utilization of the alternative method of disposing of solid
15 waste, the director shall issue an order setting out the
16 requirements for an abatement plan to be prepared by the
17 manufacturer within the time frame established in the order.

18 If an acceptable plan is not prepared, the plan is not
19 implemented, or the problem otherwise continues unabated, the
20 attorney general shall take actions authorized by law to
21 secure compliance.

22 Sec. 417. NEW SECTION. 18.18 STATE PURCHASES --RECYCLED
23 PRODUCTS.

24 1. When purchasing paper products, the department of
25 general services shall, wherever the price is reasonably
26 competitive and the quality intended, purchase the recycled
27 product.

28 2. The department of general services, in conjunction with
29 the department of natural resources, shall review the
30 procurement specifications currently used by the state to
31 eliminate, wherever possible, discrimination against the
32 procurement of products manufactured with recovered materials.

33 3. The department of natural resources shall assist the
34 department of general services in locating suppliers of
35 recycled products and collecting data on recycled content

1 purchases.

2 4. Information on recycled content shall be requested on
3 all bids for paper products issued by the state and on other
4 bids for products which could have recycled content such as
5 oil, plastic products, compost materials, aggregate, solvents,
6 and rubber products.

7 5. The department of general services, in conjunction with
8 the department of natural resources, shall adopt rules and
9 regulations to carry out the provisions of this section.

10 6. All state agencies shall fully cooperate with the
11 departments of general services and natural resources in all
12 phases of implementing this section.

13 PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

14 Sec. 501. NEW SECTION. 455F.1 DEFINITIONS.

15 As used in this chapter unless the context otherwise
16 requires:

17 1. "Department" means the department of natural resources.

18 2. "Commission" means the state environmental protection
19 commission.

20 3. "Manufacturer" means a person who manufactures or
21 produces a household hazardous material for resale in this
22 state.

23 4. "Wholesaler" or "distributor" means a person other than
24 a manufacturer or manufacturer's agent who engages in the
25 business of selling or distributing a household hazardous
26 material within the state, for the purpose of resale.

27 5. "Retailer" means a person offering for sale or selling
28 a household hazardous material to the ultimate consumer,
29 within the state.

30 6. "Display area label" means the signage used by a
31 retailer to mark a household hazardous material display area
32 as prescribed by the department of natural resources.

33 7. "Residential" means a permanent place of abode, which
34 is a person's home as opposed to a person's place of business.

35 8. "Household hazardous material" means a product used for

1 residential purposes and designated by rule of the department
2 of natural resources and may include any hazardous substance
3 as defined in section 455B.411, subsection 3; and any
4 hazardous waste as defined in section 455B.411, subsection 4;
5 and shall include but is not limited to the following
6 materials: motor oils, motor oil filters, gasoline and diesel
7 additives, degreasers, waxes, polishes, solvents, paints, with
8 the exception of latex-based paints, lacquers, thinners,
9 caustic household cleaners, spot and stain remover with
10 petroleum base, lawn, garden and household fungicides,
11 insecticides, herbicides, and petroleum-based fertilizers.
12 However, "household hazardous material" does not include
13 laundry detergents or dishwashing soaps, and chlorine bleach.

14 Sec. 502. NEW SECTION. 455F.2 POLICY STATEMENT.

15 It is the policy of this state to educate Iowans regarding
16 the hazardous nature of certain household products, proper use
17 of the products, and the proper methods of disposal of
18 residual product and containers in order to protect the public
19 health, safety, and the environment.

20 Sec. 503. NEW SECTION. 455F.3 LABELS REQUIRED.

21 1. A retailer shall affix a display area label, as
22 prescribed by rule of the commission, in a prominent location
23 upon or near the display area of a household hazardous
24 material. If the display area is a shelf, and the price of
25 the product is affixed to the shelf, the label shall be
26 affixed adjacent to the price information.

27 2. The department shall develop, in cooperation with
28 distributors, wholesalers, and retailer associations, and
29 shall distribute to retailers a household hazardous products
30 list to be utilized in the labeling of a display area
31 containing products which are household hazardous materials.

32 3. A person found in violation of this section is, upon
33 conviction, guilty of a simple misdemeanor.

34 Sec. 504. NEW SECTION. 455F.4 CONSUMER INFORMATION

35 BOOKLETS.

1 A retailer shall maintain and prominently display a
2 booklet, developed by the department, in cooperation with
3 manufacturers, distributors, wholesalers, and retailer
4 associations and provided to retailers at departmental
5 expense, which provides information regarding the proper use
6 of household hazardous materials and specific instructions for
7 the proper disposal of certain substance categories. The
8 department shall also develop and provide to a retailer, at
9 departmental expense, bulletins regarding household hazardous
10 materials which provide information designated by rule of the
11 commission. The retailer shall distribute the bulletins
12 without charge to customers.

13 Sec. 505. NEW SECTION. 455F.5 DUTIES OF THE COMMISSION.

14 The commission shall:

15 1. Adopt rules which establish a uniform label to be
16 supplied and used by retailers.

17 2. Adopt rules which designate the type and amount of
18 information to be included in the consumer information
19 booklets and bulletins.

20 Sec. 506. NEW SECTION. 455F.6 DUTIES OF THE DEPARTMENT.

21 The department shall:

22 1. Designate products which are household hazardous
23 materials and, based upon the designations and in consultation
24 with manufacturers, distributors, wholesalers, and retailer
25 associations, develop a household hazardous product list for
26 the use of retailers in identifying the products.

27 2. Enforce the provisions of this chapter and implement
28 the penalties established.

29 Sec. 507. NEW SECTION. 455F.7 HOUSEHOLD HAZARDOUS
30 MATERIALS PERMIT.

31 A retailer offering for sale or selling a household
32 hazardous material shall have a valid permit for this
33 activity. Every retailer shall submit an annual application
34 and a fee of ten dollars based upon gross retail sales of up
35 to fifty thousand dollars, twenty-five dollars based upon

1 gross retail sales of fifty thousand dollars to three million
2 dollars, and one hundred dollars based upon gross retail sales
3 of three million dollars or more to the department of revenue
4 and finance for a permit upon a form prescribed by the
5 director of revenue and finance. The department shall remit
6 the fees collected to the household hazardous waste account of
7 the groundwater protection fund. The requirements and fee
8 payment prescribed by this section are in lieu of any other
9 reporting or fee requirements which apply to the retail sale
10 of household hazardous materials.

11 Sec. 508. NEW SECTION. 455F.9 HOUSEHOLD HAZARDOUS WASTE
12 CLEANUP PROGRAM CREATED.

13 The department shall conduct programs to collect and
14 dispose of small amounts of hazardous wastes which are being
15 stored in residences or on farms. The program shall be known
16 as "Toxic Cleanup Days". The department shall promote and
17 conduct the program and shall by contract with a qualified and
18 bonded waste handling company, collect and properly dispose of
19 wastes believed by the person disposing of the waste to be
20 hazardous. The department shall establish maximum amounts of
21 hazardous wastes to be accepted from a person during the
22 "Toxic Cleanup Days" program. Amounts accepted from a person
23 above the maximum shall be limited by the department and may
24 be subject to a fee set by the department, but the department
25 shall not assess a fee for amounts accepted below the maximum
26 amount. The department shall designate the times and dates
27 for the collection of wastes. The department shall have as a
28 goal twelve "Toxic Cleanup Days" during the period beginning
29 July 1, 1987, and ending October 31, 1988. In any event, the
30 department shall offer the number of days that can be properly
31 and reasonably conducted with funds deposited in the household
32 hazardous waste account. In order to achieve the maximum
33 benefit from the program, the department shall offer "Toxic
34 Cleanup Days" on a statewide basis and provide at least one
35 "Toxic Cleanup Day" in each departmental region. "Toxic

1 Cleanup Days" shall be offered in both rural and urban areas
2 to provide a comparison of response levels and to test the
3 viability of multicounty "Toxic Cleanup Days". The department
4 may also offer at least one "Toxic Cleanup Day" at a
5 previously serviced location to test the level of residual
6 demand for the event and the effect of the existing public
7 awareness on the program. The department shall prepare an
8 annual report citing the results and costs of the program for
9 submittal to the general assembly.

10 Sec. 509. NEW SECTION. 455F.10 EDUCATION PROGRAM.

11 In addition to the "Toxic Cleanup Days" program the
12 department shall implement a public information and education
13 program regarding the use and disposal of household hazardous
14 materials. The program shall provide appropriate information
15 concerning the reduction in use of the materials, including
16 the purchase of smaller quantities and selection of
17 alternative products. The department shall cooperate with
18 existing educational institutions, distributors, wholesalers,
19 and retailers, and other agencies of government and shall
20 enlist the support of service organizations, whenever
21 possible, in promoting and conducting the programs in order to
22 effectuate the household hazardous materials policy of the
23 state.

24 Sec. 510. NEW SECTION. 455F.11 PENALTIES.

25 Any person violating a provision of this chapter or a rule
37 26 adopted pursuant to this chapter is guilty, upon conviction,
27 of a simple misdemeanor.

28 Sec. 511. COLLECTION OF USED OIL -- PILOT PROJECT.

29 The state department of transportation shall initiate and
30 conduct a pilot program to collect used oil from residences
31 and farms at collection stations for used oil, one in an urban
32 county and one in a rural county, by October 1, 1987. The
33 department shall promote and conduct the program, and shall
34 collect and properly dispose of the used oil. The department
35 shall report to the general assembly by March 1, 1988,

1 regarding the progress of the pilot program, including the
2 cost of the program, the amount of used oil collected, and all
3 other aspects of the program which the department establishes,
4 and the department's recommendation as to whether the program
5 should be continued, expanded, or discontinued. This section
6 is repealed July 1, 1989.

7 Sec. 512. NEW SECTION. 455F.10 RECYCLING AND RECLAMATION
8 PROGRAMS.

9 Up to eighty thousand dollars of the moneys deposited in
10 the household hazardous waste account may be expended to
11 foster and fund waste-specific recycling and reclamation
12 events.

13 Sec. 513. NEW SECTION. 455B.430A TRANSFER OF OWNERSHIP
14 OF OPERATIONS INVOLVING HAZARDOUS WASTE.

15 1. As used in this section, unless the context otherwise
16 requires:

17 a. "Transfer of establishment" means any transaction or
18 proceeding through which an establishment undergoes a change
19 in ownership, including, but not limited to, sale of stock in
20 the form of a statutory merger or consolidation, sale of the
21 controlling share of the assets, the conveyance of real
22 property, change of corporate identity, or financial
23 reorganization, but excluding a corporate reorganization not
24 substantially affecting the ownership of the corporation.

25 b. "Establishment" means any operation which generates
26 more than one hundred kilograms of hazardous waste per month
27 or which recycles, reclaims, reuses, stores, handles, treats,
28 transports, or disposes of hazardous waste which is generated
29 by another person.

30 c. "Hazardous waste" means hazardous waste as defined in
31 section 455B.411, subsection 4, or listed by the department
32 pursuant to section 455B.412, subsection 2, or section
33 455B.464.

34 d. "Negative declaration" means a written declaration on a
35 form prescribed by the department stating that no discharge,

1 spillage, uncontrolled loss, seepage, or filtration of
2 hazardous waste has occurred on-site, or that any such
3 discharge, spillage, uncontrolled loss, seepage, or filtration
4 has been cleaned up in accordance with procedures approved by
5 the department or has been determined by the department to
6 pose no known threat to human health or safety or the
7 environment which would warrant containment, removal, or other
8 mitigation measures; and that any hazardous waste which
9 remains on-site is being managed in accordance with this
10 division and the rules adopted pursuant to this division.

11 2. A person shall not transfer an establishment except in
12 accordance with this section.

13 3. Prior to transferring an establishment, the owner or
14 operator shall submit a negative declaration to the transferee
15 and shall, within fifteen days after the transfer, submit a
16 copy of the declaration to the department.

17 4. If the owner or operator is unable to submit a negative
18 declaration, prior to the transfer the transferee or other
19 party to the transfer shall certify to the department that, to
20 the extent necessary to minimize or mitigate a threat to human
21 health or safety or to the environment, the transferee or
22 other party will contain, remove, or otherwise mitigate the
23 effects of any discharge, spillage, uncontrolled loss,
24 seepage, or filtration of on-site hazardous waste in
25 accordance with procedures and a time schedule approved by the
26 department pursuant to an order, stipulated judgment, or
27 consent agreement.

28 5. Failure of the transferor to comply with this section
29 entitles the transferee to recover damages from the
30 transferor, and renders the transferor of the establishment
31 strictly liable, without regard to fault, for all cleanup and
32 removal costs and for all direct and indirect damages.

33 6. This section does not affect the authority of the
34 department under any other statute or rule, including, but not
35 limited to, the authority to issue any order to the transferor

1 or transferee of an establishment.

2 7. A person who knowingly gives or causes to be given any
3 false information on a document required by this section or
4 who fails to comply with this section shall pay to the state
5 as a civil penalty a sum determined by the attorney general
6 not to exceed one hundred thousand dollars. A civil action
7 shall be instituted to collect the civil penalty.

8 PART SIX -- STORAGE TANK MANAGEMENT

9 Sec. 601. Section 507D.3, Code 1987, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 6. An assistance program for the
12 facilitation of insurance and financial responsibility
13 coverage for owners and operators of underground storage tanks
14 which store petroleum shall not be affected by the
15 prohibitions of subsections 2 and 3.

16 Sec. 602. PLAN OF OPERATIONS PROGRAM. The division of
17 insurance of the department of commerce, in conjunction with
18 the department of natural resources and private industry,
19 shall, no later than September 15, 1987, create a plan of
20 operations program for the development of state or private
21 funds to satisfy the requirements of the federal Resource
22 Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.,
23 regarding the financial responsibility of an owner or operator
24 of an underground storage tank which stores petroleum.

25 The program shall include, but is not limited to, the
26 following elements:

27 1. The establishment of a pool of insurers sufficient to
28 manage all anticipated participants required to obtain and
29 maintain evidence of financial responsibility in the amounts
30 of one million dollars for corrective action and one million
31 dollars for the compensation of third parties for property
32 damage and bodily injury.

33 2. The establishment of the mechanism for election of the
34 pool administrator by the participating industry.

35 3. The establishment of a plan of operations, through the

1 administrator, including but not limited to the following
2 items:

3 a. Collection of administrative expenses.

4 b. A claims process and defense system.

5 c. An actuarial review.

6 d. A determination of rate classifications which reflect
7 the tank standards and monitoring devices maintained by an
8 individual owner or operator, which in addition to a daily
9 inventory system include but are not limited to the following:

10 (1) Secondary containment consisting of double wall
11 construction and provided with a device to monitor the
12 interstitial space between the secondary and primary
13 containment structures.

14 (2) Secondary containment consisting of single wall
15 construction and a man-made liner, and groundwater monitoring
16 wells.

17 (3) Single wall construction and groundwater monitoring
18 wells.

19 (4) Any type of tank construction and sniffer wells and an
20 additional monitoring system.

21 e. A policy holder service system.

22 f. The billing, collecting, and investment of premiums.

23 Sec. 603. COMMITTEE CREATED -- DUTIES. The legislative
24 council shall create a legislative committee which shall meet
25 within thirty days following the issuance of the plan of
26 operations program. The committee shall be composed of two
27 senators, one appointed by the majority leader of the senate
28 and one appointed by the minority leader of the senate; two
29 representatives, one appointed by the speaker of the house of
30 representatives and one appointed by the minority leader of
31 the house of representatives; one representative of petroleum
32 storage tank owners and operators; and one representative of
33 the petroleum industry.

34 The committee shall, on or before January 1, 1988, prepare
35 proposed legislation for the implementation of the program to

1 be enacted and implemented on or before May 1, 1988. The
2 proposed legislation shall include:

3 1. The cost of participation of an individual owner or
4 operator based upon the following:

5 a. The base premium rate determined by the actuarial data.

6 b. The amount of subsidization of the premium by the
7 state, based on daily inventory and upon the storage tank
8 standards maintained by the individual owner or operator. The
9 percentage of the state subsidization of the premium may be as
10 follows:

11 (1) One hundred percent subsidization for tanks with
12 secondary containment consisting of double wall construction
13 and provided with a device to monitor the interstitial space
14 between the secondary and primary containment structures.

15 (2) Eighty percent subsidization for tanks with secondary
16 containment consisting of single wall construction and a man-
17 made liner, and provided with groundwater monitoring wells.

18 (3) Sixty percent subsidization for tanks with single wall
19 construction and groundwater monitoring wells.

20 (4) Twenty percent subsidization for tanks with any type
21 of construction and sniffer wells and an additional monitoring
22 system.

23 2. The funding source for subsidization, which may be, but
24 is not limited to, the following:

25 a. An increase in the annual storage tank fee.

26 b. An annual tank assessment fee.

27 c. A pump inspection fee, paid by fuel dealers.

28 d. Federal environmental protection agency grants.

29 3. The management of the plan and the funds, whether the
30 plan is profitable or operates at a loss.

31 Sec. 604. Section 455B.473, Code 1987, is amended by
32 adding the following new subsections:

33 NEW SUBSECTION. 3A. An owner or operator of a storage
34 tank described in section 455B.471, subsection 6, paragraph
35 "a", which brings the tank into use after July 1, 1987, shall

1 notify the department of the existence of the tank within
2 thirty days. A tank which is existing before July 1, 1987,
3 shall be reported to the department by January 1, 1988. Tanks
4 under this section installed on or following July 1, 1987,
5 shall comply with underground storage tank regulations adopted
6 by rule by the department. Tanks under this section, existing
7 prior to July 1, 1987, shall comply with the underground
8 storage tank regulations of the department by July 1, 1992.

9 NEW SUBSECTION. 8. It shall be unlawful to deposit a
10 regulated substance in an underground storage tank which has
11 not been registered pursuant to subsections 1 to 5. A person
12 who conveys or deposits a regulated substance in violation of
13 this subsection shall be liable for the costs of any remedial
14 action which may be incurred as a result of the release of the
15 regulated substance from the unregistered tank. This
16 liability is in addition to any liability imposed under this
17 part 8.

18 Sec. 605. Section 455B.473, subsection 4, Code 1987, is
19 amended to read as follows:

20 4. The notice of the owner or operator to the department
21 under subsections 1 through 3 3A shall be accompanied by a fee
22 of five dollars for each tank included in the notice. A
23 ~~separate fund is created in the state treasury, the receipts~~
24 ~~of which are appropriated to pay the administrative expenses~~
25 ~~of the department incurred under this part. All fees~~
26 ~~collected by the department under this subsection shall be~~
27 ~~credited to the fund. The unobligated or unencumbered balance~~
28 ~~in the fund as of June 30 of each year shall be transferred to~~
29 ~~the hazardous waste remedial fund. All moneys collected shall~~
30 be deposited in the storage tank management account of the
31 groundwater protection fund created in section 455E.11. All
32 moneys collected pursuant to this section prior to July 1,
33 1987, which have not been expended, shall be deposited in the
34 storage tank management account.

35 Sec. 606. Section 455B.474, subsection 2, Code 1987, is

1 amended by adding the following new paragraph.

2 NEW PARAGRAPH. e. If an owner or operator is required to
3 uncover or remove an underground storage tank based upon a
4 determination of the department that the underground storage
5 tank presents a hazard to the public health, safety, or the
6 environment, and if upon inspection of the tank the
7 determination is unfounded, the state shall reimburse
8 reasonable costs incurred in the inspection of the tank.
9 Claims for reimbursement shall be filed on forms provided by
10 the commission. The commission shall adopt rules pursuant to
11 chapter 17A relating to determinations of reasonableness in
12 cases of dispute. Claims shall be paid from the general fund
13 of the state. When any one of the tanks or the related pumps
14 and piping at a multiple tank facility are found to be
15 leaking, the state shall not reimburse costs for uncovering or
16 removing any of the other tanks, piping, or pumps that are not
17 found to be leaking.

18 Sec. 607. NEW SECTION. 455B.479 STORAGE TANK MANAGEMENT
19 FEE.

20 An owner or operator of an underground storage tank shall
21 pay an annual storage tank management fee of seventeen dollars
22 and fifty cents per tank of over one thousand one hundred
23 gallons capacity. The fees collected shall be deposited in
24 the storage tank management account of the groundwater protec-
25 tion fund.

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STATE OF IOWA

FISCAL NOTE TO

LSB No. 2926H.7

Staff ID. RLB

BY SENATOR DELUHERY AMENDMENT S-3698 TO HOUSE FILE 631

In compliance with a written request received April 20, 1987, a fiscal note for AMENDMENT S-3698 TO HOUSE FILE 631 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

AMENDMENT S-3698 TO HOUSE FILE 631 makes two changes to the revenue generated by the bill. Those changes include:

1. The pesticide applicator certification fee for public applicators is reduced from \$25 to \$5 annually. This change reduces receipts into the Pesticide Trust Fund by \$60,000 annually.
2. The pesticide dealer license fee is changed from a fee schedule based on gross retail sales to a fee of one-tenth of one percent of gross retail sales. The current \$25 fee is struck and the existing fee does not go into effect until July 1, 1988. The estimated fee receipts for FY89 are \$387,000 under S-3698 compared to \$525,000 in receipts under HF 631. No fees will be collected in FY88. Consequently, there will be no receipts into the Pesticide Trust Fund in FY88 and the amount deposited into the Agriculture Management Account in FY89 will be reduced by \$139,000.

Amendment S-3698 also changes how the receipts are to be allocated. Those changes include:

1. A total of \$20,000 is appropriated from the four accounts in the Groundwater Protection Fund to the Department of Public Health for its responsibilities under Part Two of the bill.
2. The appropriations from the Agriculture Management Account are changed from specific dollar amounts to the following percentages:

- 36.60% to Leopold Center
- 1.20% to the Department of Natural Resources for administration of the well grant program
- 24.40% for private, rural well testing grants
- 7.30% to the State Hygenics Laboratory for well testing assistance
- 12.80% for abandoned well closing grants
- 1.95% to the Department of Natural Resources for the well permitting program
- 13.30% to the Department of Agriculture and Land Stewardship for financial incentives, studies, and program administration related to agricultural drainage wells and sinkholes
- 2.45% to the Department of Agriculture and Land Stewardship for a agricultural drainage well demonstration project

3. Of the 45.7% of the Agriculture Management Account appropriated for well programs, up to \$79,000 may be allocated in FY83 for a plan for establishing a Center for Health Effects of Environmental Contamination. In subsequent years, up to 10% of the funds may be allocated to the Center.
4. There is an appropriation of \$8,000 from the Household Hazardous Waste Account to the Dept. of Transportation for the used oil pilot project.
5. Of the \$.50 per ton annual increase in the solid waste tonnage fee, not more than \$.10 per ton of the \$.35 per ton for demonstration projects may be used for administration.

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REVENUE AND EXPENDITURE SUMMARY

	-----FY1988-----		-----FY1989-----	
	HF631	S-3698	HF631	S-3698
	-----	-----	-----	-----
PART ONE - GENERAL PROVISIONS				
REVENUE				
Ag. Mgmt. Acct.	\$ 2,104,000	\$ 1,639,789	\$ 2,236,000	\$ 1,674,978
Solid Waste Acct.	173,040	173,040	173,040	173,040
Revenue Subtot.	\$ 2,277,040	\$ 1,812,829	\$ 2,409,040	\$ 1,848,018
EXPENDITURES				
DNR	\$ 4,229,920	\$ 3,504,715	\$ 5,159,920	\$ 4,333,389
	(16 FTE)	(16 FTE)	(16 FTE)	(16 FTE)
ISWRI	173,040	173,040	173,040	173,040
Hygenics Lab.	0	261,936	0	267,557
Expend. Subtot.	\$ 4,402,960	\$ 3,939,691	\$ 5,332,960	\$ 4,773,956
NET EFFECT	\$ (2,125,920)	\$ (2,126,862)	\$ (2,923,920)	\$ (2,925,936)
PART TWO - PESTICIDES AND FERTILIZERS				
REVENUE				
Pest. Trust Fund	\$ 802,667	\$ 432,667	\$ 802,667	\$ 742,667
Fert. Trust Fund	417,250	417,250	417,250	417,250
Ag. Mgmt. Acct.	1,310,000	1,322,266	1,390,000	1,350,449
Solid Waste Acct.	0	8,000	0	8,000
Hhd. Waste Acct.	0	2,000	0	2,000
Tank Mgmt. Acct.	0	1,000	0	1,000
Revenue Subtot.	\$ 2,529,917	\$ 2,183,183	\$ 2,609,917	\$ 2,521,366
EXPENDITURES				
DPH	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
	(2 FTE)	(2 FTE)	(2 FTE)	(2 FTE)
DALS	1,234,579	1,181,279	900,741	851,941
	(22 FTE)	(20 FTE)	(22 FTE)	(20 FTE)
Leopold Center	1,310,000	1,313,266	1,390,000	1,341,449
Expend. Subtot.	\$ 2,610,610	\$ 2,560,576	\$ 2,360,074	\$ 2,262,723
NET EFFECT	\$ (80,693)	\$ (377,393)	\$ 249,843	\$ 256,643
PART THREE - WELLS, SINKHOLES, ETC.				
REVENUE				
Ag. Mgmt. Acct.	\$ 176,000	\$ 635,104	\$ 166,000	\$ 648,733
EXPENDITURES				
CONSORTIUM	\$ 88,000	\$ 0	\$ 93,000	\$ 0
DALS	270,400	565,135	270,400	577,262
	(4 FTE)	(4 FTE)	(4 FTE)	(4 FTE)
DNR	140,000	140,000	140,000	140,000
	(4 FTE)	(4 FTE)	(4 FTE)	(4 FTE)
Expend. Subtot.	\$ 498,400	\$ 705,135	\$ 503,400	\$ 717,262
NET EFFECT	\$ (322,400)	\$ (70,031)	\$ (317,400)	\$ (68,529)

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	-----FY1988-----		-----FY1989-----	
	HF631	S-3698	HF631	S-3698
	=====	=====	=====	=====
<u>PART FOUR - SOLID WASTE MANAGEMENT</u>				
REVENUE				
Solid Waste Acct.	\$ 259,560	\$ 251,560	\$ 3,287,760	\$ 3,279,760
EXPENDITURES				
ONR	\$ 527,000 (10 FTE)	\$ 527,000 (10 FTE)	\$ 3,122,600 (10 FTE)	\$ 3,122,600 (10 FTE)
NET EFFECT	\$ (267,440)	\$ (275,440)	\$ 165,160	\$ 157,160
<u>PART FIVE - HOUSEHOLD HAZARDOUS WASTE</u>				
REVENUE				
Hhd. Waste Acct.	\$ 1,000,000	\$ 998,000	\$ 1,000,000	\$ 998,000
EXPENDITURES				
DRF	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
ONR	710,000 (3 FTE)	710,000 (3 FTE)	710,000 (3 FTE)	710,000 (3 FTE)
DOT	8,000	8,000	NA	NA
Expenditure Sub	\$ 793,000	\$ 793,000	\$ 785,000	\$ 785,000
NET EFFECT	\$ 207,000	\$ 205,000	\$ 215,000	\$ 213,000
<u>PART SIX - STORAGE TANK MANAGEMENT</u>				
REVENUE				
Tank Mgmt. Acct.	\$ 661,000	\$ 660,000	\$ 525,000	\$ 524,000
EXPENDITURES				
ONR	\$ 640,000 (12 FTE)	\$ 638,000 (12 FTE)	\$ 529,000 (12 FTE)	\$ 529,000 (12 FTE)
Dept. of Commerce	25,000	25,000	--	--
Expenditure Sub	\$ 665,000	\$ 664,000	\$ 529,000	\$ 528,000
NET EFFECT	\$ (4,000)	\$ (4,000)	\$ (4,000)	\$ (4,000)
TOTAL REVENUE	\$ 6,903,517	\$ 6,540,676	\$10,017,717	\$ 9,819,877
TOTAL EXPENDITURE	\$ 9,496,970	\$ 9,189,402	\$12,633,034	\$12,189,541
FTE	(73 FTE)	(71 FTE)	(73 FTE)	(71 FTE)
TOTAL NET EFFECT	\$(2,593,453)	\$(2,648,726)	\$(2,615,317)	\$(2,369,664)

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FISCAL EFFECT:

PART ONE -- GENERAL PROVISIONS

The changes to the fiscal effect of Part One reflect:

1. a reduction in the funds available from the Agriculture Management Account for the provisions of Part One due to the \$9,000 appropriation to the Department of Public Health (see Part Two);
2. a reduction in the Agriculture Management Account funding for well testing grants and for well closing grants; and
3. an appropriation to the State Hygenics Laboratory for well testing assistance.

	FY1988		FY1989	
	HF631	S-3698	HF631	H-3698
DNR EXPEND.- GEN. PROVISIONS				
Salaries	\$ 419,920	\$ 419,920	\$ 419,920	\$ 419,920
Support	200,000	200,000	200,000	200,000
Capital Outlay	200,000	200,000	200,000	200,000
Contracts	1,300,000	1,300,000	2,100,000	2,100,000
TOTAL EXPENDITURES	\$2,119,920	\$2,119,920	\$2,919,920	\$2,919,920
FTE	14	14	14	14
NET EFFECT	\$(2,119,920)	\$(2,119,920)	\$(2,919,920)	\$(2,919,920)

DNR RECEIPTS - WELLS PROGRAM

Ag. Management Acct.				
well test. grants	\$1,140,000	\$ 875,511	\$1,210,000	\$ 894,299
well closing grants	920,000	459,284	980,000	469,140
program admin.	44,000	43,058	46,000	43,982
	\$2,104,000	\$1,377,853	\$2,236,000	\$1,407,421

DNR EXPENDITURES

Grants to counties				
well testing	\$1,140,000	\$ 875,511	\$1,210,000	\$ 894,299
well closing	920,000	459,284	980,000	469,140
Program admin.	50,000	50,000	50,000	50,000
TOTAL EXPENDITURES	\$2,110,000	\$1,384,795	\$2,240,000	\$1,413,439
FTE	2	2	2	2
NET EFFECT	\$ (6,000)	\$ (6,942)	\$ (4,000)	\$ (6,018)

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HYGENICS LAB RECEIPTS

Ag. Management Acct. \$ 0 \$ 261,936 \$ 0 \$ 267,557

HYGENICS LAB EXPEND.

Well testing assist. \$ 0 \$ 261,936 \$ 0 \$ 267,557

ISWRRI RECEIPTS

Solid Waste Account \$ 173,040 \$ 173,040 \$ 173,040 \$ 173,040

ISWRRI EXPENDITURES

Research & Educ. \$ 173,040 \$ 173,040 \$ 173,040 \$ 173,040

PART TWO -- PESTICIDES AND FERTILIZER

The changes to the fiscal effect of Part Two reflect:

1. a total appropriation of \$20,000 from the four accounts in the Groundwater Protection Fund to the Department of Public Health;
2. a reduction in receipts to the Pesticide Trust Fund due to changes the public applicator certification fee and the pesticide dealer license fee;
3. a reduction in the Department of Agriculture and Land Stewardship's expenditure estimate by 2 FTE due to the change in commercial and public applicator certification from a one or two year certification to a one or three year certification; and
4. a reduction in the funds available from the Agriculture Management Account for the Leopold Center due to the \$9,000 appropriation to the Department of Public Health.

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	FY1988		FY1989	
	HF631	S-3698	HF631	S-3698
DPH RECEIPTS				
Ag. Management Acct.	\$ 0	\$ 20,000	\$ 0	\$ 20,000
DPH EXPENDITURES				
Salaries	\$ 51,531	\$ 51,531	\$ 54,108	\$ 51,531
Support	14,500	14,500	15,225	15,225
TOTAL EXPENDITURES	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
FTE	2	2	2	2
NET EFFECT	\$ (66,031)	\$ (46,031)	\$ (69,333)	\$ (49,333)
DALS RECEIPTS				
Pesticide Trust Fund	\$ 802,667	\$ 432,667	\$ 802,667	\$ 742,667
Fertilizer Trust Fund	417,250	417,250	417,250	417,250
TOTAL RECEIPTS	\$1,219,917	\$ 849,917	\$1,219,917	\$1,159,917
DALS EXPENDITURES				
Salaries	\$ 313,729	\$ 274,929	\$ 464,491	\$ 422,191
Support	742,750	728,250	386,250	379,750
Capital Outlay	103,100	103,100	0	0
Ag. Initiative-Educ	50,000	50,000	50,000	50,000
Pest. Container Study	25,000	25,000	0	0
TOTAL EXPENDITURES	\$1,234,579	\$1,181,279	\$ 900,741	\$ 851,941
FTE	22	20	22	20
NET EFFECT	\$ (14,662)	\$ (331,362)	\$ 319,176	\$ 307,976
LEOPOLD CENTER RECEIPTS				
Ag. Management Acct.	\$1,310,000	\$1,313,266	\$1,390,000	\$1,341,449
LEOPOLD CENTER EXPEND.				
	\$1,310,000	\$1,313,266	\$1,390,000	\$1,341,449

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PART THREE -- WELLS, SINKHOLES, WATERSHEDS, WETLANDS, AND ANIMAL WASTE MANAGEMENT

The changes to the fiscal effect of Part Three reflect:

1. a reduction in the funds available from the Agriculture Management Account for the provisions of Part Three due to the \$9,000 appropriation to the Department of Public Health (see Part Two);
2. the transfer of the demonstration project responsibilities and appropriation from the Consortium to the Department of Agriculture and Land Stewardship;
3. an increase in the Agriculture Management Account appropriation for administration of the agricultural drainage wells and sinkholes program and for financial incentives; and
4. an appropriation for the well permitting program from the Agriculture Management Account.

	FY1988		FY1989	
	HF631	S-3698	HF631	S-3698
CONSORTIUM RECEIPTS				
Ag. Management Acct.	\$ 88,000	\$ 0	\$ 93,000	\$ 0
CONSORTIUM EXPENDITURES				
Demonstration projects	\$ 88,000	\$ 0	\$ 93,000	\$ 0
DALS RECEIPTS				
Ag. Management Acct. (for ag. drainage well plan)	\$ 88,000	\$ 0	\$ 93,000	\$ 0
(for admin & financial incentives for ag. drainage wells & sinkholes)	\$ 0	\$ 477,225	\$ 0	\$ 487,466
(for ag. drainage well demo. project)	\$ 0	\$ 87,910	\$ 0	\$ 89,796
DALS TOTAL RECPTS	\$ 88,000	\$ 565,135	\$ 93,000	\$ 577,262
DALS EXPENDITURES				
Salaries	\$ 140,400	\$ 140,400	\$ 140,400	\$ 140,400
Support	130,000	130,000	130,000	130,000
Demo. Project	0	87,910	0	89,796
Financial Incentives	0	206,825	0	217,066
DALS TOTAL EXPEND.	\$ 270,400	\$ 565,135	\$ 270,400	\$ 577,262
FTE	4	4	4	4
DALS NET EFFECT	\$ (182,400)	\$ 0	\$ (177,400)	\$ 0

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DNR RECEIPTS

Ag. Management Acct	\$	0	\$	69,969	\$	0	\$	71,471
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DNR EXPENDITURES

Salaries	\$	120,000	\$	120,000	\$	120,000	\$	120,000
Support		20,000		20,000		20,000		20,000

DNR TOTAL EXPEND.	\$	140,000	\$	140,000	\$	140,000	\$	140,000
FTE		4		4		4		4

DNR NET EFFECT	\$	(140,000)	\$	(70,031)	\$	(140,000)	\$	(68,529)
	=====		=====		=====		=====	

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PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

The changes to the fiscal effect for Part Four reflect a reduction in the funds available from the Solid Waste Account for the provisions of Part Four due to the \$8,000 appropriation to the Department of Public Health (see Part Two).

	FY1988		FY1989	
	HF631	S-3698	HF631	S-3698
DNR RECEIPTS				
Solid Waste Mgmt Acct. (for program admin. & cleanup)	\$ 259,560	\$ 251,560	\$ 692,160	\$ 684,160
(for demo. project)	0	0	1,730,400	1,730,400
(for local agencies)	0	0	865,200	865,200
	<u>\$ 259,560</u>	<u>\$ 251,560</u>	<u>\$3,287,760</u>	<u>3,279,760</u>
DNR EXPENDITURES				
Salaries	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000
Support	55,000	55,000	55,000	55,000
Contracts	82,000	82,000	82,000	82,000
Demonstration proj.	0	0	1,730,400	1,730,400
Local agency plans	0	0	865,200	865,200
	<u>\$ 527,000</u>	<u>\$ 527,000</u>	<u>\$3,122,600</u>	<u>\$3,122,600</u>
FTE	10	10	10	10
NET EFFECT	<u>\$ (267,440)</u>	<u>\$ (275,440)</u>	<u>\$ 165,160</u>	<u>\$ 157,160</u>

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PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

The changes to the fiscal effect for Part Five reflect the appropriation from the Household Hazardous Waste Account of \$2,000 to the Department of Public Health (see Part Two) and \$8,000 for FY88 to the Department of Transportation for the used oil collection pilot project.

	FY1988		FY1989	
	HF631	S-3698	HF631	S-3698
RECEIPTS				
Household Haz. Acct.	\$1,000,000	\$ 990,000	\$1,000,000	\$ 998,000
DRF EXPENDITURES				
License Administration	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
DNR EXPENDITURES				
Salaries	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000
Support	60,000	60,000	60,000	60,000
Contracts	480,000	480,000	480,000	480,000
Waste Recycling	80,000	80,000	80,000	80,000
TOTAL EXPENDITURES	\$ 710,000	\$ 710,000	\$ 710,000	\$ 710,000
FTE	3	3	3	3
NET EFFECT	\$ 215,000	\$ 205,000	\$ 215,000	\$ 213,000
DOT RECEIPTS				
Household Haz. Acct.	\$ 0	\$ 8,000	\$ 0	\$ 0
DOT EXPENDITURES				
Used Oil Pilot Proj.	\$ 8,000	\$ 8,000	\$ 0	\$ 0
NET EFFECT	\$ (8,000)	\$ 0	\$ 0	\$ 0

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PART SIX -- STORAGE TANK MANAGEMENT

The changes in the fiscal effect of Part Six are reflected the \$1,000 appropriation to the Department of Public Health (see Part Two).

	FY1988		FY1989	
	HF631	S-3698	HF631	S-3698
DNR RECEIPTS				
Storage Tank Acct. (for storage tank program admin.)	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
(for remedial cleanup)	136,000	135,000	25,000	24,000
TOTAL RECEIPTS	\$ 636,000	\$ 635,000	\$ 525,000	\$ 524,000
DNR EXPENDITURES				
Salaries	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000
Support	60,000	60,000	60,000	60,000
Contracts	84,000	84,000	84,000	84,000
Remedial Cleanup	136,000	135,000	25,000	24,000
TOTAL EXPENDITURES	\$ 640,000	\$ 639,000	\$ 529,000	\$ 528,000
FTE	12	12	12	12
NET EFFECT	\$ (4,000)	\$ (4,000)	\$ (4,000)	\$ (4,000)

SOURCES:

- Department of Natural Resources
- Department of Agriculture and Land Stewardship
- Department of Public Health
- Department of Commerce
- Department of Transportation

(LSB 2926H.7, RLB)

Dennis C. Prouty
 Fiscal Director
 Legislative Fiscal Bureau
 Date: 4/23/87

Filed by the Sec. of the Senate April 23, 1987

HOUSE FILE 631

3516

1 Amend House File 631 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, line 19, by inserting after the figure
4 "3," the following: "moneys collected from the
5 pesticide container program pursuant to chapter
6 206A,".

7 2. Page 27, by striking lines 3 through 10 and
8 inserting the following:

9 "Sec. ____ . NEW SECTION. 206A.1 DEFINITIONS.

10 As used in this chapter, unless the context
11 otherwise requires:

12 1. "Pesticide" means a pesticide, as defined in
13 section 206.2, subsection 1, and used for agricultural
14 purposes.

15 2. "Pesticide container" means a metal or plastic
16 receptacle used to hold a pesticide, but does not
17 apply to paper or cardboard containers.

18 3. "Consumer" means a person who purchases a
19 pesticide in a pesticide container.

20 4. "Dealer" means a person who engages in the sale
21 of pesticides in pesticide containers to one or more
22 consumers.

23 5. "Department" means the department of
24 agriculture and land stewardship.

25 6. "Secretary" means the secretary of agriculture.

26 Sec. ____ . NEW SECTION. 206A.2 PURPOSE.

27 The purpose of this section is to insure the triple
28 rinsing or equivalent of pesticide containers in
29 accord with the department's regulations, and to
30 provide an incentive through a deposit system for the
31 return of triple rinsed pesticide containers. All
32 pesticide containers shall have a sticker supplied by
33 the department. That sticker shall be used to
34 identify those pesticide containers for which a
35 deposit is required.

36 Sec. ____ . NEW SECTION. 206A.3 SCOPE.

37 This section applies to all pesticide containers,
38 which are sold, bartered, or traded within the state,
39 or transported to the state for use in the state.

40 Sec. ____ . NEW SECTION. 206A.4 STICKERS REQUIRED.

41 1. Upon the sale, trade, or barter of any
42 pesticide container subject to this chapter, the
43 pesticide dealer shall affix a sticker supplied by the
44 department to identify those containers. The sticker
45 shall indicate that the deposit has been paid and
46 shall be designed so that it can be used to identify
47 both the dealer and the purchaser and the amount of
48 the deposit value.

49 2. The department shall make stickers available to
50 dealers at a cost to be determined by the department.

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1 Sec. ____ . NEW SECTION. 206A.5 DEPOSIT VALUES.

2 In-state purchases. At the time of delivery from
3 an in-state dealer to an in-state consumer, the dealer
4 must collect a deposit in cash or give credit on each
5 pesticide container. The deposit values collected
6 shall be in accordance with the following schedule:

7 1. Two dollars per pesticide container of two and
8 one-half gallons or less.

9 2. Five dollars per pesticide container of more
10 than two and one-half gallons through nine gallons.

11 3. Ten dollars per pesticide container of more
12 than nine gallons.

13 Sec. ____ . NEW SECTION. 206A.6 TRIPLE RINSE
14 PROCEDURE.

15 The department shall establish proper procedure for
16 the triple rinsing of pesticide containers and shall
17 disseminate this information. The department shall
18 also adopt rules for the establishment of penalties
19 against a person not complying with the triple rinse
20 procedure.

21 Sec. ____ . NEW SECTION. 206A.7 AFFIDAVITS.

22 Each dealer shall provide a blank affidavit on
23 which a purchaser shall list only the number of
24 containers purchased from the dealer which are being
25 returned on a particular day at a particular site.
26 Those containers which are still in use or have been
27 returned unopened to the dealer shall not be listed.

28 Sec. ____ . NEW SECTION. 206A.8 RETURN OF
29 CONTAINERS AND PROPER DISPOSAL.

30 The consumer shall return the container to the
31 dealer for disposal. The dealer shall then return the
32 container to the distributor who shall dispose of the
33 container in accordance with rules adopted by the
34 department for disposal.

35 In all cases of disposal the consumer shall include
36 on each affidavit from each dealer from which a
37 pesticide container being disposed of was purchased,
38 exchanged, or bartered:

39 a. A listing of all containers returned for
40 disposal.

41 b. The signature of the consumer verifying that
42 the container is triple rinsed.

43 Sec. ____ . NEW SECTION. 206A.9 DEPOSITS REFUNDED.

44 Deposits will be refunded by pesticide dealers on
45 all pesticide containers bearing the department's
46 stickers at the place of business of the pesticide
47 dealer who sold, bartered, or traded the pesticide,
48 provided that the containers have been triple rinsed
49 or the equivalent in accordance with the department's
50 regulations prior to return and provided that the

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1 purchaser displays a completed affidavit to the
2 dealer.

3 Sec. ____ . NEW SECTION. 206A.10 REPORTS --
4 OUTSTANDING DEPOSIT VALUES.

5 A pesticide dealer shall, not later than the last
6 day of each calendar month, file with the department a
7 report which shall include:

8 1. A statement of the number of pesticide
9 containers sold, bartered, or traded during the
10 previous month.

11 2. A statement of the number of pesticide
12 containers or affidavits returned for refund to the
13 dealer during the previous month.

14 3. Other information as the department may require
15 for enforcement of this chapter.

16 Any outstanding deposit values not returned to the
17 consumer shall be collected by the department from the
18 dealer annually based upon the monthly reports filed
19 with the department of the number of containers sold,
20 bartered, or traded and not returned during the
21 preceding fiscal year.

22 Sec. ____ . NEW SECTION. 206A.11 ADMINISTRATION --
23 RULES ADOPTED.

24 The department shall administer this chapter and
25 shall adopt rules necessary to carry out the
26 provisions of this chapter, subject to chapter 17A.

27 Sec. ____ . NEW SECTION. 206A.12 PENALTIES.

28 1. After the effective date of this Act, it shall
29 be unlawful for a person to possess a pesticide
30 container without a properly approved and affixed
31 sticker, with the exception that a pesticide dealer or
32 distributor may hold pesticide containers if they are
33 for sale and not for personal use.

34 2. Any person who does any of the following acts
35 commits a fraudulent practice:

36 a. Collects or attempts to collect the deposit
37 value on the container a second time, with the
38 knowledge that the deposit value has once been paid by
39 the dealer to a consumer.

40 b. Manufactures, sells, possesses, or applies a
41 false or counterfeit label or indication which shows
42 or purports to show a deposit value for a container,
43 with intent to use the false or counterfeit label or
44 indication.

45 c. Collects or attempts to collect a deposit value
46 on a container with the use of a false or counterfeit
47 label or indication showing a deposit value, knowing
48 the label or indication to be false or counterfeit.

49 3. As used in this section, a false or counterfeit
50 label or indication means a label or indication

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1 purporting to show a valid deposit value which has not
2 been initially applied as authorized.

3 4. Any person disposing of a pesticide container
4 in a manner not authorized by the department is guilty
5 of a simple misdemeanor.

6 Sec. ____ . NEW SECTION. 206A.13 AGRICULTURE
7 MANAGEMENT ACCOUNT.

8 Any outstanding deposit values or other fees
9 collected shall be deposited in the groundwater
10 protection fund to be credited to the agriculture
11 management account.

12 Sec. ____ . NEW SECTION. 206A.14 DUTIES OF THE
13 DEPARTMENT.

14 The department shall:

15 1. Provide stickers to those required to affix
16 stickers to pesticide containers and may establish a
17 cost for the provision of stickers.

18 2. Establish procedures for the triple rinsing of
19 containers, disseminate this information, and provide
20 training."

21 3. By renumbering as necessary.

S-3516

Filed April 10, 1987

BY LARRY MURPHY

W/D 4/24/87 (p. 1521)

HOUSE FILE 631

S-3511

1 Amend House File 631, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 50, by inserting after line 12, the
4 following:

5 "Sec. ____ . NEW SECTION. 455F.4A HAZARDOUS
6 MATERIALS STAMP.

7 1. A retailer shall make hazardous materials
8 stamps available to consumers in the display area of a
9 household hazardous material.

10 2. A consumer may attach a hazardous materials
11 stamp to a household hazardous material product to
12 encourage the proper disposal of product residue.

13 3. Following initial distribution of the stamps to
14 retailers by the department, the department of
15 inspections and appeals shall distribute the stamps to
16 retailers at the time of inspection of the retail
17 establishment."

18 2. Page 50, by inserting after line 19, the
19 following:

20 "3. Adopt rules which establish a household
21 hazardous materials stamp, which shall be of a clearly
22 visible color, to be supplied to and used by
23 retailers."

24 3. By renumbering as necessary.

S-3511

Filed April 10, 1987

BY LARRY MURPHY

A-Load, C. #10 4/24 (p. 1523)

April 21, 1987

HOUSE FILE 631

S-3698

1 Amend House File 631 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 32 the
4 following:

5 "9. "Federal number" means a maximum contaminant
6 level, national primary drinking water regulation,
7 interim final drinking water regulation, health
8 advisory, suggested no adverse response level, or
9 groundwater residue guidance level as established by
10 the United States environmental protection agency."

11 2. Page 2, line 30, by striking the words "if
12 necessary".

13 3. Page 3, line 23, by inserting after the word
14 "producer" and following: ", or commercial
15 applicator, or fertilizer dealer or distributor".

16 4. Page 3, line 30, by inserting after the word
17 "producer" the following: ", commercial applicator,
18 or fertilizer dealer or distributor".

19 5. Page 3, line 32, by inserting after the word
20 "producer" the following: ", commercial applicator,
21 or pesticide dealer".

22 6. Page 4, line 4, by inserting after the word
23 "producer" the following: ", commercial applicator,
24 or pesticide dealer".

25 7. Page 4, by inserting after line 4 the fol-
26 lowing:

27 "A person registering a fertilizer or pesticide in
28 this state is liable for the costs of active cleanup,
29 or for any damages associated with or resulting from
30 the detection in the groundwater of any quantity of
31 nitrates or of pesticides provided that a causal link
32 has been established between the application of the
33 pesticide or fertilizer and the resultant detection or
34 damage, that application has been in compliance with
35 label instructions, and that the directions for use
36 have been determined to be incorrect."

37 8. Page 4, line 9, by striking the word
38 "nondegradation" and inserting the following:
39 "protection".

40 9. Page 6, by striking line 13 and inserting the
41 following:

42 "2. In establishing groundwater standards, the
43 commission shall adopt federal numbers if they exist.
44 If no federal number exists for a particular substance
45 on or before July 1, 1988, the commission may adopt
46 groundwater standards based upon criteria other than a
47 federal number if".

48 10. Page 6, line 15, by inserting after the word
49 "programs." the following: "Notwithstanding any other
50 bases for the adoption of standards, the standards

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1 adopted may comply with the findings of the national
2 science foundation and the state hygienic laboratory
3 relative to groundwater protection."

4 11. Page 6, lines 30 and 31, by striking the
5 words "at least as stringent as provided in the rules
6 of the department" and inserting the following: "no
7 more stringent than provided in this chapter".

8 12. Page 7, by inserting after line 8 the fol-
9 lowing:

10 "If moneys are not appropriated from an account
11 within the groundwater protection fund for programs or
12 duties established pursuant to this chapter or for the
13 used oil collection pilot project, moneys may be
14 appropriated for the programs, duties, or project by
15 the general assembly from the unexpended balance in
16 the groundwater protection fund, from any departmental
17 fund of the responsible department, from moneys
18 deposited in the general fund of the state, or from
19 moneys deposited in the petroleum overcharge fund.

20 A recipient of moneys appropriated from an account
21 within the groundwater protection fund, from a
22 departmental fund, from the general fund of the state,
23 or from the petroleum overcharge fund for the purposes
24 of this chapter or for the purposes of other
25 groundwater protection programs, shall submit to the
26 legislative council on or before July 1, 1987 for the
27 fiscal year beginning on that date, and on or before
28 September 1 for the fiscal year beginning the next
29 July 1 and for each subsequent fiscal year a budget
30 proposal in a form prescribed by the legislative
31 fiscal bureau."

32 13. Page 7, by inserting after line 34 the
33 following:

34 "(d) Of the total amount collected annually,
35 pursuant to this subparagraph, eight thousand dollars
36 is appropriated to the Iowa department of public
37 health for carrying out the departmental duties under
38 section 135.11, subsections 20 and 21, and section
39 139.35."

40 14. Page 8, line 24, by inserting after the word
41 "alternatives." the following: "Not more than ten
42 cents of the additional thirty-five cents per ton per
43 year shall be used for the administration of the
44 demonstration projects."

45 15. Page 8, line 31, by striking the word "one"
46 and inserting the following: "any".

47 16. Page 8, by striking lines 32 through 34 and
48 inserting the following:

49 "(a) Development and implementation of an approved
50 comprehensive plan."

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1 17. Page 9, by striking line 24 and inserting the
2 following:

3 "(1) Nine thousand dollars is appropriated to the
4 Iowa department of public health for carrying out the
5 departmental duties under section 135.11, subsections
6 20 and 21, and section 139.35.

7 (2) Of the remaining moneys in the account:

8 (a) Thirty-six and six-tenths percent is".

9 18. Page 9, line 26, by inserting after the word
10 "University" the following: "of science and
11 technology".

12 19. By striking page 9, line 27 through page 10,
13 line 6 and inserting the following:

14 "(b) One and two-tenths percent is appropriated
15 annually to the department of natural resources for
16 the purpose of administering grants to counties and
17 conducting oversight of county-based programs relative
18 to the testing of private water supply wells and the
19 proper closure of private abandoned wells. Not more
20 than twenty-four and four-tenths percent of the moneys
21 in the account is appropriated annually to the
22 department of natural resources for grants to counties
23 for the purpose of conducting programs of private,
24 rural water supply testing, not more than seven and
25 three-tenths percent of the moneys in the account is
26 appropriated annually to the state hygienic laboratory
27 to assist in well testing, and not more than twelve
28 and eight-tenths percent of the moneys in the account
29 is appropriated annually to the department of natural
30 resources for grants to counties for the purpose of
31 conducting programs for properly closing abandoned,
32 rural water supply wells. One and ninety-five one-
33 hundredths percent of the moneys in the account are
34 appropriated to the department of natural resources
35 for the well-permitting program."

36 20. Page 10, by striking lines 7 through 12 and
37 inserting the following:

38 "The department may allocate a sum not to exceed
39 seventy-nine thousand dollars of the moneys
40 appropriated under this subparagraph for the period
41 beginning July 1, 1987, and ending June 30, 1988 for
42 the preparation of a detailed report and plan for the
43 establishment on July 1, 1988 of the center for health
44 effects of environmental contamination. The plan for
45 establishing the center shall be presented to the
46 general assembly on or before January 15, 1988. The
47 report shall include the assemblage of all existing
48 data relating to Iowa drinking water supplies,
49 including characteristics of source, treatment,
50 presence of contaminants, precise location, and usage

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1 patterns to facilitate data retrieval and use in
2 research; and detailed organizational plans, research
3 objectives, and budget projections for the anticipated
4 functions of the center in subsequent years. The
5 department may allocate annually a sum not to exceed
6 ten percent of the moneys appropriated under this
7 subparagraph to the center, beginning July 1, 1988."

8 21. Page 10, by striking lines 13 through 21 and
9 inserting the following:

10 "(c) Thirteen and three-tenths percent of the
11 moneys in the account is appropriated annually to the
12 department of agriculture and land stewardship for
13 financial incentive programs related to agricultural
14 drainage wells and sinkholes for studies and
15 administrative costs relating to sinkholes and
16 agricultural drainage wells programs, and not more
17 than two and forty-five hundredths percent of the
18 moneys in the account is appropriated for the
19 demonstration project regarding agricultural drainage
20 wells."

21 22. Page 10, line 24, by inserting after the word
22 "account." the following: "Two thousand dollars is
23 appropriated annually to the Iowa department of public
24 health to carry out departmental duties under section
25 135.11, subsections 20 and 21, and section 139.35, and
26 eight thousand dollars is appropriated to the
27 department of transportation for the period of October
28 1, 1987 through June 30, 1989 for the purpose of
29 conducting the used oil collection pilot project."

30 23. Page 10, line 24, by inserting after the word
31 "The" the following: "remainder of the".

32 24. Page 10, by inserting after line 30, the
33 following:

34 "(1) One thousand dollars is appropriated annually
35 to the Iowa department of public health to carry out
36 departmental duties under section 135.11, subsections
37 20 and 21, and section 139.35."

38 25. Page 10, by striking line 31 and inserting
39 the following:

40 "(2) Ninety-five percent or not more than five
41 hundred thousand dollars of the moneys deposited".

42 26. Page 11, line 23, by striking the word "more"
43 and inserting the following: "as".

44 27. Page 11, line 24, by striking the word "less"
45 and inserting the following: "more".

46 28. Page 14, by inserting after line 32 the
47 following:

48 "_____. The physician or other health practitioner
49 attending a person infected with a reportable
50 poisoning or a reportable illness from a toxic agent,

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1 including methemoglobinemia, shall immediately report
2 the case to the Iowa department of public health. The
3 Iowa department of public health shall publish and
4 distribute instructions concerning the method of
5 reporting. Reports shall be made in accordance with
6 rules adopted by the Iowa department of public
7 health."

8 29. By striking page 20, line 15 through page 21,
9 line 32, and inserting the following:

10 ~~No person shall~~ A commercial or public applicator
11 ~~shall not apply any pesticide and a person shall not~~
12 apply any restricted use pesticide without first
13 complying with the certification requirements of this
14 chapter and such other restrictions as determined by
15 the secretary or being under the direct supervision of
16 a certified applicator.

17 The secretary shall adopt, by rule, requirements
18 for the examination, re-examination and certification
19 of applicants ~~and see a fee of not more than ten~~
20 ~~dollars for the certification program of commercial~~
21 ~~applicators and not more than five dollars for the~~
22 ~~certification program of private applicators.~~

23 ~~The secretary may adopt rules for the training of~~
24 ~~applicators in co-operation with the co-operative~~
25 ~~extension service at Iowa State University of science~~
26 ~~and technology.~~

27 ~~The secretary shall not require applicants for~~
28 ~~certification as private applicators to take and pass~~
29 ~~a written test, if the applicant instead shows proof~~
30 ~~that the applicant has attended an informational~~
31 ~~course of instruction approved by the secretary. The~~
32 ~~secretary shall provide for temporary certification~~
33 ~~for emergency purchases of restricted use products by~~
34 ~~requiring the purchaser to sign an affidavit at the~~
35 ~~point of purchase, that the purchaser has read and~~
36 ~~understands the information on the label of the~~
37 ~~restricted use product being purchased.~~

38 Commercial and public applicators shall choose
39 between one-year certification for which the
40 applicator shall pay a twenty-five dollar fee or
41 three-year certification for which the applicator
42 shall pay a seventy-five dollar fee. Public
43 applicators who are employed by a state agency shall
44 be exempt from the twenty-five and seventy-five dollar
45 certification fees and instead be subject to a five-
46 dollar annual certification fee or a fifteen dollar
47 fee for a three-year certification. The commercial or
48 public applicator shall be tested prior to
49 certification annually, if the applicator chooses a
50 one-year certification or each three years if the

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1 applicator chooses three-year certification. A
2 private applicator shall be tested prior to initial
3 certification. The test shall include, but is not
4 limited to, the area of safe handling of agricultural
5 chemicals and the effects of these chemicals on
6 groundwater. A person employed by a farmer not solely
7 as a pesticide applicator who applies restricted use
8 pesticides as an incidental part of the person's
9 general duties or a person who applies restricted use
10 pesticides as an incidental part of a custom farming
11 operation is required to meet the certification
12 requirements of a private applicator.

13 Beginning July 1, 1988, all private applicators
14 with a certification expiring December 31, 1988, with
15 their surname beginning with a letter from A through M
16 shall renew their certification by taking and passing
17 an approved test and shall be issued a certification
18 for a four-year period for a fee of six dollars and
19 sixty-seven cents. All other private applicators
20 whose certification expires on December 31, 1988,
21 1989, or 1990, shall renew their certification by
22 taking and passing an exam and shall be issued
23 certification for a three-year period for a fee of
24 five dollars."

25 30. Page 22, line 20, by inserting after the word
26 "certified" the following: "commercial applicators".

27 31. By striking page 23, line 11 through page 24,
28 line 6, and inserting the following:

29 ~~"2. Application for a license shall be accompanied~~
30 ~~by a twenty-five dollar fee. A pesticide dealer shall pay~~
31 ~~an annual license fee for the primary business~~
32 ~~location and an additional five dollar annual license~~
33 ~~fee for each other location or outlet within the~~
34 ~~state, and shall be on a form prescribed by the~~
35 ~~secretary and shall include the full name of the~~
36 ~~person applying for such license of one-tenth of one~~
37 ~~percent of the gross retail sales of all pesticides~~
38 ~~sold by the pesticide dealer in the previous year.~~
39 ~~The annual license fee shall be paid to the department~~
40 ~~of agriculture and land stewardship, beginning July 1,~~
41 ~~1988, and July 1 of each year thereafter."~~

42 32. Page 25, line 33, by inserting after the word
43 "year." the following: "Pesticides distributed for
44 resale shall be reported listing the amount and type
45 of all pesticides and the names of the purchasers."

46 33. Page 25, line 34, by inserting after the word
47 "on" the following: "or before".

48 34. Page 26, line 18, by striking the words
49 "pesticide advisory council" and inserting the
50 following: "advisory committee created pursuant to

1 section 206.23".

2 35. Page 27, by inserting after line 10 the
3 following:

4 "Sec. . NEW SECTION. 263.14 CENTER FOR HEALTH
5 EFFECTS OF ENVIRONMENTAL CONTAMINATION.

6 1. The state board of regents may establish and
7 maintain at Iowa City as an integral part of the State
8 University of Iowa the center for health effects of
9 environmental contamination, having as its object the
10 determination of the levels of environmental
11 contamination which can be specifically associated
12 with human health effects.

13 2. a. The center shall be a cooperative effort of
14 representatives of the following organizations:

15 (1) The State University of Iowa department of
16 preventative medicine and environmental health.

17 (2) The State University of Iowa department of
18 pediatrics of the college of medicine.

19 (3) The state hygienic laboratory.

20 (4) The institute of agricultural medicine.

21 (5) The Iowa cancer center.

22 (6) The department of civil and environmental
23 engineering.

24 (7) Appropriate clinical and basic science
25 departments.

26 (8) The college of law.

27 (9) The college of liberal arts and sciences.

28 b. The active participation of the Iowa department
29 of public health and the department of natural
30 resources, as well as the national cancer institute,
31 the agency for toxic substances and disease
32 registries, the national center for disease control,
33 the United States environmental protection agency, and
34 the United States geological survey, shall also be
35 sought and encouraged.

36 3. The center may:

37 a. Assemble all pertinent laboratory data on the
38 presence and concentration of contaminants in soil,
39 air, water, and food, and develop a data retrieval
40 system to allow the findings to be easily accessed by
41 exposed populations.

42 b. Make use of data from the existing cancer and
43 birth defect statewide recording systems and develop
44 similar recording systems for specific organ diseases
45 which are suspected to be caused by exposure to
46 environmental toxins.

47 c. Develop registries of persons known to be
48 exposed to environmental hazards so that the health
49 status of these persons may be examined over time.

50 d. Develop highly sensitive biomedical assays

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1 which may be used in exposed persons to determine
2 early evidence of adverse health effects.

3 e. Perform epidemiologic studies to relate
4 occurrence of a disease to contaminant exposure and to
5 ensure that other factors known to cause the disease
6 in question can be ruled out.

7 f. Foster relationships and ensure the exchange of
8 information with other teaching institutions or
9 laboratories in the state which are concerned with the
10 many forms of environmental contamination.

11 g. Implement programs of professional education
12 and training of medical students, physicians, nurses,
13 scientists, and technicians in the causes and
14 prevention of environmentally induced disease.

15 h. Implement public education programs to inform
16 persons of research results and the significance of
17 the studies.

18 i. Respond as requested to any branch of
19 government for consultation in the drafting of laws
20 and regulations to reduce contamination of the
21 environment.

22 4. An advisory committee consisting of one
23 representative of each of the organizations enumerated
24 in subsection 2, paragraph "a", a representative of
25 the Iowa department of public health, and a
26 representative of the department of natural resources
27 is established. The advisory committee shall:

28 a. Employ, as a state employee, a full-time
29 director to operate the center. The director shall
30 coordinate the efforts of the heads of each of the
31 major divisions of laboratory analysis, epidemiology
32 and biostatistics, biomedical assays, and exposure
33 modeling and shall also coordinate the efforts of
34 professional and support staff in the operation of the
35 center.

36 b. Submit an annual report of the activities of
37 the center to the legislative council of the general
38 assembly by January 15 of each year.

39 5. The center shall maintain the confidentiality
40 of any information obtained from existing registries
41 and from participants in research programs. Specific
42 research projects involving human subjects shall be
43 approved by the State University of Iowa institutional
44 review board.

45 6. The center may solicit, accept, and administer
46 moneys appropriated to the center by a public or
47 private agency."

48 36. Page 27, line 29, by inserting after the word
49 "University" the following: "of science and
50 technology".

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1 37. Page 28, line 6, by inserting after the word
2 "University" the following: "of science and
3 technology".

4 38. Page 28, line 8, by inserting before the word
5 "University" the word "State".

6 39. Page 29, by inserting after line 33 the
7 following:

8 "Sec. ____ . PESTICIDE DEALER EXEMPTION. The
9 secretary may adopt rules to provide for license and
10 certification fee adjustments that may be necessary to
11 provide an equitable transition from fees required
12 prior to July 1, 1988."

13 40. Page 30, line 1, by striking the figure
14 "159.20" and inserting the following: "159.28".

15 42. Page 30, line 4, by striking the words "soil
16 district" and inserting the following: "district
17 soil".

18 43. Page 30, by inserting after line 15 the
19 following:

20 "2. The department of agriculture and land
21 stewardship shall:

22 a. Establish a pilot demonstration project to
23 identify the environmental, economic, and social
24 problems presented by continued use or closure of
25 agricultural drainage wells, and shall monitor
26 possible contamination caused by agricultural
27 practices relative to agricultural drainage wells in
28 the Gilmore City area.

29 b. Develop alternative management practices based
30 upon the findings of the demonstration project
31 established pursuant to paragraph "a" to reduce any
32 infiltration of synthetic organic compounds in the
33 groundwater of the area.

34 c. Implement the Gilmore City demonstration
35 project on July 1, 1987, and include in the report to
36 be filed pursuant to subsection 1, discoveries,
37 findings, and recommendations emanating from the
38 demonstration project."

39 44. Page 30, line 23, by striking the words
40 "Financial incentive moneys" and inserting the
41 following: "Moneys".

42 45. Page 30, line 25, by striking the word
43 "wells." and inserting the following: "wells based
44 upon criteria which include, but are not limited to,
45 the following:

46 a. The degree of the owner's or operator's
47 compliance with departmental requirements concerning
48 agricultural drainage wells.

49 b. The degree of contamination caused by a
particular agricultural drainage well.

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1 c. The degree of transferability of the findings
2 of a specific agricultural drainage well alternative
3 project to other agricultural drainage well sites."

4 46. Page 30, line 28, by striking the words
5 "financial incentive" and inserting the following:
6 "agriculture management account".

7 47. Page 30, line 31, by inserting after the word
8 "resources" the following: "or fails to report the
9 existence of the agricultural drainage well to the
10 department".

11 48. Page 31, by inserting after line 14 the
12 following:

13 "j. The environmental protection division of the
14 department of natural resources.

15 k. The division of laboratories of the department
16 of agriculture and land stewardship."

17 49. Page 31, line 16, by inserting after the word
18 "chairperson." the following: "The department of
19 agriculture and land stewardship shall provide
20 administrative support to the consortium."

21 50. By striking page 31, line 17 through page 32,
22 line 5, and inserting the following:

23 "6. The consortium shall make recommendations
24 regarding agricultural practices relative to
25 groundwater protection and may receive, accept, and
26 administer any moneys appropriated or granted to the
27 consortium by any public or private agency."

28 51. Page 32, line 13, by inserting after the word
29 "plugged." the following: "In the case of property
30 owned by a state agency, a person shall not drill for
31 or construct a new water well without first
32 registering with the department the existence of any
33 abandoned wells on the property. The department shall
34 develop a prioritized closure program and time frame
35 for the completion of the program, and shall adopt
36 rules to implement the program."

37 52. By striking page 32, line 34 through page 33,
38 line 4, and inserting the following: "remains
39 unplugged or improperly plugged. The department of
40 natural resources shall provide grants pursuant to
41 section 455B.11, subsection 2, paragraph "b",
42 subparagraph (2), to counties for the purpose of
43 conducting programs for the proper closure of
44 abandoned wells."

45 53. Page 33, line 5, by striking the figure
46 "455B.190A" and inserting the following: "159.29".

47 54. Page 33, line 14, by striking the words "for
48 cost sharing of" and inserting the following: "moneys
49 for the".

50 55. Page 33, by striking lines 17 and 18 and

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1 inserting the following: "moneys appropriated to the
2 department from the agriculture management account.
3 The rules shall allow the".

4 56. Page 33, line 27, by inserting after the word
5 "measures." the following: "Land acquired as con-
6 servation easements shall be managed by the department
7 of natural resources."

8 57. Page 34, line 23, by striking the figure
9 "159.20" and inserting the following: "159.28".

10 58. Page 35, by striking lines 15 through 23.

11 59. Page 37, by striking lines 30 and 31.

12 60. Page 40, line 31, by inserting after the word
13 "project" the following: "required pursuant to
14 section 455B.302".

15 61. Page 41, line 4, by striking the words
16 "landfill shall address" and inserting the following:
17 "~~landfill shall address~~ disposal project shall
18 incorporate and reflect the waste management hierarchy
19 of the state solid waste management policy and shall".

20 62. Page 41, by striking lines 6 through 16 and
21 inserting the following:

22 "a. The extent to which solid waste is or can be
23 recycled.

24 b. The economic and technical feasibility of using
25 other existing sanitary disposal project facilities in
26 lieu of initiating or continuing the sanitary landfill
27 for which the permit is being sought.

28 c. The expected environmental impact of
29 alternative solid waste disposal methods, including
30 the use of sanitary landfills.

31 d. A specific plan and schedule for implementing
32 technically and economically feasible solid waste
33 disposal methods that will result in minimal
34 environmental impact."

35 63. Page 41, by striking lines 17 through 23.

36 64. Page 42, by striking lines 3 through 5 and
37 inserting the following: "costs of control and
38 treatment."

39 65. Page 42, line 7, by striking the word
40 "landfill" and inserting the following: "disposal".

41 66. Page 45, line 11, by striking the word and
42 figure "subsection 2" and inserting the following:
43 "subsections 2 and 3".

44 67. Page 45, by inserting after line 21 the
45 following:

46 3. Solid waste disposal facilities with special
47 provisions which limit the site to the disposal of
48 construction and demolition waste and solid waste
49 materials approved by the department for lining or
50 capping or for construction berms, dikes or roads in a

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1 sanitary disposal project or sanitary landfill or
2 which limit the site to the disposal of excess fly ash
3 and other materials, determined by the department not
4 to present a threat to the public health or safety,
5 used in the reclamation of strip mined land are exempt
6 from the tonnage fees imposed under this section."

7 68. Page 46, by striking lines 34 and 35 and
8 inserting the following: "policy and hierarchy
9 established in section 455B.301A. Grants shall be
10 awarded only for an amount determined by the
11 department to be reasonable and necessary to conduct
12 the work as set forth in the grant application.
13 Grants may be awarded at a maximum cost-share level of
14 ninety percent with a preference given for regional or
15 shared projects."

16 69. Page 48, by inserting after line 19 the fol-
17 lowing:

18 "3. "Division" means the environmental protection
19 division of the department of natural resources."

20 70. Page 50, by inserting after line 28 the fol-
21 lowing:

22 "Sec. ____ . NEW SECTION. 455P.6A DUTIES OF THE
23 DIVISION.

24 The division shall:

25 1. Identify no more than fifty commonly used
26 household products which, due to level of toxicity,
27 extent of use, nondegradability, or other relevant
28 characteristic, constitute the greatest danger of
29 contamination of the groundwater when placed in a
30 landfill.

31 2. Submit recommendations to the general assembly
32 regarding the products specified in subsection 1 which
33 include but are not limited to the following:

34 a. Education of consumers regarding the danger in-
35 curred in disposal of the products, the proper
36 disposal of the products, and the use of alternative
37 products which do not present as great a disposal
38 danger as the products specified.

39 b. Dissemination of information regarding the
40 products specified.

41 c. Special labeling or stamping of the products.

42 d. A means for proper disposal of the products.

43 e. Proposed legislative action regarding
44 implementation of recommendations concerning the
45 products."

46 71. Page 58, line 11, by inserting after the
47 figure "5." the following: "A person who conveys or
48 deposits a regulated substance shall request the owner
49 or operator of the underground storage tank in which
50 the regulated substance is deposited to provide proof

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1 of registration prior to deposit of the regulated
2 substance in the underground storage tank. If an
3 owner or operator does not provide proof of
4 registration, the person conveying or depositing the
5 regulated substance may deposit the regulated
6 substance in the unregistered tank provided that the
7 deposit is allowed only in the single instance that
8 the person reports the unregistered tank to the
9 department of natural resources, and that the person
10 provides the owner or operator with an underground
11 storage tank registration form and informs the owner
12 or operator of the underground storage tank
13 registration requirements. The owner or operator is
14 allowed fifteen days following the report to the
15 department of the owner's or operator's unregistered
16 tank to comply with the registration requirements. If
17 an owner or operator fails to register the reported
18 underground storage tank during the fifteen-day
19 period, the owner or operator shall pay a fee of
20 twenty-five dollars upon registration of the tank."
21 72. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

S-3698

Filed April 20, 1987

BY ENVIRONMENT AND ENERGY

*Adopted as amended by 3771, 3777, 3792
4/24/87 (7 1515)*

UTILITIES COMMITTEE

PATRICK J. DELCHERY, Chairperson

*Reconsidered, further amended by 38187
Readopted 4/24 (7 1527)*

HOUSE FILE 631

S-3770

1 Amend House File 631, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, line 28, by striking the word "goal"
4 and inserting the following: "intent".

5 2. Page 3, line 18, by striking the word "may"
6 and inserting the following: "shall adopt rules
7 which".

8 3. Page 4, by striking lines 5 through 10.

9 4. Page 5, line 15, by striking the word "Report"
10 and inserting the following: "Develop and adopt by
11 administrative rule the procedure for reporting".

12 5. Page 7, by striking lines 22 through 24.

13 6. By striking page 7, line 35 through page 8,
14 line 11.

15 7. Page 8, by striking lines 18 through 26.

16 8. By striking page 9, line 24 through page 10,
17 line 21 and inserting the following:

18 "(1) Not more than five hundred eighty thousand
19 dollars is appropriated annually to the department of
20 natural resources to provide grants to counties for
21 the testing of private, rural water supply wells.

22 (2) Not more than nine hundred eighty thousand
23 dollars is appropriated annually to the department of
24 natural resources to be used for grants to counties
25 for the purpose of conducting programs for properly
26 closing abandoned, rural water supply wells.

27 (3) The department shall allocate a sum not to
28 exceed seventy-nine thousand dollars of the moneys in
29 the account for the period beginning July 1, 1987, and
30 ending June 30, 1988 for the preparation of a detailed
31 report and plan for the establishment on July 1, 1988
32 of the center for health effects of environmental
33 contamination. The plan for establishing the center
34 shall be presented to the general assembly on or
35 before January 15, 1988. The report shall include the
36 assemblage of all existing data relating to Iowa
37 drinking water supplies, including characteristics of
38 source, treatment, presence of contaminants, precise
39 location, and usage patterns to facilitate data
40 retrieval and use in research; and detailed
41 organizational plans, research objectives, and budget
42 projections for the anticipated functions of the
43 center in subsequent years. The department may
44 allocate annually a sum not to exceed two hundred
45 forty thousand dollars of the moneys in the account to
46 the center, beginning July 1, 1988.

47 (4) Eighteen percent of the moneys in the account
48 is appropriated to the department of agriculture and
49 land stewardship for the assessment and development of
50 programs and demonstration projects designed to

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B 1 eliminate chemical contamination through agricultural
2 drainage wells and sinkholes.

3 (5) Any moneys not expended for the purposes of
4 subparagraphs (1) through (4) are appropriated to the
5 department of agriculture and land stewardship for the
6 purposes of carrying out financial incentive programs
7 and agriculture groundwater programs."

8 9. Page 11, by inserting after line 10, the
P 9 following:

10 "e. An oil overcharge account. The oil overcharge
11 moneys distributed by the United States department of
12 energy, and approved for the energy related components
13 of the groundwater protection strategy available
14 through the energy conservation trust fund created in
15 section 93.11, shall be deposited in the oil
16 overcharge account as appropriated by the general
17 assembly. The oil overcharge account shall be used
18 for the following purposes:

19 (1) Not more than seven million one hundred
20 thousand dollars is appropriated for the fiscal period
21 beginning July 1, 1987 and ending June 30, 1992 to the
22 department of natural resources to implement its
23 responsibilities pursuant to section 455E.8. Not more
24 than two million eight hundred thousand dollars of
25 this amount shall be used by the department of natural
26 resources for assessing rural, private water supply
27 quality.

28 (2) Not more than five hundred thousand dollars is
29 appropriated to the department of natural resources
30 for the fiscal period beginning July 1, 1987 and
31 ending June 30, 1992 for the administration of a
32 groundwater monitoring program at sanitary landfills.

33 (3) Not more than eight hundred seventy thousand
34 dollars is appropriated to the Iowa state water
35 resources research institute for the fiscal period
36 beginning July 1, 1987 and ending June 30, 1992 to
37 provide competitive grants to colleges, universities,
38 and private institutions within the state for the
39 development of research and education programs
40 regarding alternative disposal methods and groundwater
41 protection.

42 (4) Not more than three million eight hundred
43 thousand dollars is appropriated to the department of
44 natural resources for the fiscal period beginning July
45 1, 1987 and ending June 30, 1992 to develop and
46 implement demonstration projects for landfill
47 alternatives to solid waste disposal, including
48 recycling programs.

49 (5) Not more than ten million dollars is
50 appropriated to the agriculture energy management

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A
1 council created under chapter 467E for the fiscal
2 period beginning July 1, 1987 and ending June 30,
3 1992, to develop nonregulatory programs to implement
4 integrated farm management of farm chemicals for
5 environmental protection, energy conservation, and
6 farm profitability; interactive public and farmer
7 education; and applied studies on best management
8 practices and best appropriate technology for chemical
9 use efficiency and reduction. Not more than four
10 million dollars of this amount is appropriated to the
11 agricultural resource management research center to
12 sponsor and conduct the applied studies.

13 (6) Not more than three million five hundred
14 thousand dollars is appropriated to the department of
15 natural resources for the fiscal period beginning July
16 1, 1987 and ending June 30, 1992 to continue the Big
17 Spring demonstration project in Clayton county.

18 (7) Not more than five hundred thousand dollars is
19 appropriated to the department of agriculture and land
20 stewardship for the fiscal period beginning July 1,
21 1987 and ending June 30, 1992 to implement a targeted
22 education program on best management practices and
23 technologies for the mitigation of groundwater
24 contamination from or closure of agricultural drainage
25 wells, abandoned wells, and sinkholes.

26 (8) Not more than one million two hundred thousand
27 dollars is appropriated to the department of
28 agriculture and land stewardship for the fiscal period
29 beginning July 1, 1987 and ending June 30, 1992 to
30 conduct field assessments of groundwater contamination
31 at agricultural chemical and grain storage and
32 handling facilities in cooperation with the department
33 of natural resources.

34 (9) Not more than two hundred thousand dollars is
35 appropriated to the department of agriculture and land
36 stewardship for the fiscal period beginning July 1,
37 1987 and ending June 30, 1992 to assess the
38 groundwater contamination from urban use of chemicals
39 and fertilizers in cooperation with the department of
40 natural resources."

41 10. Page 17, line 4, by inserting after the word
42 "person" the following: "other than a manufacturer".

43 11. Page 18, by striking lines 14 through 18 and
44 inserting the following: "subsection 1, a groundwater
45 protection fee shall be imposed upon nitrogen-based
46 fertilizer. The fee shall be based upon the
47 percentage of actual nitrogen contained in the
48 product. An eighty-two percent nitrogen solution
49 shall be taxed at a rate of fifty cents per ton.
50 Other nitrogen-based product formulations shall be

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1 taxed on the percentage of actual nitrogen contained
2 in the formulations with the eighty-two percent
3 nitrogen solution serving as the base. The fee shall
4 be paid by each licensee registering to sell
5 fertilizer to the secretary of agriculture. The
6 fees".

7 12. Page 20, line 11, by inserting after the word
8 "applicators" the following: "for commercial
9 application or agricultural use".

10 13. Page 25, line 18, by striking the words "no
11 ~~more-than~~" and inserting the following: "not less
12 than fifty dollars and no more than".

13 14. Page 25, line 20, by inserting after the word
14 "state." the following: "The secretary shall
15 establish by rule criteria for determining the fee to
16 be levied. The criteria shall include, but are not
17 limited to, a consideration of package size, the per-
18 centage of each active ingredient, the persistence of
19 each active ingredient, the solubility of the
20 pesticide in water, the mobility of the pesticide in
21 soil, and the volume or extent of use of the
22 pesticide."

23 15. Page 25, lines 23 and 24, by striking the
24 words "four hundred fifty" and inserting the
25 following: "two hundred twenty-five".

26 16. Page 26, line 6, by inserting after the word
27 "given" the following: "by a commercial or public
28 applicator".

29 17. Page 26, line 12, by inserting after the word
30 "subsection." the following: "The department shall
31 adopt rules providing guidelines for public bodies to
32 notify adjacent property occupants regarding the
33 application of herbicides to noxious weeds or other
34 undesirable vegetation within highway rights-of-way."

35 18. Page 27, by striking lines 21 and 22 and
36 inserting the following:
37 "Sec. 229. NEW SECTION. 266.38 AGRICULTURAL
38 RESOURCE MANAGEMENT RESEARCH CENTER."

39 19. By striking page 27, line 28 through page 28,
40 line 29, and inserting the following:

41 "2. The agricultural resource management research
42 center is established at the Iowa State University of
43 science and technology. The center shall conduct and
44 sponsor research and education programs in conjunction
45 with the Iowa agriculture and home economics
46 experiment station and its outlying research centers
47 to improve the management of fertilizers and
48 pesticides, to develop management practices to reduce
49 nitrate and pesticide infiltration into groundwater,
50 to evaluate pesticide and fertilizer application

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1 methods and their impact upon groundwater quality, and
2 to otherwise assist in the development of agricultural
3 practices designed to reduce negative environmental
4 impacts. The center may also conduct research and
5 assist in the development of agricultural practices
6 that are consistent with a sustainable agriculture.
7 The center shall solicit input from individuals;
8 federal, state and local agencies; and other
9 institutions and entities conducting similar research
10 and education activities so as to complement and
11 coordinate efforts."

12 20. Page 30, by inserting after line 31 the
13 following:

14 "_____. Notwithstanding the prohibitions of section
15 455B.267, subsection 4, an owner of an agricultural
16 drainage well may raise the tile of or make
17 improvements to an agricultural drainage well upon the
18 approval of the county board of supervisors which has
19 jurisdiction over the property on which the
20 agricultural drainage well is located. If approval is
21 granted to an owner for tile raising or improvements
22 to an agricultural drainage well, the county board of
23 supervisors granting the approval shall notify the
24 department of agriculture and land stewardship and the
25 department of natural resources of the approval within
26 thirty days of the decision."

27 21. Page 32, by striking lines 6 through 22.

28 22. By striking page 32, line 30 through page 33,
29 line 4 and inserting the following: "the program.
30 The department may provide financial incentive moneys
31 to reduce a person's cost in properly plugging wells
32 abandoned prior to July 1, 1987."

33 23. Page 35, by striking lines 15 through 23.

34 24. Page 35, by inserting after line 23 the
35 following:

36 "Sec. _____. 1986 Iowa Acts, chapter 1245, section
37 668, is repealed."

38 25. Page 45, line 13, by striking the words "two
39 dollars" and inserting the following: "one dollar".

40 26. Page 45, by striking lines 14 through 16, and
41 inserting the following: "ton of solid waste for the
42 year beginning January 1, 1988. The city or county
43 providing for the".

44 27. By striking page 49, line 34 through page 50,
45 line 12.

46 28. Page 50, by striking lines 14 through 19 and
47 inserting the following:

48 "The commission shall adopt rules which establish a
49 uniform label to be supplied and used by retailers."

50 29. By striking page 52, line 28 through page 53,

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1 line 6 and inserting the following:

2 "Sec. ____ . COLLECTION OF USED MOTOR OIL -- PILOT
3 PROJECT.

4 The state department of transportation, in
5 cooperation with the department of natural resources
6 and the Iowa State University of science and
7 technology center for industrial research and service,
8 shall institute a pilot project to collect and dispose
9 of used motor oil from residences and farms in one
10 urban county and one rural county by October 1, 1987.

11 The state department of transportation shall
12 promote community participation; provide collection
13 sites and facilities; prescribe procedures for each
14 collection site, including the amount of used motor
15 oil to be accepted from a household or farm, and
16 measures necessary to assure maintenance of a sanitary
17 collection site environment; arrange for proper used
18 oil disposal; and report to the general assembly by
19 March 1, 1988, regarding the progress on the pilot
20 project. The report shall include the cost of the
21 project, the amount of used motor oil collected, and
22 any other relevant data gathered by the participating
23 agencies. The state department of transportation
24 shall recommend in the report to the general assembly
25 whether the program should be continued, expanded,
26 modified, or discontinued.

27 The department of natural resources shall assist
28 the state department of transportation in promoting
29 the pilot project and in applying any state or federal
30 environmental regulations to the pilot project. The
31 Iowa State University of science and technology center
32 for industrial research and service shall coordinate
33 research on establishing the waste stream for used
34 motor oil, investigate alternative disposal methods,
35 and coordinate research with other states' research
36 projects on used motor oil collection and disposal.

37 This section is repealed July 1, 1988."

38 30. Page 53, by striking lines 9 through 12 and
39 inserting the following:

40 "The commission shall conduct a symposium in each
41 congressional district regarding household hazardous
42 waste recycling and reclamation."

43 31. By striking page 53, line 13 through page 55,
44 line 7.

45 32. Page 56, by striking lines 8 through 20 and
46 inserting the following: "individual owner or
47 operator."

48 33. Page 56, by inserting after line 22 the fol-
49 lowing:

50 "4. The mechanism by which owners or operators who

April 24, 1987

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1 can demonstrate financial responsibility pursuant to
2 the federal Resource Conservation and Recovery Act, 42
3 U.S.C. § 6901 et seq., may establish exempt status
4 from participation in the program."

5 34. Page 57, by striking lines 7 through 22 and
6 inserting the following: "state, based on storage
7 tank standards and monitoring systems maintained by
8 the individual owner or operator."

9 35. Page 57, by inserting after line 30 the
10 following:

11 "4. The mechanism by which owners or operators who
12 can demonstrate financial responsibility pursuant to
13 the federal Resource Conservation and Recovery Act, 42
14 U.S.C. § 6901 et seq., may establish exempt status
15 from participation in the program."

16 36. Page 57, line 32, by striking the word
17 "subsections" and inserting the following:
18 "subsection".

19 37. By striking page 57, line 33 through page 58,
20 line 8.

21 38. Page 58, line 21, by striking the figures "3
22 3A" and inserting the following: "3".

23 39. Page 59, by striking lines 21 and 22 and in-
24 serting the following: "pay an annual storage tank
25 management fee of ten dollars per tank of over one
26 thousand one hundred".

27 40. By renumbering as necessary.

S-3770

Filed April 23, 1987

B- 4/20 (p. 1519)

A. Adopted as amended by 3809, 3795,
3807 4/24/87 (p. 1519)

Reconsidered, further divided

C- 4/20

A. Adopted (p. 1523)

BY COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson
COMMITTEE ON NATURAL RESOURCES
HURLEY W. HALL, Chairperson

HOUSE FILE 631

S-3713

- 1 Amend House File 631 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 49, lines 32 and 33, by striking the
- 4 words ", upon conviction,".
- 5 2. Page 52, line 26, by striking the words ",
- 6 upon conviction,".

S-3713

Filed April 21, 1987

BY DONALD V. DOYLE

Adopted 4/24 (p. 1523)

HOUSE FILE 631

S-3754

- 1 Amend the amendment, S-3698, to House File 631, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 1, line 3 through page 2,
- 5 line 7.
- 6 2. By renumbering as necessary.

S-3754

Filed April 23, 1987

BY TOM MANN, JR.

Placed on order 4/24 (p. 1519)

HOUSE FILE 631

S-3755

- 1 Amend the amendment, S-3698, to House File 631, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 24 the fol-
- 5 lowing:
- 6 "____. Page 4, by inserting after line 4 the fol-
- 7 lowing:
- 8 "Any person applying a substance to the soil which
- 9 contains a contaminant shall maintain records of the
- 10 type of substance and the contaminant contained in the
- 11 substance, and exact location and date of application
- 12 of the substance for the period of time deemed to be
- 13 the effective life of the contaminant.""
- 14 2. By renumbering as necessary.

S-3755

Filed April 23, 1987

BY TOM MANN, JR.

Order 4/24 (p. 1519)

HOUSE FILE 631

S-3756

- 1 Amend House File 631, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by inserting after line 32 the follow-
- 4 ing:
- 5 "____. "Effective life" means the period of time
- 6 deemed by the department within which a contaminant is
- 7 expected to pose a threat of contamination in the form
- 8 in which it is applied."

S-3756

Filed April 23, 1987

BY TOM MANN, JR.

Order 4/24 (p. 1522)

HOUSE FILE 631

S-3771

1 Amend amendment, S-3698, to House File 631 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by striking lines 11 and 12.

4 2. Page 1, by striking lines 13 through 24 and
5 inserting the following:

6 "_____. By striking page 3, line 22 through page 4,
7 line 4."

8 3. Page 1, by striking lines 25 through 36.

9 4. Page 1, by inserting after line 39 the
10 following:

11 "_____. Page 4, by inserting after line 31 the
12 following:

13 "Liability shall not be imposed upon an
14 agricultural producer, commercial applicator, or
15 fertilizer dealer or distributor for the costs of
16 active cleanup, or for any damages associated with or
17 resulting from the detection in the groundwater of any
18 quantity of nitrates provided that application has
19 been in compliance with soil test results and that the
20 applicator has properly complied with label
21 instructions for application of the fertilizer.
22 Compliance with the above provision may be raised by
23 the agricultural producer, commercial applicator, or
24 fertilizer dealer or distributor and shall constitute
25 an affirmative defense.

26 Liability shall not be imposed upon an agricultural
27 producer, commercial applicator, or pesticide dealer
28 for the costs of active cleanup, or for damages
29 associated with or resulting from the detection in the
30 groundwater of any quantity of pesticide provided that
31 the applicator has properly complied with label
32 instructions and that the applicator has a valid
33 license. Compliance with this provision may be raised
34 by the agricultural producer, commercial applicator,
35 or pesticide dealer and shall constitute an
36 affirmative defense."

37 5. Page 2, line 1, by inserting after the word
38 "adopted" the following: "after July 1, 1988".

39 6. Page 2, by inserting after line 31 the
40 following:

41 "Any moneys expended for purposes, duties,
42 programs, or projects related to groundwater
43 protection shall be approved, prior to expenditure of
44 the funds, by the fiscal committee of the legislative
45 council."

46 7. Page 3, by striking lines 1 through 35 and
47 inserting the following:

48 "_____. By striking page 9, line 24 through page
49 10, line 6 and inserting the following:

50 "(1) Not more than five hundred eighty thousand

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1 dollars is appropriated annually to the department of
2 natural resources to provide grants to counties for
3 the testing of private, rural water supply wells.

4 (2) Not more than nine hundred eighty thousand
5 dollars is appropriated annually to the department of
6 natural resources to be used for grants to counties
7 for the purpose of conducting programs for properly
8 closing abandoned, rural water supply wells."

9 8. Page 3, line 38, by striking the words "The
10 department may" and inserting the following:

11 "(3) The department shall".

12 9. Page 3, line 40, by striking the words
13 "appropriated under this subparagraph" and inserting
14 the following: "in the account".

15 10. Page 4, by striking lines 6 and 7, and
16 inserting the following: "two hundred forty thousand
17 dollars of the moneys in the account to the center,
18 beginning July 1, 1988."

19 11. Page 4, by striking lines 10 through 20 and
20 inserting the following:

21 ""(4) Eighteen percent of the moneys in the
22 account is appropriated to the department of
23 agriculture and land stewardship for the assessment
24 and development of programs and demonstration projects
25 designed to eliminate chemical contamination through
26 agricultural drainage wells and sinkholes.

27 (5) Any moneys not expended for the purposes of
28 subparagraphs (1) through (4) are appropriated to the
29 department of agriculture and land stewardship for the
30 purposes of carrying out financial incentive programs
31 and agriculture groundwater programs."

32 12. Page 4, by striking lines 40 and 41 and
33 inserting the following:

34 ""(2) Seventy percent or not more than two hundred
35 ten thousand dollars of the moneys deposited".

36 13. Page 6, line 36, by striking the word "one-
37 tenth" and inserting the following: "one-twentieth".

38 14. Page 6, line 43, by inserting after the word
39 "distributed" the following: "by manufacturers,
40 wholesalers, or distributors".

41 15. Page 7, line 6, by striking the word "may"
42 and inserting the following: "shall".

43 16. By striking page 9, line 15 through page 10,
44 line 27 and inserting the following:

45 " . By striking page 30, line 3 through page
46 32, line 5 and inserting the following:

47 "1. The department of agriculture and land
48 stewardship shall evaluate alternative methods for and
49 costs associated with programs to eliminate
50 groundwater contamination caused by the use of

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1 agricultural drainage wells and sinkholes.

2 The evaluation shall include an assessment of the
3 technical, financial, and legal aspects associated
4 with the elimination of groundwater contamination
5 caused by the use of agricultural drainage wells and
6 sinkholes. The department of agriculture and land
7 stewardship shall report its findings to the energy
8 and environmental protection committees of the general
9 assembly by January 1, 1989.

10 2. The department of agriculture and land
11 stewardship shall on July 1, 1987 initiate pilot
12 demonstration and research projects concerning
13 elimination of groundwater contamination caused by the
14 use of agricultural drainage wells and sinkholes. The
15 demonstration projects regarding agricultural drainage
16 wells shall be established in Humboldt and Pocahontas
17 counties and the demonstration projects regarding
18 sinkholes shall be established in Allamakee and
19 Clayton counties.

20 a. The pilot projects shall be designed to
21 demonstrate the technical, financial, and legal
22 aspects associated with the elimination of groundwater
23 contamination caused by the use of agricultural
24 drainage wells and sinkholes. Financial assistance
25 may be provided by the department to landowners and
26 drainage districts for the construction of alternative
27 outlets, or to landowners to compensate them for land
28 removed from cropland and reverted to wetland.

29 b. A research project shall evaluate the
30 feasibility of eliminating groundwater contamination
31 caused by the use of agricultural drainage wells or
32 sinkholes by utilizing reduced chemical farming
33 practices. Financial incentive moneys may be provided
34 by the department to landowners in the study area for
35 employing the reduced chemical farming practices
36 needed to accomplish the research. Research shall be
37 performed in conjunction with the Iowa agricultural
38 experiment station at Iowa State University of science
39 and technology.

40 c. The secretary may appoint interagency
41 committees and groups as needed to coordinate the
42 involvement of agencies participating in these
43 projects.

44 d. The department shall publish a report on the
45 status and findings of the pilot demonstration and
46 research projects on or before January 15, 1990, and
47 each subsequent year of the projects.

48 3. An owner of an agricultural drainage well shall
49 register the well with the department of natural
50 resources by January 1, 1992.

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1 4. An owner of an agricultural drainage well and a
2 landowner whose land is drained by the well or wells
3 of another person shall not be eligible for financial
4 incentive moneys if the owner fails to register the
5 well with the department of natural resources by
6 January 1, 1992.

7 5. An owner of an agricultural drainage well and a
8 landholder whose land is drained by the well or wells
9 of another person shall develop, in consultation with
10 the department of agriculture and land stewardship and
11 the department of natural resources, a plan which
12 proposes alternatives for eliminating groundwater
13 contamination caused by the use of agricultural
14 drainage wells by January 1, 1992.

15 6. An owner of an agricultural drainage well and a
16 landholder whose land is drained by the well or wells
17 of another person shall not be eligible for financial
18 incentive moneys if the owner fails to develop a plan
19 for alternatives in cooperation with the department of
20 agriculture and land stewardship and the department of
21 natural resources.

22 7. Beginning July 1, 1992, the department shall
23 initiate an ongoing program to meet the goal of the
24 elimination of chemical contamination caused by the
25 use of agricultural drainage wells by January 1, 2000.

26 8. Financial incentive moneys may be provided to
27 landowners from the general fund of the state to
28 implement alternatives for eliminating groundwater
29 contamination caused by the use of agricultural
30 drainage wells.""

31 17. Page 10, by striking lines 28 through 36 and
32 inserting the following:

33 "____. Page 32, by striking lines 6 through 22."

34 18. Page 10, by striking lines 37 through 44 and
35 inserting the following:

36 "____. By striking page 32, line 30 through page
37 33, line 4 and inserting the following: "the program.
38 The department may provide financial incentive moneys
39 to reduce a person's cost in properly plugging wells
40 abandoned prior to July 1, 1987.""

41 19. By striking page 12, line 46 through page 13,
42 line 20 and inserting the following:

43 "____. Page 58, by striking lines 11 through 17
44 and inserting the following: "not been registered
45 pursuant to subsections 1 through 5.

46 The department shall furnish the owner or operator
47 of an underground storage tank with a registration tag
48 for each underground storage tank registered with the
49 department. The owner or operator shall affix the tag
50 to the fill pipe of each registered underground

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storage tank. A person who conveys or deposits a regulated substance shall inspect the underground storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the underground storage tank fill pipe, the person conveying or depositing the regulated substance may deposit the regulated substance in the unregistered tank provided that the deposit is allowed only in the single instance, that the person reports the unregistered tank to the department of natural resources, and that the person provides the owner or operator with an underground storage tank registration form and informs the owner or operator of the underground storage tank registration requirements. The owner or operator is allowed fifteen days following the report to the department of the owner's or operator's unregistered tank to comply with the registration requirements. If an owner or operator fails to register the reported underground storage tank during the fifteen-day period, the owner or operator shall pay a fee of twenty-five dollars upon registration of the tank."

20. By renumbering as necessary.

S-3771

Adopted April 23, 1987

Adopted 4/24/87 (p. 1518)

BY COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson
COMMITTEE ON NATURAL RESOURCES
HURLEY W. HALL, Chairperson

HOUSE FILE 631

789

1 Amend House File 631 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 50, line 1, by inserting before the word
4 "A" the following: "1." A

5 2. Page 50, by inserting after line 12, the
6 following:

7 "2. A manufacturer or distributor of household
8 hazardous materials, which authorizes retailers as
9 independent contractors to sell the products of the
10 manufacturer or distributor on a person-to-person
11 basis primarily in the customer's home, shall print
12 informational lists of its products which are
13 designated by the department as household hazardous
14 materials. These lists of products and the consumer
15 information booklets prepared in accordance with
16 subsection 1 shall be provided by the manufacturer or
17 distributor in sufficient quantities to each such
18 retailer for dissemination to customers. During the
19 course of a sale of a household hazardous material by
20 such a retailer, the customer shall in the first
21 instance be provided with a copy of both the list and
22 the consumer information booklet. In subsequent sales
23 to the same customer, the list and booklet shall be
noted as being available if desired."

24 3. Page 50, line 31, by inserting before the word
25 "A" the following: "1." B

26 4. Page 51, by inserting after line 10 the
27 following:

28 "2. A manufacturer or distributor of household
29 hazardous materials, which authorizes retailers as
30 independent contractors to sell the products of the
31 manufacturer or distributor on a person-to-person
32 basis primarily in the customer's home, may obtain a
33 single household hazardous materials permit on behalf
34 of its authorized retailers in the state, in lieu of
35 individual permits for each retailer, and pay a fee
36 based upon the manufacturer's or distributor's gross
37 retail sales in the state according to the fee
38 schedule and requirements of subsection 1. However, a
39 manufacturer or distributor which has gross retail
40 sales of three million dollars or more in the state
41 shall pay an additional permit fee of one hundred
42 dollars for each subsequent increment of three million
43 dollars of gross retail sales in the state, up to a
44 maximum permit fee of one thousand dollars." C

S-3789

Filed April 24, 1987

BY MICHAEL E. GRONSTAL
FORREST SCHWENGELS

A - WITHDRAWN (p. 1522)

B - WITHDRAWN

C - ADOPTED

S-3780

- 1 Amend House File 631 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 27 through 32 and
- 4 inserting in lieu thereof the following:
- 5 "8. "Passive cleanup" means the treatment of a
- 6 contaminant in groundwater through management
- 7 practices."

S-3780

Filed April 24, 1987

BY JACK RIFE

ADOPTED (j 1521)

HOUSE FILE 631

S-3782

- 1 Amend House File 631 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 15, by striking lines 9 through 17.
- 4 2. By renumbering as necessary.

S-3782

Filed April 24, 1987

BY JACK HESTER

ADOPTED

HOUSE FILE 631

S-3783

- 1 Amend House File 631 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 45, by striking lines 11 through 21 and
- 4 inserting the following:
- 5 "Sec. ____ . Section 455B.310, subsection 1, Code
- 6 1987, is amended to read as follows:
- 7 1. Except as provided in subsection 3, the owner
- 8 or operator of a sanitary landfill disposal project
- 9 shall pay to the department a tonnage fee for each ton
- 10 of equivalent volume of solid waste received and
- 11 disposed of at the sanitary landfill disposal project
- 12 during the preceding reporting period. The department
- 13 shall determine by rule the volume which is equivalent
- 14 to a ton of waste."

S-3783

Filed April 24, 1987

BY JACK HESTER

HURLEY W. HALL

WITHDRAWN

HOUSE FILE 631

S-3788

- 1 Amend House File 631 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 49, line 12, by inserting after the word
- 4 "include" the following: "cosmetics,".
- 5 2. Page 49, line 13, by striking the word
- 6 "dishwashing".

S-3788

Filed April 24, 1987

BY MICHAEL E. GRONSTAL

ADOPTED

FORREST SCHWENGLS

HOUSE FILE 631

S-3792

- 1 Amend amendment S-3698 to House File 631 as amended,
- 2 passed, and reprinted by the House as follows:
- 3 1. Page 12, by striking lines 3 and 4.
- 4 2. Page 12, line 5, by inserting after the word
- 5 "land" the following: "and other materials, determined
- 6 by the department not to present a threat to the public
- 7 health or safety."

S-3792

Filed April 24, 1987

BY LARRY MURPHY

ADOPTED (j 1514)

HOUSE FILE 631

S-3793

- 1 Amend the amendment, S-3770, to House File 631 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking lines 7 through 9.
- 5 2. By renumbering as necessary.

S-3793

Filed April 24, 1987

BY JAMES R. RIORDAN

WITHDRAWN (j 1519)

HOUSE FILE 631

S-3794

- 1 Amend the amendment, S-3698, to House File 631, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 8 through 31.
- 5 2. By renumbering as necessary.

S-3794

Filed April 24, 1987

BY JAMES R. RIORDAN

RULED OUT OF ORDER (j 1518)

HOUSE FILE 631

S-3795

- 1 Amend the amendment, S-3770, to House File 631 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 4, by striking lines 23 through 25 and
- 5 inserting the following:
- 6 " . Page 25, lines 23 and 24, by striking the
- 7 words "four hundred fifty dollars" and inserting the
- 8 following: "the remainder".

S-3795

Filed April 24, 1987

BY PATRICK J. DELUHERY

ADOPTED (j 1519)

BERL E. PRIEBE
HURLEY W. HALL

HOUSE FILE 631

S-3790

1 Amend House File 631, as amended, passed, and re-
2 printed by the House, as follows:

3 1. By striking page 34, line 15, through page 35,
4 line 14.

5 2. Page 35, by inserting after line 23 the fol-
6 lowing:

7 "Sec. ____ . EXISTENCE AND LOCATION OF WELLS,
8 DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND
9 HAZARDOUS WASTE.

10 The owner or owners of real estate in this state
11 shall submit with the property tax payment statement
12 and payment to the county treasurer, a statement that
13 no known wells are situated on the property, or if
14 known wells are situated on the property, the
15 statement must state the approximate location of each
16 known well and its status with respect to section
17 159.28 or 455B.190. The statement must also state
18 that no disposal site for solid waste, as defined in
19 section 455B.301, which has been deemed to be poten-
20 tially hazardous by the department of natural
21 resources, exists on the property, or if such a
22 disposal site does exist, the location of the site on
23 the property. The statement must additionally state
24 that no underground storage tank, as defined in
25 section 455B.471, subsection 6, exists on the
26 property, or if an underground storage tank does
27 exist, the type and size of the tank, and the
28 substance in the tank. The statement must also state
29 that no hazardous waste as defined in section
30 455B.411, subsection 4, or listed by the department of
31 natural resources pursuant to section 455B.412,
32 subsection 2, or section 455B.464, exists on the
33 property, or if hazardous waste does exist, that the
34 waste is being managed in accordance with rules
35 adopted by the department of natural resources. The
36 statement shall be sent with either the first or
37 second installment of real estate taxes due and
38 payable in the fiscal year beginning July 1, 1987 and
39 shall be signed by the owner or owners of the real
40 property. If real estate taxes are escrowed for the
41 property owner or owners, the lending institution
42 shall send the statement to the property owner or
43 owners thirty days prior to the date the taxes are due
44 and payable. The director of the department of
45 natural resources shall prescribe the form of the
46 statement and provide an adequate number of the forms
47 to each county treasurer in the state. The county
48 treasurer shall transmit the statements to the
49 department of natural resources at times directed by
50 the director of the department."

pg. 2

1 3. By renumbering as necessary.

S-3790

Filed April 24, 1987

RULED OUT OF ORDER (1522)

By HURLEY W. HALL
RICHARD VANDE HOEF
BERL E. PRIEBE
LINN FUHRMAN

HOUSE FILE 631

S-2799

Amend the amendment, S-2770, to House File 631 as amended, passed, and reprinted by the House as follows:

1. Page 4, by striking lines 10 through 25 and inserting the following:

" . Page 25, by striking lines 13 through 26 and inserting the following:

3. The registrant, before selling or offering for sale any pesticide in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and, ~~for the purpose of defraying expenses connected with the enforcement of this chapter,~~ the secretary shall set the registration fee ~~annually at no more than twenty dollars for each and every brand and grade to be offered for sale~~ based upon one percent of the gross sales of the pesticides sold by the registrant in the previous year in this state. The Fifty dollars of the fees collected shall be deposited in the treasury to the credit of the pesticide fund to be used only for the purpose of enforcing the provisions of this chapter and the remainder collected shall be placed in the agriculture management account of the groundwater protection fund."

S-2799

Filed April 24, 1987
WITHDRAWN (p. 1519)

BY JAMES R. RIORDAN

HOUSE FILE 631

S-3800

Amend House File 631 as amended, passed and reprinted by the House as follows:

1. Page 45, by inserting after line 10 the following:

"Sec. ____ . Section 455B.310, subsection 1, Code 1987, is amended to read as follows:

1. Except as provided in subsection 3, the owner or operator of a sanitary landfill disposal project shall pay to the department a tonnage fee for each ton or equivalent volume of solid waste received and disposed of at the sanitary landfill disposal project during the preceding reporting period. The department shall determine by rule the volume which is equivalent to a ton of waste."

2. By renumbering as necessary.

S-3800

Filed April 24, 1987
ADOPTED (p. 1522)

BY JACK HESTER
HURLEY W. HALL

HOUSE FILE 631

S-3796

1 Amend House File 631 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 51, line 10, by inserting after the word
4 "materials" the following: "with the exception of
5 reporting requirements and license fees for pesticide
6 dealers as defined under section 206.2, subsection
7 24".

S-3796

Filed April 24, 1987

BY JAMES R. RIORDAN

ADOPTED (p. 1523)

HOUSE FILE 631

S-3797

1 Amend the amendment, S-3698, to House File 631, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 6, line 30, by inserting after the word
5 "pay" the following: "a minimum annual license fee of
6 twenty-five dollars or".
7 2. Page 6, line 36, by striking the word "of" and
8 inserting the following: "based on".
9 3. Page 6, line 41, by inserting after the word
10 "thereafter." the following: "A licensee shall pay a
11 fee of twenty-five dollars for the period July 1, 1987
12 through June 30, 1988."

S-3797

Filed April 24, 1987

BY JAMES R. RIORDAN

ADOPTED (p. 1518)

HOUSE FILE 631

S-3801

1 Amend amendment S-3698 to House File 631 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 10, by striking lines 28 through 36 and
4 inserting the following:
5 "____. Page 32, by striking lines 6 through 22 and
6 inserting the following:
7 "Sec. ____ Section 4553.187, Code 1987, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. In the case of property
10 owned by a state agency, a person shall not drill for
11 or construct a new water well without first
12 registering with the department the existence of any
13 abandoned wells on the property. The department shall
14 develop a prioritized closure program and time frame
15 for the completion of the program, and shall adopt
16 rules to implement the program."

S-3801

Filed April 24, 1987

BY HURLEY W. HALL

RULED OUT OF ORDER (p. 1518)

JACK W. HESTER

BERL E. PRIEBE

PATRICK J. DELUHERY

SENATE 41
April 27, 1987

HOUSE FILE 631

S-3809

1 Amend the amendment, S-3770, to House File 631, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, line 14, by inserting after the word
5 "following:" the following: "The secretary shall
6 adopt by rule exceptions to the minimum fee if the
7 secretary determines that a particular pesticide,
8 including but not limited to animal health products,
9 rodenticides, and premise disinfectants, does not
10 contaminate the groundwater. If such a determination
11 is made, a registrant shall pay a fee of twenty
12 dollars for deposit in the pesticide fund."

13 2. Page 4, line 16, by inserting after the word
14 "levied" the following: "for pesticides determined to
15 contaminate the groundwater".

S-3809

Filed April 24, 1987
ADOPTED (p. 1519)

BY LEONARD L. BOSWELL

HOUSE FILE 631

S-3810

1 Amend House File 631 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 32, by inserting after line 5 the
4 following:

5 "Sec. ____ . Section 455B.187, Code 1987, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. In the case of property
8 owned by a state agency, a person shall not drill for
9 or construct a new water well without first
10 registering with the department the existence of any
11 abandoned wells on the property. The department shall
12 develop a prioritized closure program and time frame
13 for the completion of the program, and shall adopt
14 rules to implement the program."

15 2. By renumbering as necessary.

S-3810

Filed April 24, 1987
ADOPTED (p. 1521)

BY HURLEY W. HALL
JACK W. HESTER
BERL E. PRIEBE
PATRICK J. DELUHERY

HOUSE FILE 631

S-3804

1 Amend House File 631 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 23, line 12, by inserting after the word
4 "dealer" the following: "who sells pesticides at
5 retail".
6 2. Page 23, line 18, by inserting after the word
7 "in" the following: "this state during".
8 3. Page 25, line 26, by inserting after the word
9 "fund." the following: "Payment of this fee by the
10 registrant shall entitle the registrant to a pesticide
11 license for distribution of registered products,
12 manufactured by the registrant, which are not sold at
13 retail in the state by the registrant."

S-3804

Filed April 24, 1987

RULED OUT OF ORDER (p. 1521)

BY RICHARD F. DRAKE
MICHAEL E. GRONSTAL

HOUSE FILE 631

S-3805

1 Amend House File 631 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 25, by striking lines 29 through 33 and
4 inserting the following:
5 "NEW SUBSECTION. Persons licensed under this
6 chapter who sell pesticides at retail for application
7 in this state or to an applicator licensed under this
8 chapter for application in this state shall file an
9 annual report with the secretary of agriculture
10 listing the amount of pesticides sold by the following
11 general categories: herbicides, insecticides, and
12 fungicides. The report shall be compiled on a
13 quarterly basis and shall be".

S-3805

Filed April 24, 1987

RULED OUT OF ORDER (p. 1521)

BY RICHARD F. DRAKE
MICHAEL E. GRONSTAL

HOUSE FILE 631

S-3807

1 Amend the amendment, S-3770, to House File 631 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 5, line 4, by striking the word "may" and
5 inserting the following: "shall".
6 2. Page 5, line 7, by striking the word "input"
7 and inserting the following: "comment".

S-3807

Filed April 24, 1987

ADOPTED - THEN RULED OUT OF ORDER

(p. 1519)

(p. 1527)

BY PATRICK J. DELUHERY
HURLEY W. HALL
BERL E. PRIEBE

HOUSE FILE 631

318

1 Amend the amendment, S-3698, to House File 631, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 8, line 48 through page 9,
5 line 5 and inserting the following:

6 " _____. By striking page 27, line 28 through page
7 28, line 29, and inserting the following:

8 "2. The agricultural resource management research
9 center is established at the Iowa State University of
10 science and technology. The center shall conduct and
11 sponsor research and education programs in conjunction
12 with the Iowa agriculture and home economics
13 experiment station and its outlying research centers
14 to improve the management of fertilizers and
15 pesticides, to develop management practices to reduce
16 nitrate and pesticide infiltration into groundwater,
17 to evaluate pesticide and fertilizer application
18 methods and their impact upon groundwater quality, and
19 to otherwise assist in the development of agricultural
20 practices designed to reduce negative environmental
21 impacts. The center may also conduct research and
22 assist in the development of agricultural practices
23 that are consistent with a sustainable agriculture.
24 The center shall solicit input from individuals;
25 federal, state and local agencies; and other
26 institutions and entities conducting similar research
27 and education activities so as to complement and
28 coordinate efforts."

29 2. By renumbering as necessary.

S-3818

Filed April 24, 1987

BY HURLEY W. HALL

ADOPTED (p. 15 27)

HOUSE FILE 631

S-3812

1 Amend House File 631 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 32, by inserting after line 5 the
4 following:

5 "_____. Notwithstanding the prohibitions of section
6 455B.267, subsection 4, an owner of an agricultural
7 drainage well may raise the tile of or make
8 improvements to an agricultural drainage well upon the
9 approval of the county board of supervisors which has
10 jurisdiction over the property on which the
11 agricultural drainage well is located. If approval is
12 granted to an owner for tile raising or improvements
13 to an agricultural drainage well, the county board of
14 supervisors granting the approval shall notify the
15 department of agriculture and land stewardship and the
16 department of natural resources of the approval within
17 thirty days of the decision."

S-3812

Filed April 24, 1987

BY BERL E. PRIEBE

ADOPTED (y 1523)

HOUSE FILE 631
SENATE AMENDMENT H-4027

REQUESTED BY REPRESENTATIVE JOHNSON

SENATE AMENDMENT TO HOUSE FILE 631 (H-4027) makes changes to the revenue generated by the bill:

1. The solid waste tonnage fee is reduced from \$2 per ton to \$1 per ton. The \$.50 per ton annual increase in the fee is eliminated. The estimated receipts to the Solid Waste Account are \$432,600 in FY88 and \$1,730,400 in FY89.
2. The fertilizer tonnage fee is changed from \$.40 per ton to a fee based on nitrogen concentration. Receipts into the Agriculture Management Account are estimated to be \$400,000 annually.
3. The pesticide dealer license fee is changed from a fee schedule based on gross retail sales to a fee of one-twentieth of one percent of gross retail sales. The fee based on sales does not go into effect until July 1, 1988. A \$25 fee is levied in FY87. In addition, the definition of a pesticide dealer is changed to include only persons selling pesticide for commercial application or agricultural use. Consequently, in FY88 there will be no additional fees collected. In FY89, fee receipts will total \$193,000 for deposit in the Pesticide Trust Fund. This estimate includes no funds for deposit in the Agriculture Management Account.
4. The pesticide registration fee is changed from a \$500 fee to a fee ranging from \$50 to \$500 to be set by the Secretary of Agriculture. The estimated annual receipts are an additional \$186,000 to the Pesticide Trust Fund and \$1,395,000 to the Agriculture Management Account.
5. Overall, the total annual receipts to the Agriculture Management Account are estimated at \$1,795,000.
6. The storage tank management fee is reduced from \$17.50 per tank to \$10 per tank, resulting in receipts to the Storage Tank Management Account of \$300,000.

The Senate Amendment changes the way in which the four accounts of the Groundwater Protection Fund created in House File 631 are to be allocated:

1. The Solid Waste Account allocations under House File 631 for groundwater monitoring at disposal sites, for Iowa State Water Resources Research Institute, and for demonstration projects in alternative disposal methods are struck. Of the first \$.50 per ton of the funds deposited in the Solid Waste Account, \$8,000 is appropriated to the Department of Public Health for its duties under Part Two of the bill.
2. The Senate Amendment replaces all of the appropriations from the Agriculture Management Account made by House File 631. Of the funds in the Agriculture Management Account, the Senate Amendment appropriates \$580,000 for well testing grants, \$980,000 for abandoned well closing grants, \$79,000 in the first year and up to \$240,000 in subsequent years for the Center for Health Effects of Environmental Contamination, and 18% of the Account for programs and demonstration projects relating to agriculture drainage wells and sinkholes.
3. The Senate Amendment adds appropriations from the Household Hazardous Waste Account of \$2,000 to the Department of Public Health and \$8,000 for

-2-

one year for the used oil pilot project.

4. The Storage Tank Management Account appropriation for the administration of the state's storage tank program is reduced from \$500,000 to \$210,000. An appropriation of \$1,000 for the Department of Public Health is added.

The Senate Amendment creates an Oil Overcharge Account within the Groundwater Protection Fund and appropriates funds from that account for a five-year period. The amounts allocated for FY88 and FY89 reflect an annual average of the five-year appropriation. Appropriations from the Oil Overcharge Account for a groundwater monitoring program at landfills, for research at the Iowa State Water Resources Research Institute, and for landfill alternative demonstration projects, replace funding from the Solid Waste Account that was provided in House File 631. Appropriations from the Oil Overcharge Account for assessment of private, rural water supplies, for the Agriculture Resource Research Management Center, and for education programs relating to agricultural drainage wells, abandoned wells and sinkholes, replace similar programs funded from the Agriculture Management Account in House File 631. The Senate Amendment appropriates funds from the Oil Overcharge Account to the Department of Natural Resources for its responsibilities under Part One of the bill that are not funded by House File 631. Four programs are funded by the Oil Overcharge Account under the Senate Amendment that are not included in House File 631. These include integrated farm management programs administered through the Agriculture Energy Management Council, the Big Spring demonstration project, an assessment of groundwater contamination at agricultural chemical and grain storage handling facilities, and an assessment of groundwater contamination from urban chemical and fertilizer use.

STATE OF IOWA
FISCAL NOTE

LSB No. 2926H.9
Staff ID RLB

-3-

REVENUE AND EXPENDITURE SUMMARY

	FY1988		FY1989	
	HF631	SEN. AMEND.	HF631	SEN. AMEND.
PART ONE - GENERAL PROVISIONS				
REVENUE				
Ag. Mgmt. Acct.	\$ 2,104,000	\$ 1,472,330	\$ 2,236,000	\$ 1,471,900
Solid Waste Acct.	173,040	0	173,040	0
Oil Overchg Acct.	0	3,770,000	0	3,770,000
Revenue Subtot.	\$ 2,277,040	\$ 5,242,330	\$ 2,409,040	\$ 5,241,900
EXPENDITURES				
DNR	\$ 4,229,920	\$ 4,823,250	\$ 5,159,920	\$ 5,461,811
	(16 FTE)	(16 FTE)	(16 FTE)	(16 FTE)
ISWRR	173,040	170,000	173,040	170,000
Center for Health	0	79,000	0	240,000
Ag Energy Council	0	1,200,000	0	1,200,000
DALS	0	280,000	0	260,000
Expend. Subtot.	\$ 4,402,960	\$ 6,552,250	\$ 5,332,960	\$ 7,351,820
NET EFFECT	\$ (2,125,920)	\$ (1,309,920)	\$ (2,923,920)	\$ (2,109,920)
PART TWO - PESTICIDES AND FERTILIZERS				
REVENUE				
Oil Overchg Acct	\$ 0	\$ 800,000	\$ 0	\$ 800,000
Pest. Trust Fund	802,667	482,667	802,667	576,217
Fert. Trust Fund	417,250	417,250	417,250	417,250
Ag. Mgmt. Acct.	1,310,000	0	1,390,000	0
Solid Waste Acct.	0	8,000	0	8,000
Hhd. Waste Acct.	0	2,000	0	2,000
Tank Mgmt. Acct.	0	1,000	0	1,000
Revenue Subtot.	\$ 2,529,917	\$ 1,710,917	\$ 2,609,917	\$ 1,904,467
EXPENDITURES				
DPH	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
	(2 FTE)	(2 FTE)	(2 FTE)	(2 FTE)
DALS	1,224,579	1,220,779	900,741	863,441
	(22 FTE)	(21 FTE)	(22 FTE)	(21 FTE)
Leopold/ARMR Cent.	1,310,000	800,000	1,390,000	800,000
Expend. Subtot.	\$ 2,610,610	\$ 2,086,810	\$ 2,360,074	\$ 1,752,774
NET EFFECT	\$ (80,693)	\$ (375,893)	\$ (750,157)	\$ (848,307)
PART THREE - WELLS, SINKHOLES, ETC.				
REVENUE				
Ag. Mgmt. Acct.	\$ 176,000	\$ 323,100	\$ 186,000	\$ 323,100
Oil Overcharge	0	100,000	0	100,000
Revenue Subtot.	\$ 176,000	\$ 423,100	\$ 186,000	\$ 423,100
EXPENDITURES				
CONSORTIUM	\$ 88,000	\$ 0	\$ 93,000	\$ 0
DALS	270,400	423,100	270,400	423,100
	(4 FTE)	(4 FTE)	(4 FTE)	(4 FTE)
DNR	140,000	0	140,000	0
	(4 FTE)		(4 FTE)	
Expend. Subtot.	\$ 498,400	\$ 423,100	\$ 503,400	\$ 423,100
NET EFFECT	\$ (322,400)	\$ 0	\$ (317,400)	\$ 0

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	FY 1986		FY 1987	
	HF 631	SEN. AMEND.	HF 631	SEN. AMEND.
PART FOUR - SOLID WASTE MANAGEMENT				
REVENUE				
Solid Waste Acct.	\$ 259,560	\$ 424,600	\$ 3,287,760	\$ 1,122,400
Oil Overchg Acct.	0	860,000	0	860,000
Revenue Subtot.	\$ 259,560	\$ 1,284,600	\$ 3,287,760	\$ 2,582,400
EXPENDITURES				
DNR	\$ 527,000 (10 FTE)	\$ 1,287,000 (10 FTE)	\$ 3,122,600 (10 FTE)	\$ 2,152,200 (10 FTE)
NET EFFECT	\$ (267,440)	\$ (2,400)	\$ 165,160	\$ 430,200
PART FIVE - HOUSEHOLD HAZARDOUS WASTE				
REVENUE				
Home. Waste Acct.	\$ 1,000,000	\$ 998,000	\$ 1,000,000	\$ 998,000
EXPENDITURES				
GRF	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
DNR	710,000 (3 FTE)	710,000 (3 FTE)	710,000 (3 FTE)	710,000 (3 FTE)
DOY	8,000	8,000	NA	NA
Expenditure Sub	\$ 793,000	\$ 793,000	\$ 785,000	\$ 785,000
NET EFFECT	\$ 207,000	\$ 205,000	\$ 215,000	\$ 213,000
PART SIX - STORAGE TANK MANAGEMENT				
REVENUE				
Tank Mgmt. Acct.	\$ 661,000	\$ 435,000	\$ 529,000	\$ 299,000
EXPENDITURES				
DNR	\$ 640,000 (12 FTE)	\$ 704,000 (12 FTE)	\$ 529,000 (12 FTE)	\$ 593,000 (12 FTE)
Dept. of Commerce	25,000	25,000	--	--
Expenditure Sub	\$ 665,000	\$ 729,000	\$ 529,000	\$ 593,000
NET EFFECT	\$ (4,000)	\$ (294,000)	\$ (4,000)	\$ (294,000)
TOTAL REVENUE	\$ 6,903,517	\$10,093,947	\$10,017,717	\$11,448,867
TOTAL EXPENDITURE FTE	\$ 9,496,970 (73 FTE)	\$11,871,160 (68 FTE)	\$12,633,034 (73 FTE)	\$13,057,894 (68 FTE)
TOTAL NET EFFECT	\$(2,593,453)	\$(1,777,213)	\$(2,615,317)	\$(1,609,027)

Page Five, Fiscal Note, House File 631

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FISCAL EFFECT:**PART ONE -- GENERAL PROVISIONS**

The changes in the fiscal effect of Part One include:

1. the allocation of Oil Overcharge Account funds to DNR to carry out the General Provisions section of House File 631;
2. the allocation of Oil Overcharge Account funds to DNR for an assessment of private, rural water supply systems;
3. revised appropriations from the Agriculture Management Account for well testing grants (\$580,000) and for well closing grants (\$980,000). The amounts reflected below are pro rated amounts because the total appropriations out of the Agriculture Management Account exceed the estimated receipts;
4. a change in the funding source for the Iowa State Water Resources Research Institute;
5. an appropriation for FY88 from the Agriculture Management Account for the Center for Health Effects of Environmental Contamination of \$79,000 for the development of a plan for the Center. In subsequent years, up to \$240,000 of the Agriculture Management Account may be spent for the Center. It is assumed that the full amount will be so allocated; and
6. appropriations from the Oil Overcharge Account for the Agricultural Energy Management Council, the Big Springs Project, and for assessments of groundwater contamination from chemical and grain storage facilities and from urban use of chemicals and fertilizer.

	FY1988		FY1989	
	HF631	AS AMENDED	HF631	AS AMENDED
DNR RECEIPTS - GEN. PROVISIONS				
Oil Overcharge Account \$	0	\$ 860,000	\$ 0	\$ 860,000
DNR EXPEND.- GEN. PROVISIONS				
Salaries	\$ 419,920	\$ 419,920	\$ 419,920	\$ 419,920
Support	200,000	200,000	200,000	200,000
Capital Outlay	200,000	200,000	200,000	200,000
Contracts	1,300,000	1,300,000	2,100,000	2,100,000
TOTAL EXPENDITURES	\$2,119,920	\$2,119,920	\$2,919,920	\$2,919,920
FTE	14	14	14	14
NET EFFECT	\$(2,119,920)	\$(1,259,920)	\$(2,919,920)	\$(2,059,920)

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DNR RECEIPTS - WELLS PROGRAM

Oil Overcharge Acct. (prvt/rural well assessment)	\$ 0	\$ 560,000	\$ 0	\$ 560,000
Ag. Management Acct. (well test. grants)	\$1,140,000	\$ 515,803	\$1,210,000	\$ 455,803
(well closing grant)	920,000	877,527	980,000	776,097
(program admin.)	44,000	0	46,000	0
	-----	-----	-----	-----
TOTAL RECEIPTS	\$2,104,000	\$1,953,330	\$2,236,000	\$1,791,900

DNR EXPENDITURES - WELLS PROGRAM

Prvt/Rural Well Asses.	\$ 0	\$ 560,000	\$ 0	\$ 560,000
Grants to counties for well testing	1,140,000	\$ 515,803	\$1,210,000	\$ 455,803
for well closing	920,000	877,527	980,000	776,097
Program admin.	50,000	50,000	50,000	50,000
	-----	-----	-----	-----
TOTAL EXPENDITURES	\$2,110,000	\$2,003,330	\$2,240,000	\$1,841,900
FTE	2	2	2	2

NET EFFECT	\$ (6,000)	\$ (50,000)	\$ (4,000)	\$ (50,000)
	=====	=====	=====	=====

ISWRRI RECEIPTS

Solid Waste Account	\$ 173,040	\$ 0	\$ 173,040	\$ 0
Oil Overcharge Acct.	0	170,000	0	170,000
	-----	-----	-----	-----
TOTAL RECEIPTS	\$ 173,040	\$ 170,000	\$ 173,040	\$ 170,000

ISWRRI EXPENDITURES

Research & Educ.	\$ 173,040	\$ 170,000	\$ 173,040	\$ 170,000
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CENTER FOR HEALTH EFFECTS RECEIPTS

Ag. Management Acct.	\$ 0	\$ 79,000	\$ 0	\$ 240,000
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CENTER EXPENDITURES	\$ 0	\$ 79,000	\$ 0	\$ 240,000
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AG. ENERGY MGMT. COUNCIL RECEIPTS

Oil Overcharge Acct.	\$ 0	\$1,200,000	\$ 0	\$1,200,000
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AG. ENERGY MGMT COUNCIL EXPENDITURES

Educ. & applied study	\$ 0	\$1,200,000	\$ 0	\$1,200,000
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DNR RECEIPTS - BIG SPRINGS PROJECT

Oil Overcharge Acct.	\$	0	\$	700,000	\$	0	\$	700,000
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DNR EXPENDITURES - BIG SPRINGS PROJECT

Demonstration project	\$	0	\$	700,000	\$	0	\$	700,000
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DALS RECEIPTS - GROUNDWATER CONTAMINATION ASSESSMENTS

Oil Overcharge

(Chemical & grain storage facilities)	\$	0	\$	240,000	\$	0	\$	240,000
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(Urban chemical & fertilizer use)		0		40,000		0		40,000
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TOTAL RECEIPTS	\$	0	\$	280,000	\$	0	\$	280,000
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DALS EXPEND. - GROUNDWATER CONTAMINATION ASSESSMENTS

Chemical & grain fac.

assessment	\$	0	\$	240,000	\$	0	\$	240,000
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Urban chemical & fert.

assessment		0		40,000		0		40,000
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TOTAL EXPENDITURES	\$	0	\$	280,000	\$	0	\$	280,000
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PART TWO -- PESTICIDES AND FERTILIZER

The changes to the fiscal effect of Part Two include:

1. a total appropriation of \$11,000 from three of the accounts in the Groundwater Protection Fund for the Department of Public Health;
2. a decline in receipts to the Pesticide Trust Fund due to changes in the public applicator certification fee and the pesticide dealer license fee;
3. the change in the Department of Agriculture and Land Stewardship's expenditure estimate. Two FTE are eliminated because of the change in commercial and public applicator certification from a one or two year certification to a one or three year certification. One FTE is added to audit and enforce the fertilizer tonnage fee based upon nitrogen concentration; and
4. the Leopold Center is renamed the Agriculture Resources Management Research Center and its funding source is changed. The amount of the funds to the Center are reduced by \$590,000.

	FY1988		FY1989	
	HF631	SEN AMEND.	HF631	SEN AMEND.
DPH RECEIPTS				
Solid Waste Acct.	\$ 0	\$ 8,000	\$ 0	\$ 8,000
Hhld Waste Acct.	0	2,000	0	2,000
Storage Tank Acct.	0	1,000	0	1,000
TOTAL RECEIPTS	\$ 0	\$ 11,000	\$ 0	\$ 11,000
DPH EXPENDITURES				
Salaries	\$ 51,531	\$ 51,531	\$ 54,108	\$ 51,531
Support	14,500	14,500	15,225	15,225
TOTAL EXPENDITURES	\$ 66,031	\$ 66,031	\$ 69,333	\$ 69,333
FTE	2	2	2	2
NET EFFECT	\$ (66,031)	\$ (55,031)	\$ (69,333)	\$ (58,333)

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DALS RECEIPTS

Pesticide Trust Fund	\$ 802,667	\$ 482,667	\$ 802,667	\$ 676,217
Fertilizer Trust Fund	417,250	417,250	417,250	417,250
	-----	-----	-----	-----
TOTAL RECEIPTS	\$1,219,917	\$ 899,917	\$1,219,917	\$1,093,467

DALS EXPENDITURES

Salaries	\$ 313,729	\$ 299,929	\$ 464,491	\$ 447,191
Support	742,750	742,750	386,250	386,250
Capital Outlay	103,100	103,100	0	0
Ag. Initiative-Educ	50,000	50,000	50,000	50,000
Pest. Container Study	25,000	25,000	0	0
	-----	-----	-----	-----
TOTAL EXPENDITURES	\$1,234,579	\$1,220,779	\$ 900,741	\$ 883,441
FTE	22	21	22	21

NET EFFECT	\$ (14,662)	\$ (320,862)	\$ 319,176	\$ 210,026
	=====	=====	=====	=====

LEOPOLD CENTER/ARMR CENTER RECEIPTS

Ag. Management Acct.	\$1,310,000	\$ 0	\$1,390,000	\$ 0
Oil Overcharge Acct.	0	800,000	0	800,000
	-----	-----	-----	-----
TOTAL RECEIPTS	\$1,310,000	\$ 800,000	\$1,390,000	\$ 800,000

LEOPOLD/ARMR CENTER EXP.	\$1,310,000	\$ 800,000	\$1,390,000	\$ 800,000
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PART THREE -- WELLS, SINKHOLES, WATERSHEDS, WETLANDS, AND ANIMAL WASTE MANAGEMENT

The changes in the fiscal effect of Part Three include:

1. the elimination of the Consortium on Agriculture and Groundwater Quality;
2. an allocation from the Oil Overcharge Account for BMP education in agricultural drainage wells, abandoned wells and sinkholes;
3. an appropriation of 18% of the Agriculture Management Account to the Department of Agriculture and Land Stewardship for financial incentives and administration relative to agriculture drainage wells, abandoned wells and sinkholes; and
4. the elimination of the well permitting and licensing responsibilities of the DNR.

	FY1988		FY1989	
	HF631	SEN AMEND.	HF631	SEN AMEND.
CONSORTIUM RECEIPTS				
Ag. Management Acct.	\$ 88,000	\$ 0	\$ 93,000	\$ 0
CONSORTIUM EXPENDITURES				
Demonstration projects	\$ 88,000	\$ 0	\$ 93,000	\$ 0
DALS RECEIPTS - ADW, ABANDONED WELLS & SINKHOLES				
Oil Overcharge Acct.	\$ 0	\$ 100,000	\$ 0	\$ 100,000
(for ag. drain. wells abandoned wells & sinkhole BMP educ.)				
Ag. Management Acct.				
(for ag. drainage well plan)				
	\$ 88,000	\$ 0	\$ 93,000	\$ 0
(for admin & financial incentives for ag. drainage wells & sinkholes)				
	0	323,100	0	323,100
DALS TOTAL RECPTS	\$ 88,000	\$ 423,100	\$ 93,000	\$ 423,100
DALS EXPENDITURES - ADW, ABANDONED WELLS & SINKHOLES				
Salaries	\$ 140,400	\$ 140,400	\$ 140,400	\$ 140,400
Support	130,000	130,000	130,000	130,000
Demo. Project	0	100,000	0	100,000
Financial Incentives	0	52,700	0	52,700
DALS TOTAL EXPEND.	\$ 270,400	\$ 423,100	\$ 270,400	\$ 423,100
FTE	4	4	4	4
DALS NET EFFECT	\$ (182,400)	\$ 0	\$ (177,400)	\$ 0

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DNR EXPENDITURES - WELL PERMITS & LICENSING

Salaries	\$ 120,000	\$ 0	\$ 120,000	\$ 0
Support	20,000	0	20,000	0
	-----	-----	-----	-----
DNR TOTAL EXPEND.	\$ 140,000	\$ 0	\$ 140,000	\$ 0
FTE	4		4	
	-----	-----	-----	-----
DNR NET EFFECT	\$ (140,000)	\$ 0	\$ (140,000)	\$ 0
	=====	=====	=====	=====

PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

The changes to the fiscal effect of Part Four include:

1. an increase from \$.40 per ton to \$.50 per ton in the portion of the solid waste tonnage fee that is allocated for the administration of the solid waste programs and for cleanup;
2. the elimination of the Solid Waste Account appropriation for demonstration projects. Instead, funds are appropriated for that purpose from the Oil Overcharge Account;
3. an appropriation from the Oil Overcharge Account for groundwater monitoring at disposal sites; and
4. an appropriation of \$8,000 from the Solid Waste Account to the Department of Public Health (see Part Two).

	FY1988		FY1989	
	HF631	SEN AMEND.	HF631	SEN AMEND.
DNR RECEIPTS				
Solid Waste Mgmt. Acct.				
(for program admin. & cleanup)	\$ 259,560	\$ 424,600	\$ 692,160	\$ 857,200
(for demo. project)	0	0	1,730,400	0
(for local agencies)	0	0	865,200	865,200
Oil Overcharge Acct.				
(for groundwater monitoring)	0	100,000	0	100,000
(for landfill alter. demonstrations)	0	760,000	0	760,000
	<u>\$ 259,560</u>	<u>\$1,284,600</u>	<u>\$3,287,760</u>	<u>\$2,582,400</u>
DNR EXPENDITURES				
Salaries	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000
Support	55,000	55,000	55,000	55,000
Contracts	82,000	82,000	82,000	82,000
Demonstration proj.	0	760,000	1,730,400	760,000
Local agency plans	0	0	865,200	865,200
	<u>\$ 527,000</u>	<u>\$1,287,000</u>	<u>\$3,122,600</u>	<u>\$2,152,200</u>
TOTAL EXPENDITURES				
FTE	10	10	10	10
NET EFFECT	<u>\$ (267,440)</u>	<u>\$ (2,400)</u>	<u>\$ 165,160</u>	<u>\$ 430,200</u>

PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

The changes to the fiscal effect for Part Five reflect the appropriations from the Household Hazardous Waste Account of \$2,000 to the Department of Public Health (see Part Two) and \$8,000 for FY88 to the Department of Transportation for the use oil collection pilot project.

	FY1988		FY1989	
	HF631	SEN AMEND.	HF631	SEN AMEND.
RECEIPTS				
Household Haz. Acct.	\$1,000,000	\$ 990,000	\$1,000,000	\$ 998,000
DRF EXPENDITURES				
License Administration	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
DNR EXPENDITURES				
Salaries	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000
Support	60,000	60,000	60,000	60,000
Contracts	480,000	480,000	480,000	480,000
Waste Recycling	80,000	80,000	80,000	80,000
TOTAL EXPENDITURES	\$ 710,000	\$ 710,000	\$ 710,000	\$ 710,000
FTE	3	3	3	3
NET EFFECT	\$ 215,000	\$ 205,000	\$ 215,000	\$ 213,000
DOT RECEIPTS				
Household Haz. Acct.	\$ 0	\$ 8,000	\$ 0	\$ 0
DOT EXPENDITURES				
Used Oil Pilot Proj.	\$ 8,000	\$ 8,000	\$ 0	\$ 0
NET EFFECT	\$ (8,000)	\$ 0	\$ 0	\$ 0

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PART SIX -- STORAGE TANK MANAGEMENT

The changes to the fiscal effect of Part Six reflect a \$1,000 appropriation to the Department of Public Health (see Part Two) and a restriction on the amount allocated from the Storage Tank Management Account for administration of the storage tank program. The maximum amount that may be used for administration is reduced from \$500,000 to \$210,000.

	FY1988		FY1989	
	HF631	SEN AMEND.	HF631	SEN AMEND.
DNR RECEIPTS				
Storage Tank Acct. (for storage tank program admin.)	\$ 500,000	\$ 210,000	\$ 500,000	\$ 210,000
(for remedial cleanup)	136,000	200,000	25,000	89,000
TOTAL RECEIPTS	\$ 636,000	\$ 410,000	\$ 525,000	\$ 299,000
DNR EXPENDITURES				
Salaries	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000
Support	60,000	60,000	60,000	60,000
Contracts	84,000	84,000	84,000	84,000
Remedial Cleanup	136,000	200,000	25,000	89,000
TOTAL EXPENDITURES	\$ 640,000	\$ 704,000	\$ 529,000	\$ 593,000
FTE	12	12	12	12
NET EFFECT	\$ (4,000)	\$ (294,000)	\$ (4,000)	\$ (294,000)

SOURCES:

- Department of Natural Resources
- Department of Agriculture and Land Stewardship
- Department of Public Health
- Department of Commerce
- Department of Transportation

SENATE AMENDMENT TO
HOUSE FILE 631

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1 Amend House File 631, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 27 through 32 and
4 inserting in lieu thereof the following:

5 "8. "Passive cleanup" means the treatment of a
6 contaminant in groundwater through management
7 practices."

8 2. Page 1, by inserting after line 32 the
9 following:

10 "9. "Federal number" means a maximum contaminant
11 level, national primary drinking water regulation,
12 interim final drinking water regulation, health
13 advisory, suggested no adverse response level, or
14 groundwater residue guidance level as established by
15 the United States environmental protection agency."

16 3. Page 2, line 28, by striking the word "goal"
17 and inserting the following: "intent".

18 4. Page 3, line 18, by striking the word "may"
19 and inserting the following: "shall adopt rules
20 which".

21 5. By striking page 3, line 22 through page 4,
22 line 4.

23 6. Page 4, line 9, by striking the word
24 "nondegradation" and inserting the following:
25 "protection".

26 7. Page 4, by inserting after line 31 the
27 following:

28 "Liability shall not be imposed upon an
29 agricultural producer, commercial applicator, or
30 fertilizer dealer or distributor for the costs of
31 active cleanup, or for any damages associated with or
32 resulting from the detection in the groundwater of any
33 quantity of nitrates provided that application has
34 been in compliance with soil test results and that the
35 applicator has properly complied with label
36 instructions for application of the fertilizer.
37 Compliance with the above provision may be raised by
38 the agricultural producer, commercial applicator, or
39 fertilizer dealer or distributor and shall constitute
40 an affirmative defense.

41 Liability shall not be imposed upon an agricultural
42 producer, commercial applicator, or pesticide dealer
43 for the costs of active cleanup, or for damages
44 associated with or resulting from the detection in the
45 groundwater of any quantity of pesticide provided that
46 the applicator has properly complied with label
47 instructions and that the applicator has a valid
48 license. Compliance with this provision may be raised
49 by the agricultural producer, commercial applicator,
50 or pesticide dealer and shall constitute an

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1 affirmative defense."

2 8. Page 5, line 15, by striking the word "Report"
3 and inserting the following: "Develop and adopt by
4 administrative rule the procedure for reporting".

5 9. Page 6, by striking line 13 and inserting the
6 following:

7 "2. In establishing groundwater standards, the
8 commission shall adopt federal numbers if they exist.
9 If no federal number exists for a particular substance
10 on or before July 1, 1988, the commission may adopt
11 groundwater standards based upon criteria other than a
12 federal number if".

13 10. Page 6, line 15, by inserting after the word
14 "programs." the following: "Notwithstanding any other
15 bases for the adoption of standards, the standards
16 adopted after July 1, 1988 may comply with the
17 findings of the national science foundation and the
18 state hygienic laboratory relative to groundwater
19 protection."

20 11. Page 6, lines 30 and 31, by striking the
21 words "at least as stringent as provided in the rules
22 of the department" and inserting the following: "no
23 more stringent than provided in this chapter".

24 12. Page 7, by inserting after line 8 the fol-
25 lowing:

26 "If moneys are not appropriated from an account
27 within the groundwater protection fund for programs or
28 duties established pursuant to this chapter or for the
29 used oil collection pilot project, moneys may be
30 appropriated for the programs, duties, or project by
31 the general assembly from the unexpended balance in
32 the groundwater protection fund, from any departmental
33 fund of the responsible department, from moneys
34 deposited in the general fund of the state, or from
35 moneys deposited in the petroleum overcharge fund.

36 A recipient of moneys appropriated from an account
37 within the groundwater protection fund, from a
38 departmental fund, from the general fund of the state,
39 or from the petroleum overcharge fund for the purposes
40 of this chapter or for the purposes of other
41 groundwater protection programs, shall submit to the
42 legislative council on or before July 1, 1987 for the
43 fiscal year beginning on that date, and on or before
44 September 1 for the fiscal year beginning the next
45 July 1 and for each subsequent fiscal year a budget
46 proposal in a form prescribed by the legislative
47 fiscal bureau.

48 Any moneys expended for purposes, duties, programs,
49 or projects related to groundwater protection shall be
50 approved, prior to expenditure of the funds, by the

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fiscal committee of the legislative council."

2 13. Page 7, by striking lines 22 through 24.

3 14. Page 7, by inserting after line 34 the
4 following:

5 "(d) Of the total amount collected annually,
6 pursuant to this subparagraph, eight thousand dollars
7 is appropriated to the Iowa department of public
8 health for carrying out the departmental duties under
9 section 135.11, subsections 20 and 21, and section
10 139.35."

11 15. By striking page 7, line 35 through page 8,
12 line 11.

13 16. Page 8, line 24, by inserting after the word
14 "alternatives." the following: "Not more than ten
15 cents of the additional thirty-five cents per ton per
16 year shall be used for the administration of the
17 demonstration projects."

18 17. Page 8, line 31, by striking the word "one"
19 and inserting the following: "any".

20 18. Page 8, by striking lines 32 through 34 and
21 inserting the following:

22 "(a) Development and implementation of an approved
23 comprehensive plan."

24 19. By striking page 9, line 24 through page 10,
25 line 6 and inserting the following:

26 "(1) Not more than five hundred eighty thousand
27 dollars is appropriated annually to the department of
28 natural resources to provide grants to counties for
29 the testing of private, rural water supply wells.

30 (2) Not more than nine hundred eighty thousand
31 dollars is appropriated annually to the department of
32 natural resources to be used for grants to counties
33 for the purpose of conducting programs for properly
34 closing abandoned, rural water supply wells."

35 20. Page 10, by striking lines 7 through 12 and
36 inserting the following:

37 "(3) The department shall allocate a sum not to
38 exceed seventy-nine thousand dollars of the moneys in
39 the account for the period beginning July 1, 1987, and
40 ending June 30, 1988 for the preparation of a detailed
41 report and plan for the establishment on July 1, 1988
42 of the center for health effects of environmental
43 contamination. The plan for establishing the center
44 shall be presented to the general assembly on or
45 before January 15, 1988. The report shall include the
46 assemblage of all existing data relating to Iowa
47 drinking water supplies, including characteristics of
48 source, treatment, presence of contaminants, precise
49 location, and usage patterns to facilitate data
50 retrieval and use in research; and detailed

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Page Four

1 organizational plans, research objectives, and budget
2 projections for the anticipated functions of the
3 center in subsequent years. The department may
4 allocate annually a sum not to exceed two hundred
5 forty thousand dollars of the moneys in the account to
6 the center, beginning July 1, 1988."

7 21. Page 10, by striking lines 13 through 21 and
8 inserting the following:

9 "(4) Eighteen percent of the moneys in the account
10 is appropriated to the department of agriculture and
11 land stewardship for the assessment and development of
12 programs and demonstration projects designed to
13 eliminate chemical contamination through agricultural
14 drainage wells and sinkholes.

15 (5) Any moneys not expended for the purposes of
16 subparagraphs (1) through (4) are appropriated to the
17 department of agriculture and land stewardship for the
18 purposes of carrying out financial incentive programs
19 and agriculture groundwater programs."

20 22. Page 10, line 24, by inserting after the word
21 "account." the following: "Two thousand dollars is
22 appropriated annually to the Iowa department of public
23 health to carry out departmental duties under section
24 135.11, subsections 20 and 21, and section 139.35, and
25 eight thousand dollars is appropriated to the
26 department of transportation for the period of October
27 1, 1987 through June 30, 1989 for the purpose of
28 conducting the used oil collection pilot project."

29 23. Page 10, line 24, by inserting after the word
30 "The" the following: "remainder of the".

31 24. Page 10, by inserting after line 30, the
32 following:

33 "(1) One thousand dollars is appropriated annually
34 to the Iowa department of public health to carry out
35 departmental duties under section 135.11, subsections
36 20 and 21, and section 139.35."

37 25. Page 10, by striking line 31 and inserting
38 the following:

39 "(2) Seventy percent or not more than two hundred
40 ten thousand dollars of the moneys deposited".

41 26. Page 11, by inserting after line 10, the
42 following:

43 "e. An oil overcharge account. The oil overcharge
44 moneys distributed by the United States department of
45 energy, and approved for the energy related components
46 of the groundwater protection strategy available
47 through the energy conservation trust fund created in
48 section 93.11, shall be deposited in the oil
49 overcharge account as appropriated by the general
50 assembly. The oil overcharge account shall be used

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Page Five

1 for the following purposes:

2 (1) Not more than seven million one hundred
3 thousand dollars is appropriated for the fiscal period
4 beginning July 1, 1987 and ending June 30, 1992 to the
5 department of natural resources to implement its
6 responsibilities pursuant to section 455E.8. Not more
7 than two million eight hundred thousand dollars of
8 this amount shall be used by the department of natural
9 resources for assessing rural, private water supply
10 quality.

11 (2) Not more than five hundred thousand dollars is
12 appropriated to the department of natural resources
13 for the fiscal period beginning July 1, 1987 and
14 ending June 30, 1992 for the administration of a
15 groundwater monitoring program at sanitary landfills.

16 (3) Not more than eight hundred seventy thousand
17 dollars is appropriated to the Iowa state water
18 resources research institute for the fiscal period
19 beginning July 1, 1987 and ending June 30, 1992 to
20 provide competitive grants to colleges, universities,
21 and private institutions within the state for the
22 development of research and education programs
23 regarding alternative disposal methods and groundwater
24 protection.

25 (4) Not more than three million eight hundred
thousand dollars is appropriated to the department of
natural resources for the fiscal period beginning July
1, 1987 and ending June 30, 1992 to develop and
29 implement demonstration projects for landfill
30 alternatives to solid waste disposal, including
31 recycling programs.

32 (5) Not more than ten million dollars is
33 appropriated to the agriculture energy management
34 council created under chapter 467E for the fiscal
35 period beginning July 1, 1987 and ending June 30,
36 1992, to develop nonregulatory programs to implement
37 integrated farm management of farm chemicals for
38 environmental protection, energy conservation, and
39 farm profitability; interactive public and farmer
40 education; and applied studies on best management
41 practices and best appropriate technology for chemical
42 use efficiency and reduction. Not more than four
43 million dollars of this amount is appropriated to the
44 agricultural resource management research center to
45 sponsor and conduct the applied studies.

46 (6) Not more than three million five hundred
47 thousand dollars is appropriated to the department of
48 natural resources for the fiscal period beginning July
49 1, 1987 and ending June 30, 1992 to continue the Big
50 Spring demonstration project in Clayton county.

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Page Six

1 (7) Not more than five hundred thousand dollars is
2 appropriated to the department of agriculture and land
3 stewardship for the fiscal period beginning July 1,
4 1987 and ending June 30, 1992 to implement a targeted
5 education program on best management practices and
6 technologies for the mitigation of groundwater
7 contamination from or closure of agricultural drainage
8 wells, abandoned wells, and sinkholes.

9 (8) Not more than one million two hundred thousand
10 dollars is appropriated to the department of
11 agriculture and land stewardship for the fiscal period
12 beginning July 1, 1987 and ending June 30, 1992 to
13 conduct field assessments of groundwater contamination
14 at agricultural chemical and grain storage and
15 handling facilities in cooperation with the department
16 of natural resources.

17 (9) Not more than two hundred thousand dollars is
18 appropriated to the department of agriculture and land
19 stewardship for the fiscal period beginning July 1,
20 1987 and ending June 30, 1992 to assess the
21 groundwater contamination from urban use of chemicals
22 and fertilizers in cooperation with the department of
23 natural resources."

24 27. Page 11, line 23, by striking the word "more"
25 and inserting the following: "as".

26 28. Page 11, line 24, by striking the word "less"
27 and inserting the following: "more".

28 29. Page 14, by inserting after line 32 the
29 following:

30 " . The physician or other health practitioner
31 attending a person infected with a reportable
32 poisoning or a reportable illness from a toxic agent,
33 including methemoglobinemia, shall immediately report
34 the case to the Iowa department of public health. The
35 Iowa department of public health shall publish and
36 distribute instructions concerning the method of
37 reporting. Reports shall be made in accordance with
38 rules adopted by the Iowa department of public
39 health."

40 30. Page 15, by striking lines 9 through 17.

41 31. Page 17, line 4, by inserting after the word
42 "person" the following: "other than a manufacturer".

43 32. Page 18, by striking lines 14 through 18 and
44 inserting the following: "subsection 1, a groundwater
45 protection fee shall be imposed upon nitrogen-based
46 fertilizer. The fee shall be based upon the
47 percentage of actual nitrogen contained in the
48 product. An eighty-two percent nitrogen solution
49 shall be taxed at a rate of fifty cents per ton.
50 Other nitrogen-based product formulations shall be

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3 taxed on the percentage of actual nitrogen contained
4 in the formulations with the eighty-two percent
5 nitrogen solution serving as the base. The fee shall
6 be paid by each licensee registering to sell
7 fertilizer to the secretary of agriculture. The
8 fees".

9 33. Page 20, line 11, by inserting after the word
10 "applicators" the following: "for commercial
11 application or agricultural use".

12 34. By striking page 20, line 15 through page 21,
13 line 32, and inserting the following:

14 "~~No person shall~~ A commercial or public applicator
15 shall not apply any pesticide and a person shall not
16 apply any restricted use pesticide without first
17 complying with the certification requirements of this
18 chapter and such other restrictions as determined by
19 the secretary or being under the direct supervision of
20 a certified applicator.

21 The secretary shall adopt, by rule, requirements
22 for the examination, re-examination and certification
23 of applicants ~~and set a fee of not more than ten~~
24 ~~dollars for the certification program of commercial~~
25 ~~applicators and not more than five dollars for the~~
26 ~~certification program of private applicators.~~

27 ~~The secretary may adopt rules for the training of~~
28 ~~applicators in co-operation with the co-operative~~
29 ~~extension service at Iowa State University of science~~
30 ~~and technology.~~

31 ~~The secretary shall not require applicants for~~
32 ~~certification as private applicators to take and pass~~
33 ~~a written test, if the applicant instead shows proof~~
34 ~~that the applicant has attended an informational~~
35 ~~course of instruction approved by the secretary. The~~
36 ~~secretary shall provide for temporary certification~~
37 ~~for emergency purchases of restricted use products by~~
38 ~~requiring the purchaser to sign an affidavit, at the~~
39 ~~point of purchase, that the purchaser has read and~~
40 ~~understands the information on the label of the~~
41 ~~restricted use product being purchased.~~

42 Commercial and public applicators shall choose
43 between one-year certification for which the
44 applicator shall pay a twenty-five dollar fee or
45 three-year certification for which the applicator
46 shall pay a seventy-five dollar fee. Public
47 applicators who are employed by a state agency shall
48 be exempt from the twenty-five and seventy-five dollar
49 certification fees and instead be subject to a five-
50 dollar annual certification fee or a fifteen dollar
fee for a three-year certification. The commercial or
public applicator shall be tested prior to

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1 certification annually, if the applicator chooses a
2 one-year certification or each three years if the
3 applicator chooses three-year certification. A
4 private applicator shall be tested prior to initial
5 certification. The test shall include, but is not
6 limited to, the area of safe handling of agricultural
7 chemicals and the effects of these chemicals on
8 groundwater. A person employed by a farmer not solely
9 as a pesticide applicator who applies restricted use
10 pesticides as an incidental part of the person's
11 general duties or a person who applies restricted use
12 pesticides as an incidental part of a custom farming
13 operation is required to meet the certification
14 requirements of a private applicator.

15 Beginning July 1, 1988, all private applicators
16 with a certification expiring December 31, 1988, with
17 their surname beginning with a letter from A through M
18 shall renew their certification by taking and passing
19 an approved test and shall be issued a certification
20 for a four-year period for a fee of six dollars and
21 sixty-seven cents. All other private applicators
22 whose certification expires on December 31, 1988,
23 1989, or 1990, shall renew their certification by
24 taking and passing an exam and shall be issued
25 certification for a three-year period for a fee of
26 five dollars."

27 35. Page 22, line 20, by inserting after the word
28 "certified" the following: "commercial applicators".

29 36. By striking page 23, line 11 through page 24,
30 line 6, and inserting the following:

31 "2. Application-for-a-license-shall-be-accompanied
32 by-a-twenty-five-dollar A pesticide dealer shall pay
33 a minimum annual license fee of twenty-five dollars or
34 an annual license fee for-the-primary-business
35 location-and-an-additional-five-dollar-annual-license
36 fee-for-each-other-location-or-outlet-within-the
37 state-and-shall-be-on-a-form-prescribed-by-the
38 secretary-and-shall-include-the-full-name-of-the
39 person-applying-for-such-license based on one-
40 twentieth of one percent of the gross retail sales of
41 all pesticides sold by the pesticide dealer in the
42 previous year. The annual license fee shall be paid
43 to the department of agriculture and land stewardship,
44 beginning July 1, 1988, and July 1 of each year
45 thereafter. A licensee shall pay a fee of twenty-five
46 dollars for the period July 1, 1987 through June 30,
47 1988."

48 37. Page 25, line 18, by striking the words "no
49 more than" and inserting the following: "not less
50 than fifty dollars and no more than".

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38. Page 25, line 20, by inserting after the word
state." the following: "The secretary shall adopt by
3 rule exceptions to the minimum fee if the secretary
4 determines that a particular pesticide, including but
5 not limited to animal health products, rodenticides,
6 and premise disinfectants, does not contaminant the
7 groundwater. If such a determination is made, a
8 registrant shall pay a fee of twenty dollars for
9 deposit in the pesticide fund. The secretary shall
10 establish by rule criteria for determining the fee to
11 be levied for pesticides determined to contaminate the
12 groundwater. The criteria shall include, but are not
13 limited to, a consideration of package size, the per-
14 centage of each active ingredient, the persistence of
15 each active ingredient, the solubility of the
16 pesticide in water, the mobility of the pesticide in
17 soil, and the volume or extent of use of the
18 pesticide."

39. Page 25, lines 23 and 24, by striking the
words "four hundred fifty dollars" and inserting the
following: "the remainder".

40. Page 25, line 33, by inserting after the word
"year." the following: "Pesticides distributed by
24 manufacturers, wholesalers, or distributors for resale
25 shall be reported listing the amount and type of all
26 pesticides and the names of the purchasers."

41. Page 25, line 34, by inserting after the word
"on" the following: "or before".

42. Page 26, line 6, by inserting after the word
"given" the following: "by a commercial or public
31 applicator".

43. Page 26, line 12, by inserting after the word
"subsection." the following: "The department shall
34 adopt rules providing guidelines for public bodies to
35 notify adjacent property occupants regarding the
36 application of herbicides to noxious weeds or other
37 undesirable vegetation within highway rights-of-way."

44. Page 26, line 18, by striking the words
"pesticide advisory council" and inserting the
following: "advisory committee created pursuant to
41 section 206.23".

45. Page 27, by inserting after line 10 the
following:

"Sec. ____ . NEW SECTION. 263.14 CENTER FOR HEALTH
45 EFFECTS OF ENVIRONMENTAL CONTAMINATION.

1. The state board of regents shall establish and
47 maintain at Iowa City as an integral part of the State
48 University of Iowa the center for health effects of
49 environmental contamination, having as its object the
50 determination of the levels of environmental

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1 contamination which can be specifically associated
2 with human health effects.

3 2. a. The center shall be a cooperative effort of
4 representatives of the following organizations:

5 (1) The State University of Iowa department of
6 preventative medicine and environmental health.
7 (2) The State University of Iowa department of
8 pediatrics of the college of medicine.
9 (3) The state hygienic laboratory.
10 (4) The institute of agricultural medicine.
11 (5) The Iowa cancer center.
12 (6) The department of civil and environmental
13 engineering.
14 (7) Appropriate clinical and basic science
15 departments.
16 (8) The college of law.
17 (9) The college of liberal arts and sciences.

18 b. The active participation of the Iowa department
19 of public health and the department of natural
20 resources, as well as the national career institute,
21 the agency for toxic substances and disease
22 registries, the national center for disease control,
23 the United States environmental protection agency, and
24 the United States geological survey, shall also be
25 sought and encouraged.

26 3. The center may:

27 a. Assemble all pertinent laboratory data on the
28 presence and concentration of contaminants in soil,
29 air, water, and food, and develop a data retrieval
30 system to allow the findings to be easily accessed by
31 exposed populations.

32 b. Make use of data from the existing cancer and
33 birth defect statewide recording systems and develop
34 similar recording systems for specific organ diseases
35 which are suspected to be caused by exposure to
36 environmental toxins.

37 c. Develop registries of persons known to be
38 exposed to environmental hazards so that the health
39 status of these persons may be examined over time.

40 d. Develop highly sensitive biomedical assays
41 which may be used in exposed persons to determine
42 early evidence of adverse health effects.

43 e. Perform epidemiologic studies to relate
44 occurrence of a disease to contaminant exposure and to
45 ensure that other factors known to cause the disease
46 in question can be ruled out.

47 f. Foster relationships and ensure the exchange of
48 information with other teaching institutions or
49 laboratories in the state which are concerned with the
50 many forms of environmental contamination.

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g. Implement programs of professional education and training of medical students, physicians, nurses, scientists, and technicians in the causes and prevention of environmentally induced disease.

h. Implement public education programs to inform persons of research results and the significance of the studies.

i. Respond as requested to any branch of government for consultation in the drafting of laws and regulations to reduce contamination of the environment.

4. An advisory committee consisting of one representative of each of the organizations enumerated in subsection 2, paragraph "a", a representative of the Iowa department of public health, and a representative of the department of natural resources is established. The advisory committee shall:

a. Employ, as a state employee, a full-time director to operate the center. The director shall coordinate the efforts of the heads of each of the major divisions of laboratory analysis, epidemiology and biostatistics, biomedical assays, and exposure modeling and shall also coordinate the efforts of professional and support staff in the operation of the center.

b. Submit an annual report of the activities of the center to the legislative council of the general assembly by January 15 of each year.

5. The center shall maintain the confidentiality of any information obtained from existing registries and from participants in research programs. Specific research projects involving human subjects shall be approved by the State University of Iowa institutional review board.

6. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency."

46. Page 27, by striking lines 21 and 22 and inserting the following:

"Sec. 229. NEW SECTION. 266.38 AGRICULTURAL RESOURCE MANAGEMENT RESEARCH CENTER."

47. By striking page 27, line 28 through page 28, line 29, and inserting the following:

"2. The agricultural resource management research center is established at the Iowa State University of science and technology. The center shall conduct and sponsor research and education programs in conjunction with the Iowa agriculture and home economics experiment station and its outlying research centers to improve the management of fertilizers and

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1 pesticides, to develop management practices to reduce
2 nitrate and pesticide infiltration into groundwater,
3 to evaluate pesticide and fertilizer application
4 methods and their impact upon groundwater quality, and
5 to otherwise assist in the development of agricultural
6 practices designed to reduce negative environmental
7 impacts. The center may also conduct research and
8 assist in the development of agricultural practices
9 that are consistent with a sustainable agriculture.
10 The center shall solicit input from individuals;
11 federal, state and local agencies; and other
12 institutions and entities conducting similar research
13 and education activities so as to complement and
14 coordinate efforts."

15 48. Page 29, by inserting after line 33 the
16 following:

17 "Sec. ____ . PESTICIDE DEALER EXEMPTION. The
18 secretary may adopt rules to provide for license and
19 certification fee adjustments that may be necessary to
20 provide an equitable transition from fees required
21 prior to July 1, 1988."

22 49. Page 30, line 1, by striking the figure
23 "159.20" and inserting the following: "159.28".

24 50. By striking page 30, line 3 through page 32,
25 line 5 and inserting the following:

26 "1. The department of agriculture and land
27 stewardship shall evaluate alternative methods for and
28 costs associated with programs to eliminate
29 groundwater contamination caused by the use of
30 agricultural drainage wells and sinkholes.

31 The evaluation shall include an assessment of the
32 technical, financial, and legal aspects associated
33 with the elimination of groundwater contamination
34 caused by the use of agricultural drainage wells and
35 sinkholes. The department of agriculture and land
36 stewardship shall report its findings to the energy
37 and environmental protection committees of the general
38 assembly by January 1, 1989.

39 2. The department of agriculture and land
40 stewardship shall on July 1, 1987 initiate pilot
41 demonstration and research projects concerning
42 elimination of groundwater contamination caused by the
43 use of agricultural drainage wells and sinkholes. The
44 demonstration projects regarding agricultural drainage
45 wells shall be established in Humboldt and Pocahontas
46 counties and the demonstration projects regarding
47 sinkholes shall be established in Allamakee and
48 Clayton counties.

49 a. The pilot projects shall be designed to
50 demonstrate the technical, financial, and legal

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Aspects associated with the elimination of groundwater contamination caused by the use of agricultural drainage wells and sinkholes. Financial assistance may be provided by the department to landowners and drainage districts for the construction of alternative outlets, or to landowners to compensate them for land removed from cropland and reverted to wetland.

b. A research project shall evaluate the feasibility of eliminating groundwater contamination caused by the use of agricultural drainage wells or sinkholes by utilizing reduced chemical farming practices. Financial incentive moneys may be provided by the department to landowners in the study area for employing the reduced chemical farming practices needed to accomplish the research. Research shall be performed in conjunction with the Iowa agricultural experiment station at Iowa State University of science and technology.

c. The secretary may appoint interagency committees and groups as needed to coordinate the involvement of agencies participating in these projects.

d. The department shall publish a report on the status and findings of the pilot demonstration and research projects on or before January 15, 1990, and each subsequent year of the projects.

3. An owner of an agricultural drainage well shall register the well with the department of natural resources by January 1, 1992.

4. An owner of an agricultural drainage well and a landowner whose land is drained by the well or wells of another person shall not be eligible for financial incentive moneys if the owner fails to register the well with the department of natural resources by January 1, 1992.

5. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall develop, in consultation with the department of agriculture and land stewardship and the department of natural resources, a plan which proposes alternatives for eliminating groundwater contamination caused by the use of agricultural drainage wells by January 1, 1992.

6. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall not be eligible for financial incentive moneys if the owner fails to develop a plan for alternatives in cooperation with the department of agriculture and land stewardship and the department of natural resources.

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1 7. Beginning July 1, 1992, the department shall
2 initiate an ongoing program to meet the goal of the
3 elimination of chemical contamination caused by the
4 use of agricultural drainage wells by January 1, 2000.

5 8. Financial incentive moneys may be provided to
6 landowners from the general fund of the state to
7 implement alternatives for eliminating groundwater
8 contamination caused by the use of agricultural
9 drainage wells."

10 51. Page 32, by inserting after line 5 the
11 following:

12 "_____. Notwithstanding the prohibitions of section
13 455B.267, subsection 4, an owner of an agricultural
14 drainage well may raise the tile of or make
15 improvements to an agricultural drainage well upon the
16 approval of the county board of supervisors which has
17 jurisdiction over the property on which the
18 agricultural drainage well is located. If approval is
19 granted to an owner for tile raising or improvements
20 to an agricultural drainage well, the county board of
21 supervisors granting the approval shall notify the
22 department of agriculture and land stewardship and the
23 department of natural resources of the approval within
24 thirty days of the decision."

25 52. Page 32, by inserting after line 5 the
26 following:

27 "Sec. _____. Section 455B.187, Code 1987, is amended
28 by adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. In the case of property
30 owned by a state agency, a person shall not drill for
31 or construct a new water well without first
32 registering with the department the existence of any
33 abandoned wells on the property. The department shall
34 develop a prioritized closure program and time frame
35 for the completion of the program, and shall adopt
36 rules to implement the program."

37 53. Page 32, by striking lines 6 through 22.

38 54. By striking page 32, line 30 through page 33,
39 line 4 and inserting the following: "the program.
40 The department may provide financial incentive moneys
41 to reduce a person's cost in properly plugging wells
42 abandoned prior to July 1, 1987."

43 55. Page 33, line 5, by striking the figure
44 "455B.190A" and inserting the following: "159.29".

45 56. Page 33, line 14, by striking the words "for
46 cost sharing of" and inserting the following: "moneys
47 for the".

48 57. Page 33, by striking lines 17 and 18 and
49 inserting the following: "moneys appropriated to the
50 department from the agriculture management account.

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1 The rules shall allow the".

2 58. Page 33, line 27, by inserting after the word
3 "measures." the following: "Land acquired as con-
4 servation easements shall be managed by the department
5 of natural resources."

6 59. Page 34, line 23, by striking the figure
7 "159.20" and inserting the following: "159.28".

8 60. Page 35, by striking lines 15 through 23.

9 61. Page 35, by inserting after line 23 the
10 following:

11 "Sec. _____. 1986 Iowa Acts, chapter 1245, section
12 668, is repealed."

13 62. Page 37, by striking lines 30 and 31.

14 63. Page 40, line 31, by inserting after the word
15 "project" the following: "required pursuant to
16 section 455B.302".

17 64. Page 41, line 4, by striking the words
18 "landfill shall address" and inserting the following:
19 "~~landfill shall address~~ disposal project shall
20 incorporate and reflect the waste management hierarchy
21 of the state solid waste management policy and shall".

22 65. Page 41, by striking lines 6 through 16 and
23 inserting the following:

24 "a. The extent to which solid waste is or can be
25 recycled.

26 b. The economic and technical feasibility of using
27 other existing sanitary disposal project facilities in
28 lieu of initiating or continuing the sanitary landfill
29 for which the permit is being sought.

30 c. The expected environmental impact of
31 alternative solid waste disposal methods, including
32 the use of sanitary landfills.

33 d. A specific plan and schedule for implementing
34 technically and economically feasible solid waste
35 disposal methods that will result in minimal
36 environmental impact."

37 66. Page 41, by striking lines 17 through 23.

38 67. Page 42, by striking lines 3 through 5 and
39 inserting the following: "costs of control and
40 treatment."

41 68. Page 42, line 7, by striking the word
42 "landfill" and inserting the following: "disposal".

43 69. Page 45, by inserting after line 10 the
44 following:

45 "Sec. _____. Section 455B.310, subsection 1, Code
46 1987, is amended to read as follows:

47 1. Except as provided in subsection 3, the owner
48 or operator of a sanitary landfill disposal project
49 shall pay to the department a tonnage fee for each ton
50 or equivalent volume of solid waste received and

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1 disposed of at the sanitary ~~landfill~~ disposal project
2 during the preceding reporting period. The department
3 shall determine by rule the volume which is equivalent
4 to a ton of waste."

5 70. Page 45, line 11, by striking the word and
6 figure "subsection 2" and inserting the following:
7 "subsections 2 and 3".

8 71. Page 45, line 13, by striking the words "two
9 dollars" and inserting the following: "one dollar".

10 72. Page 45, by striking lines 14 through 16, and
11 inserting the following: "ton of solid waste for the
12 year beginning January 1, 1988. The city or county
13 providing for the".

14 73. Page 45, by inserting after line 21 the
15 following:

16 "3. Solid waste disposal facilities with special
17 provisions which limit the site to the disposal of
18 construction and demolition waste and solid waste
19 materials approved by the department for lining or
20 capping or for construction berms, dikes or roads in a
21 sanitary disposal project or sanitary landfill or
22 which limit the site to the disposal of excess fly ash
23 used in the reclamation of strip mined land and other
24 materials, determined by the department not to present
25 a threat to the public health or safety, are exempt
26 from the tonnage fees imposed under this section."

27 74. Page 46, by striking lines 34 and 35 and
28 inserting the following: "policy and hierarchy
29 established in section 455B.301A. Grants shall be
30 awarded only for an amount determined by the
31 department to be reasonable and necessary to conduct
32 the work as set forth in the grant application.
33 Grants may be awarded at a maximum cost-share level of
34 ninety percent with a preference given for regional or
35 shared projects."

36 75. Page 48, by inserting after line 19 the fol-
37 lowing:

38 "3. "Division" means the environmental protection
39 division of the department of natural resources."

40 76. Page 49, line 12, by inserting after the word
41 "include" the following: "cosmetics,".

42 77. Page 49, line 13, by striking the word
43 "dishwashing".

44 78. Page 49, lines 32 and 33, by striking the
45 words ", upon conviction,".

46 79. By striking page 49, line 34 through page 50,
47 line 12.

48 80. Page 50, by striking lines 14 through 19 and
49 inserting the following:

50 "The commission shall adopt rules which establish a

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uniform label to be supplied and used by retailers."

81. Page 50, by inserting after line 28 the following:

"Sec. ____ . NEW SECTION. 455F.6A DUTIES OF THE DIVISION.

The division shall:

1. Identify no more than fifty commonly used household products which, due to level of toxicity, extent of use, nondegradability, or other relevant characteristic, constitute the greatest danger of contamination of the groundwater when placed in a landfill.

2. Submit recommendations to the general assembly regarding the products specified in subsection 1 which include but are not limited to the following:

a. Education of consumers regarding the danger incurred in disposal of the products, the proper disposal of the products, and the use of alternative products which do not present as great a disposal danger as the products specified.

b. Dissemination of information regarding the products specified.

c. Special labeling or stamping of the products.

d. A means for proper disposal of the products.

e. Proposed legislative action regarding implementation of recommendations concerning the products."

82. Page 51, line 10, by inserting after the word "materials" the following: "with the exception of reporting requirements and license fees for pesticide dealers as defined under section 206.2, subsection 24".

83. Page 51, by inserting after line 10 the following:

"2. A manufacturer or distributor of household hazardous materials, which authorizes retailers as independent contractors to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, may obtain a single household hazardous materials permit on behalf of its authorized retailers in the state, in lieu of individual permits for each retailer, and pay a fee based upon the manufacturer's or distributor's gross retail sales in the state according to the fee schedule and requirements of subsection 1. However, a manufacturer or distributor which has gross retail sales of three million dollars or more in the state shall pay an additional permit fee of one hundred dollars for each subsequent increment of three million dollars of gross retail sales in the state, up to a

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1 maximum permit fee of one thousand dollars."

2 84. Page 52, line 26, by striking the words "
3 upon conviction,".

4 85. By striking page 52, line 28 through page 53,
5 line 6 and inserting the following:

6 "Sec. ____ . COLLECTION OF USED MOTOR OIL -- PILOT
7 PROJECT.

8 The state department of transportation, in
9 cooperation with the department of natural resources
10 and the Iowa State University of science and
11 technology center for industrial research and service,
12 shall institute a pilot project to collect and dispose
13 of used motor oil from residences and farms in one
14 urban county and one rural county by October 1, 1987.

15 The state department of transportation shall
16 promote community participation; provide collection
17 sites and facilities; prescribe procedures for each
18 collection site, including the amount of used motor
19 oil to be accepted from a household or farm, and
20 measures necessary to assure maintenance of a sanitary
21 collection site environment; arrange for proper used
22 oil disposal; and report to the general assembly by
23 March 1, 1988, regarding the progress on the pilot
24 project. The report shall include the cost of the
25 project, the amount of used motor oil collected, and
26 any other relevant data gathered by the participating
27 agencies. The state department of transportation
28 shall recommend in the report to the general assembly
29 whether the program should be continued, expanded,
30 modified, or discontinued.

31 The department of natural resources shall assist
32 the state department of transportation in promoting
33 the pilot project and in applying any state or federal
34 environmental regulations to the pilot project. The
35 Iowa State University of science and technology center
36 for industrial research and service shall coordinate
37 research on establishing the waste stream for used
38 motor oil, investigate alternative disposal methods,
39 and coordinate research with other states' research
40 projects on used motor oil collection and disposal.

41 This section is repealed July 1, 1988."

42 86. Page 53, by striking lines 9 through 12 and
43 inserting the following:

44 "The commission shall conduct a symposium in each
45 congressional district regarding household hazardous
46 waste recycling and reclamation."

47 87. By striking page 53, line 13 through page 55,
48 line 7.

49 88. Page 56, by striking lines 8 through 20 and
50 inserting the following: "individual owner or

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operator."

2 89. Page 56, by inserting after line 22 the fol-
3 lowing:

4 "4. The mechanism by which owners or operators who
5 can demonstrate financial responsibility pursuant to
6 the federal Resource Conservation and Recovery Act, 42
7 U.S.C. § 6901 et seq., may establish exempt status
8 from participation in the program."

9 90. Page 57, by striking lines 7 through 22 and
10 inserting the following: "state, based on storage
11 tank standards and monitoring systems maintained by
12 the individual owner or operator."

13 91. Page 57, by inserting after line 30 the
14 following:

15 "4. The mechanism by which owners or operators who
16 can demonstrate financial responsibility pursuant to
17 the federal Resource Conservation and Recovery Act, 42
18 U.S.C. § 6901 et seq., may establish exempt status
19 from participation in the program."

20 92. Page 57, line 32, by striking the word
21 "subsections" and inserting the following:
22 "subsection".

23 93. By striking page 57, line 33 through page 58,
24 line 8.

25 94. Page 58, by striking lines 11 through 17 and
26 inserting the following: "not been registered
27 pursuant to subsections 1 through 5.

28 The department shall furnish the owner or operator
29 of an underground storage tank with a registration tag
30 for each underground storage tank registered with the
31 department. The owner or operator shall affix the tag
32 to the fill pipe of each registered underground
33 storage tank. A person who conveys or deposits a
34 regulated substance shall inspect the underground
35 storage tank to determine the existence or absence of
36 the registration tag. If a registration tag is not
37 affixed to the underground storage tank fill pipe, the
38 person conveying or depositing the regulated substance
39 may deposit the regulated substance in the
40 unregistered tank provided that the deposit is allowed
41 only in the single instance, that the person reports
42 the unregistered tank to the department of natural
43 resources, and that the person provides the owner or
44 operator with an underground storage tank registration
45 form and informs the owner or operator of the
46 underground storage tank registration requirements.
47 The owner or operator is allowed fifteen days
48 following the report to the department of the owner's
49 or operator's unregistered tank to comply with the
50 registration requirements. If an owner or operator

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1 fails to register the reported underground storage
2 tank during the fifteen-day period, the owner or
3 operator shall pay a fee of twenty-five dollars upon
4 registration of the tank."

5 95. Page 58, line 21, by striking the figures "3
6 3A" and inserting the following: "3".

7 96. Page 59, by striking lines 21 and 22 and in-
8 serting the following: "pay an annual storage tank
9 management fee of ten dollars per tank of over one
10 thousand one hundred".

11 97. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

FILED APRIL 27, 1987

RECEIVED FROM THE SENATE

House refused to concur 4/28/87 (p. 1726)
Senate concurred 4/28/87 (p. 1578)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 631

To the President of the Senate and the Speaker of the House
of Representatives:

We the undersigned members of the conference committee
appointed to resolve the differences between the Senate and
the House of Representatives on House File 631, a bill for An
Act relating to public health and safety by establishing
measures to improve and protect groundwater quality and to
manage substances which pose health and safety hazards, by
establishing goals, policies, funding mechanisms, including
taxes and fees, and administrative provisions for the

measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters, respectfully make the following report:

1. That the Senate amendment, H-4027, to House File 631, as amended, passed and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 3 through 15 and inserting the following:

"___. Page 1, line 29, by inserting after the words "construction of" the following: "barriers, trenches, and other similar"."

2. Page 1, by striking lines 18 through 20 and inserting the following:

"___. Page 3, by striking lines 18 through 21 and inserting the following: "management practices shall be utilized. The department shall adopt rules which specify the general guidelines for determining the cleanup actions necessary to meet the goals of the state and the general procedures for determining the parties responsible by July 1, 1989. Until the rules are adopted, the absence of rules shall not be raised as a defense to an order to clean up a source of contamination.""

3. By striking page 1, line 28 through page 2, line 1 and inserting the following:

"Liability shall not be imposed upon an agricultural producer for the costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of any quantity of nitrates provided that application has been in compliance with soil test results and that the applicator has properly complied with label instructions for application of the fertilizer. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer.

Liability shall not be imposed upon an agricultural producer for costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of pesticide provided that the applicator has properly complied with label instructions for application of the pesticide and that the applicator has a valid appropriate applicator's license. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer."

4. Page 2, by striking lines 2 through 19 and inserting the following:

"___. Page 6, by striking lines 13 through 15 and inserting the following:

"2. When groundwater standards are proposed by the commission, all available information to develop the standards shall be considered, including federal regulations and all relevant information gathered from other sources. A public hearing shall be held in each congressional district prior to the submittal of a report on standards to the general assembly. This report on how groundwater standards may be a part of a groundwater protection program shall be submitted by the department to the general assembly for its consideration by January 1, 1989."

5. Page 2, by striking lines 20 through 23 and inserting the following:

"___. Page 6, by striking lines 27 through 31 and inserting the following:

"2. Political subdivisions are authorized and encouraged to implement groundwater protection policies within their respective jurisdictions, provided that implementation is at least as stringent but consistent with the rules of the department."

6. By striking page 2, line 26 through page 3, line 1 and inserting the following:

"The director shall include in the departmental budget prepared pursuant to section 455A.4, subsection 1, paragraph

"c", a proposal for the use of groundwater protection fund moneys, and a report of the uses of the groundwater protection fund moneys appropriated in the previous fiscal year.

The secretary of agriculture shall submit with the report prepared pursuant to section 17.3 a proposal for the use of groundwater protection fund moneys, and a report of the uses of the groundwater protection fund moneys appropriated in the previous fiscal year."

7. Page 3, by striking lines 2 through 23 and inserting the following:

"___. By striking page 7, line 16 through page 9, line 21 and inserting the following:

"The department shall use the funds in the account for the following purposes:

(1) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989, shall be used for the following:

(a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.

(b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(ii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(2) An additional fifty cents per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(3) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(4) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990, shall be used for the following:

(a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.

(b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(ii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(5) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(6) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(7) The first fifty cents per ton of funds received from the tonnage fee imposed for the fiscal year beginning July 1, 1990 and thereafter shall be used for the following:

(a) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business

assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(b) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(c) The administration and enforcement of a groundwater monitoring program and other required programs which are related to solid waste management.

(d) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(e) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(8) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1990 and thereafter shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(9) Each additional fifty cents per ton per year of funds received from the tonnage fee for the fiscal period beginning July 1, 1990 and thereafter is allocated for the following purposes:

(a) Thirty-five cents per ton per year shall be allocated to the department of natural resources for the following purposes:

(i) Twenty-five cents per ton per year shall be used to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(ii) No more than ten cents of the thirty-five cents per year may be used for the administration of a groundwater monitoring program and other required programs which are related to solid waste management, if the amount of funds generated for administrative costs in this fiscal period is less than the amount generated for the costs in the fiscal year beginning July 1, 1988.

(b) Fifteen cents per ton per year shall be allocated to local agencies for use as provided by law.

(10) Cities, counties, and private agencies subject to fees imposed under section 455B.310 may use the funds collected in accordance with the provisions of this section and the conditions of this subsection. The funds used from the account may only be used for any of the following purposes:

(a) Development and implementation of an approved comprehensive plan.

(b) Development of a closure or postclosure plan.

(c) Development of a plan for the control and treatment of leachate which may include a facility plan or detailed plans and specifications.

(d) Preparation of a financial plan, but these funds may not be used to actually contribute to any fund created to satisfy financial requirements, or to contribute to the purchase of any instrument to meet this need.

On January 1 of the year following the first year in which the funds from the account are used, and annually thereafter, the agency shall report to the department as to the amount of the funds used, the exact nature of the use of the funds, and the projects completed. The report shall include an audit report which states that the funds were, in fact, used entirely for purposes authorized under this subsection.

(11) If moneys appropriated to the portion of the solid waste account to be used for the administration of groundwater monitoring programs and other required programs that are related to solid waste management remain unused at the end of

any fiscal year, the moneys remaining shall be allocated to the portion of the account used for abatement and cleanup of threats to the public health, safety, and the environment, resulting from sanitary landfills. If the balance of the moneys in the portion of the account used for abatement and cleanup exceeds three million dollars, the moneys in excess shall be used to fund the development and implementation of demonstration projects for landfill alternatives to solid waste disposal including recycling."

8. By striking page 3, line 24 through page 4, line 19 and inserting the following:

"____. By striking page 9, line 24 through page 10, line 21 and inserting the following:

"(1) Nine thousand dollars of the account is appropriated to the Iowa department of public health for carrying out the departmental duties under section 135.11, subsections 20 and 21, and section 139.35.

(2) Of the remaining moneys in the account:

(a) Thirty-five percent is appropriated annually for the Leopold center for sustainable agriculture at Iowa State University of science and technology.

(b) Two percent is appropriated annually to the department of natural resources for the purpose of administering grants to counties and conducting oversight of county-based programs relative to the testing of private water supply wells and the proper closure of private abandoned wells. Not more than twenty-three percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs of private, rural water supply testing, not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing, and not more than twelve percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs for properly closing abandoned, rural water supply wells.

(c) The department shall allocate a sum not to exceed seventy-nine thousand dollars of the moneys appropriated for the fiscal year beginning July 1, 1987, and ending June 30, 1988 for the preparation of a detailed report and plan for the establishment on July 1, 1988 of the center for health effects of environmental contamination. The plan for establishing the center shall be presented to the general assembly on or before January 15, 1988. The report shall include the assemblage of all existing data relating to Iowa drinking water supplies, including characteristics of source, treatment, presence of contaminants, precise location, and usage patterns to facilitate data retrieval and use in research; and detailed organizational plans, research objectives, and budget projections for the anticipated functions of the center in subsequent years. The department may allocate annually a sum not to exceed nine percent of the moneys appropriated to the center, beginning July 1, 1988.

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs, and not more than two hundred thousand dollars of the moneys is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes. Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weed or other vegetation within highway rights-of-way."

9. Page 4, line 24, by inserting after the figure "139.35," the following: "eighty thousand dollars is appropriated to the department of natural resources for city,

county, or service organization project grants relative to recycling and reclamation events,".

10. Page 4, by inserting after line 30 the following:

"___. Page 10, line 26, by inserting after the figure "455F" the following: ", including the administration of the household hazardous materials permit program by the department of revenue and finance"."

11. Page 4, by striking lines 39 and 40 and inserting the following:

"(2) Seventy percent of the moneys deposited".

12. By striking page 5, line 2, through page 6, line 23 and inserting the following:

"(1) The following amounts are appropriated to the department of natural resources to implement its responsibilities pursuant to section 455E.8:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, eight hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, six hundred fifty thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, six hundred thousand dollars is appropriated.

(d) For the fiscal year beginning July 1, 1990 and ending June 30, 1991, five hundred thousand dollars is appropriated.

(e) For the fiscal year beginning July 1, 1991 and ending June 30, 1992, five hundred thousand dollars is appropriated.

(2) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, five hundred sixty thousand dollars is appropriated to the department of natural resources for assessing rural, private water supply quality.

(3) For the fiscal period beginning July 1, 1987 and ending June 30, 1989, one hundred thousand dollars is appropriated annually to the department of natural resources for the administration of a groundwater monitoring program at sanitary landfills.

(4) The following amounts are appropriated to the Iowa state water resources research institute to provide competitive grants to colleges, universities, and private institutions within the state for the development of research and education programs regarding alternative disposal methods and groundwater protection:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, one hundred twenty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, one hundred thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, one hundred thousand dollars is appropriated.

(5) The following amounts are appropriated to the department of natural resources to develop and implement demonstration projects for landfill alternatives to solid waste disposal, including recycling programs:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, seven hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, eight hundred fifty thousand dollars is appropriated.

(6) For the fiscal period beginning July 1, 1987 and ending June 30, 1988, eight hundred thousand dollars is appropriated to the Leopold center for sustainable agriculture.

(7) Seven million five hundred thousand dollars is appropriated to the agriculture energy management fund created under chapter 467E for the fiscal period beginning July 1, 1987 and ending June 30, 1992, to develop nonregulatory programs to implement integrated farm management of farm chemicals for environmental protection, energy conservation, and farm profitability; interactive public and farmer education; and applied studies on best management practices and best appropriate technology for chemical use efficiency and reduction.

(8) The following amounts are appropriated to the department of natural resources to continue the Big Spring demonstration project in Clayton county.

(a) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, seven hundred thousand dollars is appropriated annually.

(b) For the fiscal period beginning July 1, 1990 and ending June 30, 1992, five hundred thousand dollars is appropriated annually.

(9) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, one hundred thousand dollars is appropriated annually to the department of agriculture and land stewardship to implement a targeted education program on best management practices and technologies for the mitigation of groundwater contamination from or closure of agricultural drainage wells, abandoned wells, and sinkholes."

13. Page 6, by striking lines 24 through 27 and inserting the following:

"___. Page 11, by striking lines 23 and 24 and inserting the following: "disposal facilities. These standards shall be at least as stringent but consistent with the standards adopted by"."

14. Page 6, line 49, by striking the word "fifty" and inserting the following: "seventy-five".

15. Page 7, by inserting after line 6 the following:

"___. Page 18, line 24, by inserting after the word "fees." the following: "The secretary shall, by rule allow an exemption to the payment of this fee for fertilizers which contain trace amounts of nitrogen.""

16. Page 7, by striking lines 7 through 9, and inserting the following:

"___. Page 20, by striking lines 8 through 11 and inserting the following:

"24. The term "pesticide dealer" means any person who distributes any restricted use pesticides which, by regulation, are restricted to application only by certified

applicators; pesticide for use by commercial or public pesticide applicators; or general use pesticides labeled for agricultural or lawn and garden use with the exception of dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer."

17. Page 8, by striking lines 15 through 26 and inserting the following:

"The secretary may adopt rules to provide for license and certification adjustments, including fees, which may be necessary to provide for an equitable transition for licenses and certifications issued prior to January 1, 1989. The rules shall also include a provision for renewal of certification through the administering of an approved exam, and a provision for a thirty day renewal grace period."

18. Page 8, lines 39 and 40, by striking the words "one-twentieth" and inserting the following: "one-tenth".

19. Page 8, by inserting after line 47 the following:

"___. Page 24, by inserting after line 16 the following:

"Sec. ___. Section 206.8, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Application for a license required for manufacturers and distributors who are not engaged in the retail sale of pesticides shall be accompanied by a twenty-five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary."

20. Page 8, by striking lines 48 through 50 and inserting the following:

"___. Page 25, line 19, by striking the words "five hundred" and inserting the following: "one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand"."

21. Page 9, by striking lines 1 through 18 and inserting the following:

"___. Page 25, line 20, by inserting after the word "state." the following: "The secretary shall adopt by rule exemptions to the minimum fee."

22. Page 9, by striking lines 22 through 26 and inserting the following:

"___. Page 25, line 32, by striking the word "distributed" and inserting the following: "or distributed at retail for use in this state"."

23. Page 9, by inserting after line 28 the following:

"___. Page 26, line 2, by inserting after the word "state." the following: "The information required shall include the brand names and amounts of pesticides sold, offered for sale, or distributed at retail for use in this state for each business location owned or operated by the retailer, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report."

24. Page 9, by striking lines 32 through 37 and inserting the following:

"___. Page 26, line 7, by inserting after the word "the" the following: "exterior".

___. Page 26, by inserting after line 12 the following:

"NEW SUBSECTION. 3A. Adopt rules providing guidelines for public bodies to notify adjacent property occupants regarding the application of herbicides to noxious weeds or other undesirable vegetation within highway rights-of-way."

25. Page 10, by inserting after line 17 the following:

"(10) The Iowa department of public health.

(11) The department of natural resources.

(12) The department of agriculture and land stewardship."

26. Page 10, by striking lines 18 through 20 and inserting the following:

"b. The active participation of the national cancer institute,".

27. By striking page 11, line 38 through page 12, line 14, and inserting the following:

"___. By striking page 27, line 28 through page 28, line 29 and inserting the following:

"2. The Leopold center for sustainable agriculture is established in the Iowa agricultural and home economics experiment station at Iowa State University of science and technology. The center shall conduct and sponsor research to identify and reduce negative environmental and socio-economic impacts of agricultural practices. The center also shall research and assist in developing emerging alternative practices that are consistent with a sustainable agriculture. The center shall develop in association with the Iowa cooperative extension service in agriculture and home economics an educational framework to inform the agricultural community and the general public of its findings.

3. An advisory board is established consisting of the following members:

a. Three persons from Iowa State University of science and technology, appointed by its president.

b. Two persons from the State University of Iowa, appointed by its president.

c. Two persons from the University of Northern Iowa, appointed by its president.

d. Two representatives of private colleges and universities within the state, to be nominated by the Iowa association of independent colleges and universities, and appointed by the Iowa coordinating council for post-high school education.

e. One representative of the department of agriculture and land stewardship, appointed by the secretary of agriculture.

f. One representative of the department of natural resources, appointed by the director.

g. One man and one woman, actively engaged in agricultural production, appointed by the state soil conservation committee.

The terms of the members shall begin and end as provided in section 69.19 and any vacancy shall be filled by the original

appointing authority. The terms shall be for four years and shall be staggered as determined by the president of Iowa State University of science and technology.

4. The Iowa agricultural and home economics experiment station shall employ a director for the center, who shall be appointed by the president of Iowa State University of science and technology. The director of the center shall employ the necessary research and support staff. The director and staff shall be employees of Iowa State University of science and technology. No more than five hundred thousand dollars of the funds received from the agriculture management account annually shall be expended by the center for the salaries and benefits of the employees of the center, including the salary and benefits of the director. The remainder of the funds received from the agriculture management account shall be used to sponsor research grants and projects on a competitive basis from Iowa colleges and universities and private nonprofit agencies and foundations. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

The director shall prepare an annual report.

5. The board shall provide the president of Iowa State University of science and technology with a list of three candidates from which the director shall be selected. The board shall provide an additional list of three candidates if requested by the president. The board shall advise the director in the development of a budget, on the policies and procedures of the center, in the funding of research grant proposals, and regarding program planning and review."

28. Page 12, by inserting after line 14 the following:

"___. Page 28, by inserting before line 30 the following:

"Sec. ___. NEW SECTION. 317.26 ALTERNATIVE REMEDIATION PRACTICES.

The director of the department of natural resources, in cooperation with the secretary of agriculture and county conservation boards or the board of supervisors, shall develop

and implement projects which utilize alternative practices in the remediation of noxious weeds and other vegetation within highway rights-of-way."

29. Page 12, by inserting after line 21 the following:

"____. Page 29, by inserting after line 33 the following:

"Sec. ____ . APPROPRIATION. For the fiscal year beginning July 1, 1987, and ending June 30, 1988, the increased fee revenues resulting to the fertilizer fund and to the pesticide fund from the increases in fees and expansion of coverage of fee requirements provided in this Act are appropriated to the department of agriculture and land stewardship for the administration and implementation of chapters 200 and 206, as amended by this Act."

____. Page 29, by inserting after line 35 the following:

"Sec. ____ . NEW SECTION. 108.11 AGRICULTURAL DRAINAGE WELLS -- WETLANDS -- CONSERVATION EASEMENTS.

The department shall develop and implement a program for the acquisition of wetlands and conservation easements on and around wetlands that result from the closure or change in use of agricultural drainage wells upon implementation of the programs specified in section 159.28 to eliminate groundwater contamination caused by the use of agricultural drainage wells. The program shall be coordinated with the department of agriculture and land stewardship. The department may use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund in addition to other moneys available for wetland acquisition, protection, development, and management.

Sec. ____ . NEW SECTION. 159.29 SINKHOLES -- CONSERVATION EASEMENT PROGRAMS.

The department shall develop and implement a program for the prevention of groundwater contamination through sinkholes. The program shall provide for education of landowners and encourage responsible chemical and land management practices in areas of the state prone to the formation of sinkholes.

The program may provide financial incentives for land management practices and the acquisition of conservation easements around sinkholes. The program may also provide financial assistance for the cleanup of wastes dumped into sinkholes.

The program shall be coordinated with the groundwater protection programs of the department of natural resources and other local, state, or federal government agencies which could compensate landowners for resource protection measures. The department shall use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund."

30. By striking page 12, line 26 through page 14, line 9 and inserting the following:

"1. An owner of an agricultural drainage well shall register the well with the department of natural resources by January 1, 1988.

2. An owner of an agriculture drainage well and a landholder whose land is drained by the well or wells of another person shall develop, in consultation with the department of agriculture and land stewardship and the department of natural resources, a plan which proposes alternatives to the use of agricultural drainage wells by July 1, 1991.

a. Financial incentive moneys may be allocated from the financial incentive portion of the agriculture management account of the groundwater protection fund to implement alternatives to agricultural drainage wells.

b. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall not be eligible for financial incentive moneys pursuant to paragraph "a" if the owner fails to register the well with the department of natural resources by January 1, 1988 or if the owner fails to develop a plan for alternatives in cooperation with the department of agriculture and land stewardship and the department of natural resources.

3. The department shall:

a. On July 1, 1987 initiate a pilot demonstration and research project concerning elimination of groundwater contamination attributed to the use of agricultural chemicals and agricultural drainage wells. The project shall be established in a location in North Central Iowa determined by the department to be the most appropriate. A demonstration project shall also be established in Northeast Iowa to study techniques for the cleanup of sinkholes.

The agricultural drainage well pilot project shall be designed to identify the environmental, economic, and social problems presented by continued use or closure of agricultural drainage wells and to monitor possible contamination caused by agriculture land management practices and agricultural chemical use relative to agricultural drainage wells.

b. Develop alternative management practices based upon the findings from the demonstration projects to reduce the infiltration of synthetic organic compounds into the groundwater through agricultural drainage wells and sinkholes.

c. Examine alternatives and the costs of implementation of alternatives to the use of agricultural drainage wells, and examine the legal, technical, and hydrological constraints for integrating alternative drainage systems into existing drainage districts.

4. Financial incentive moneys expended through the use of the financial incentive portion of the agriculture management account may be provided by the department to landowners in the project areas for employing reduced chemical farming practices and land management techniques.

5. The secretary may appoint interagency committees and groups as needed to coordinate the involvement of agencies participating in department sponsored projects. The interagency committees and groups may accept grants and funds from public and private organizations.

6. The department shall publish a report on the status and findings of the pilot demonstration projects on or before July 1, 1989, and each subsequent year of the projects. The

department of agriculture and land stewardship shall develop a priority system for the elimination of chemical contamination from agricultural drainage wells and sinkholes. The priority system shall incorporate available information regarding the significance of contamination, the number of registered wells in the area, and the information derived from the report prepared pursuant to this subsection. The highest priority shall be given to agricultural drainage wells for which the above criteria are best met, and the costs of necessary action are at the minimum level.

7. Beginning July 1, 1990, the department shall initiate an ongoing program to meet the goal of eliminating chemical contamination caused by the use of agricultural drainage wells by January 1, 1995 based upon the findings of the report published pursuant to subsection 6."

3i. Page 14, by striking lines 12 through 24 and inserting the following:

" . Notwithstanding the prohibitions of section 455B.267, subsection 4, an owner of an agricultural drainage well may make emergency repairs necessitated by damage to the drainage well to minimize surface runoff into the agricultural drainage well, upon the approval of the county board of supervisors or the board's designee of the county in which the agricultural drainage well is located. The approval shall be based upon the following conditions:

a. The well has been registered in accordance with both state and federal law.

b. The applicant will institute management practices including alternative crops, reduced application of chemicals, or other actions which will reduce the level of chemical contamination of the water which drains into the well.

c. The owner submits a written statement that approved emergency repairs are necessary and do not constitute a basis to avoid the eventual closure of the well if closure is later determined to be required. If a county board of supervisors or the board's designee approves the emergency repair of an

agricultural drainage well, the county board of supervisors or the board's designee shall notify the department of the approval within thirty days of the approval."

32. Page 14, line 28, by striking the word "paragraph" and inserting the following: "paragraphs".

33. Page 14, by inserting after line 28 the following:

"NEW UNNUMBERED PARAGRAPH. A landowner or the landowner's agent shall not drill for or construct a new water well without first obtaining a permit for this activity from the department. The department shall not issue a permit to any person for this activity unless the person first registers with the department all wells, including abandoned wells, on the property. The department may delegate the authority to issue a permit to a county board of supervisors or the board's designee. In the event of such delegation, the department shall retain concurrent authority. The commission shall adopt rules pursuant to chapter 17A to implement this paragraph.

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section, a county board of supervisors or the board's designee may grant an exemption from the permit requirements to a landowner or the landowner's agent if an emergency drilling is necessary to meet an immediate need for water. The exemption shall be effective immediately upon approval of the county board of supervisors or the board's designee. The board of supervisors or the board's designee shall notify the director within thirty days of the granting of an exemption."

34. Page 14, by striking lines 38 through 42 and inserting the following:

"___. Page 32, line 33, by striking the word "five" and inserting the following: "one".

___. Page 32, line 34, by inserting after the word "plugged." the following: "The moneys collected shall be deposited in the financial incentive portion of the agriculture management account."

35. By striking page 14, line 43 through page 15, line 5 and inserting the following:

"___. Page 33, by striking lines 5 through 27."

36. Page 15, by inserting after line 7 the following:

"___. Page 35, by striking lines 9 through 12 and inserting the following: "county recorder.

If a declaration of value is not required, the above information shall be submitted on a separate form. The director of the department of natural resources shall prescribe the form of the statement and the separate form to be supplied by each county recorder in the state. The county recorder shall transmit the".

37. Page 15, by striking lines 9 through 12.

38. Page 15, by inserting before line 13 the following:

"___. Page 36, by inserting after line 20 the following:

"Sec. ___. NEW SECTION. 268.4 SMALL BUSINESS ASSISTANCE CENTER FOR THE SAFE AND ECONOMIC MANAGEMENT OF SOLID WASTE AND HAZARDOUS SUBSTANCES.

1. The small business assistance center for the safe and economic management of solid waste and hazardous substances is established at the University of Northern Iowa. The University of Northern Iowa, in cooperation with the department of natural resources, shall develop and implement a program which provides the following:

a. Information regarding the safe use and economic management of solid waste and hazardous substances to small businesses which generate the substances.

b. Dissemination of information to public and private agencies regarding state and federal solid waste and hazardous substances regulations, and assistance in achieving compliance with the regulations.

c. Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.

d. Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.

e. Assistance in the providing of capital formation in order to comply with state and federal regulations.

2. a. An advisory committee to the center is established, consisting of a representative of each of the following organizations:

- (1) The Iowa department of economic development.
- (2) The small business development commission.
- (3) The University of Northern Iowa.
- (4) The State University of Iowa.
- (5) Iowa State University of science and technology.
- (6) The department of natural resources.

b. The active participation of representatives of small businesses in the state shall also be sought and encouraged.

3. Information obtained or compiled by the center shall be disseminated directly to the Iowa department of economic development, the small business development centers, and other public and private agencies with interest in the safe and economic management of solid waste and hazardous substances.

4. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.""

39. Page 15, by inserting after line 13 the following:

"___. Page 38, by inserting after line 32 the following:

"Sec. ___. Section 455B.304, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The commission shall adopt rules prohibiting the disposal of uncontained liquid waste in a sanitary landfill. The rules shall prohibit land burial or disposal by land application of wet sewer sludge at a sanitary landfill."

___. Page 39, by inserting after line 34 the following:

"Sec. ___. Section 455B.305, subsection 5, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 1, 1997, however, no new landfill permits shall be issued unless the applicant certifies that the landfill is needed as a part of an alternative disposal method, or unless the applicant provides documentation which satisfies the director that alternatives have been studied and are not either technically or economically feasible. The decision of the director is subject to review by the commission at its next meeting.""

40. Page 15, by inserting after line 16 the following:

"___. Page 40, by inserting after line 34 the following:

"Sec. ___. Section 455B.306, subsection 2, Code 1987, is amended to read as follows:

2. The plan required by subsection 1 shall be filed with the department at the time of initial application for the construction and operation of a sanitary ~~landfill~~ disposal project and shall be updated and refiled with the department at the time of each subsequent application for renewal or reissuance of a previously issued permit."

41. Page 15, by striking lines 17 through 21 and inserting the following:

"___. Page 41, lines 4 and 5, by striking the words "landfill shall ~~address~~ include all of the following:" and inserting the following: "disposal project shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics to the extent appropriate to the technology employed by the applicant at the sanitary disposal project:"."

42. Page 15, by inserting after line 37 the following:

"___. Page 41, by inserting before line 24, the following:

"4. In addition to the above requirements, the following specific areas must be addressed in detail in the comprehensive plan:"."

43. Page 15, by striking lines 38 through 40 and inserting the following:

"___. Page 42, by striking lines 3 through 5 and inserting the following: "costs of control and treatment in order to meet the requirements of section 455B.305, subsection 6."

44. Page 15, by inserting after line 42, the following:

"___. Page 42, by striking lines 24 through 26 and inserting the following: "the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility beginning July 1, 1988."

___ . Page 45, line 13, by striking the word "two dollars" and inserting the following: "one dollar and fifty-cents".

___ . Page 45, line 14, by striking the word and figures "January 1, 1995" and inserting the following: "July 1, 1992".

___ . Page 45, line 16, by striking the word "January" and inserting the following: "July"."

45. By striking page 15, line 43 through page 16, line 4.

46. Page 16, by striking lines 5 through 26."

47. Page 16, by inserting before line 27 the following:

"___ . Page 45, line 22, by striking the words and figures "subsection 4, Code 1987, is" and inserting the following: "subsections 4 and 5, Code 1987, are".

___ . Page 45, by inserting after line 27 the following:

"5. Fees imposed by this section beginning July 1, 1988 shall be paid to the department on ~~an-annual~~ a quarterly basis. ~~Fees-are-due-on-April-15-for-the-previous-calendar~~ The initial payment of fees collected beginning July 1, 1988 shall be paid to the department on January 1, 1989 and on a quarterly basis thereafter. The payment shall be accompanied by a return in the form prescribed by the department."

___ . Page 45, by striking line 29 and inserting the following: "adding the following new subsections:".

___ . Page 46, by inserting after line 22 the following:

"NEW SUBSECTION. 8. In the case of a sanitary disposal project other than a sanitary landfill, no tonnage fee shall apply for five years beginning July 1, 1987 or for five years from the commencement of operation, whichever is later. By July 1, 1992, the department shall provide the general assembly with a recommendation regarding appropriate fees for alternative sanitary disposal projects.""

48. Page 16, line 35, by striking the word "projects." and inserting the following: "projects and a preference given to projects involving environmentally fragile areas which are particularly subject to groundwater contamination. Grants

shall be awarded in a manner which will distribute the grants geographically throughout the state."

49. Page 16, by inserting after line 35 the following:

"___. Page 48, by inserting after line 12, the following:

"Sec. ___. GROUNDWATER FUND EXISTING FEES.

All tonnage fees received by the department of natural resources pursuant to section 455B.310 and deposited in the groundwater fund and existing in the groundwater fund prior to December 31, 1987, shall be used for the following purposes:

1. Six cents of the twenty-five cents per ton deposited in the fund is appropriated to the waste management authority of the department of natural resources.

2. Fifty thousand dollars of the moneys in the fund is appropriated to the University of Northern Iowa for the fiscal year beginning July 1, 1987, and ending June 30, 1988, for the establishment of the small business assistance center for the safe and economic management of solid waste and hazardous substances at the University of Northern Iowa.

3. The remainder of the moneys in the account are appropriated to the department of natural resources for the development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3."

50. Page 16, by striking lines 36 through 39.

51. Page 16, by striking lines 40 through 43 and inserting the following:

"___. Page 49, by striking lines 10 and 11 and inserting the following: "petroleum base, and petroleum-based fertilizers."

___. Page 49, by striking line 13 and inserting the following: "laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, and medications."

52. By striking page 16, line 46 through page 17, line 1, and inserting the following:

"___. Page 50, by inserting after line 12, the following:

"A manufacturer or distributor of household hazardous materials who authorizes independent contractor retailers to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, shall print informational lists of its products which are designated by the department as household hazardous materials. These lists of products and the consumer information booklets prepared in accordance with this section shall be provided by the manufacturer or distributor in sufficient quantities to each contractor retailer for dissemination to customers. During the course of a sale of a household hazardous material by a contractor retailer, the customer shall in the first instance be provided with a copy of both the list and the consumer information booklet. In subsequent sales to the same customer, the list and booklet shall be noted as being available if desired."

53. Page 17, by striking lines 4 through 6.

54. Page 17, line 7, by striking the figure "1" and inserting the following: "3".

55. Page 17, line 7, by inserting after the word "Identify" the following: ", after consulting with departmental staff and the listing of other states,".

56. Page 17, line 12, by inserting after the word "landfill." the following: "The department may identify additional products by rule."

57. Page 17, by inserting after line 27 the following:

"___. Page 50, line 32, by inserting after the word "for" the following: "each place of business owned or operated by the retailer for".

___. Page 50, line 33, by inserting after the word "activity." the following: "All permits provided for in this division shall expire on June 30 of each year."

___. Page 50, line 33, by inserting after the word "application" the following: "by July 1 of each year".

___. Page 51, line 5, by inserting after the word "finance." the following: "Permits are nonrefundable, are

based upon an annual operating period, and are not prorated. A person in violation of this section shall be subject to permit revocation upon notice and hearing."

58. Page 17, by striking lines 28 through 32 and inserting the following:

"___. Page 51, by striking lines 7 through 10 and inserting the following: "the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section."

59. Page 18, line 1 by striking the word "one" and inserting the following: "three".

60. Page 18, line 41, by striking the figure "1988" and inserting the following: "1989".

61. Page 18, by striking lines 44 through 46, and inserting the following:

"Up to eighty thousand dollars of the moneys deposited in the household hazardous waste account shall be allocated to the department of natural resources for city, county, or service organization projects relative to recycling and reclamation events. A city, county, or service organization shall submit a competitive grant to the department of natural resources by April 1 for approval by the department no later than May 15."

62. By striking page 18, line 49 through page 19, line 1.

63. Page 19, by striking lines 9 through 12 and inserting the following:

"___. Page 57, by striking lines 8 through 10 and inserting the following: "standards and inventory monitoring systems maintained by an individual owner or operator. The state subsidization of the premium shall be based upon a sliding fee schedule which may reflect the following criteria:"

____. Page 57, by striking line 11 and inserting the following:

"(1) Tanks with".

____. Page 57, by striking line 15 and inserting the following:

"(2) Tanks with secondary".

____. Page 57, by striking line 18 and inserting the following:

"(3) Tanks with single wall".

____. Page 57, by striking line 20 and inserting the following:

"(4) Tanks with any type".

64. Page 19, by striking lines 20 through 24 and inserting the following:

"____. Page 58, line 2, by inserting after the word "days." the following: "The registration of the tank shall be accompanied by a fee of ten dollars to be deposited in the storage tank management account."

____. Page 58, line 3, by striking the word and figures "January 1, 1988" and inserting the following: "July 1, 1989".

____. Page 58, by striking lines 6 through 8 and inserting the following: "by rule by the department."

65. Page 20, by inserting after line 6 the following:

"____. Page 58, line 22, by striking the word "five" and inserting the following: "five ten".

66. Page 20, by inserting before line 7 the following:

"____. Page 59, line 7, by striking the word "shall" and inserting the following: "may".

____. Page 59, line 11, by inserting after the word "reasonableness" the following: "in approval or rejection of claims".

67. Page 20, line 9, by striking the word "ten" and inserting the following: "fifteen".

68. Page 20, by inserting after line 10 the following:

"___. Title page, line 10, by inserting after the word "dates," the following: "making appropriations,",""

69. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, CHAIR
PAUL W. JOHNSON
SUE MULLINS
DON SHOULTZ

ON THE PART OF THE SENATE:

PATRICK J. DELCHERY, CHAIR
LARRY MURPHY
BERL E. PRIEBE
DALE L. TIEDEN

FILED MAY 8, 1987

House Adopted 5/8/87 (p. 2140)
Senate Adopted 5/9/87 (p. 1045)

HOUSE FILE 631

AN ACT

RELATING TO PUBLIC HEALTH AND SAFETY BY ESTABLISHING MEASURES TO IMPROVE AND PROTECT GROUNDWATER QUALITY AND TO MANAGE SUBSTANCES WHICH POSE HEALTH AND SAFETY HAZARDS, BY ESTABLISHING GOALS, POLICIES, FUNDING MECHANISMS, INCLUDING TAXES AND FEES, AND ADMINISTRATIVE PROVISIONS FOR THE MEASURES, BY ESTABLISHING PROGRAMS RELATING TO THE MANAGEMENT OF AGRICULTURAL ACTIVITIES, SOLID WASTE DISPOSAL, HOUSEHOLD HAZARDOUS WASTES, STORAGE TANKS, FERTILIZERS, PESTICIDES, LANDFILLS, AND WATERSHEDS, BY PROVIDING PENALTIES, ESTABLISHING EFFECTIVE DATES, MAKING APPROPRIATIONS, AND BY PROVIDING FOR OTHER PROPERLY RELATED MATTERS.

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

PART ONE -- GENERAL PROVISIONS

Chapter 455E

GROUNDWATER PROTECTION

Section 101. NEW SECTION. 455E.1 TITLE.

This chapter shall be known and may be cited as the "Groundwater Protection Act".

Sec. 102. NEW SECTION. 455E.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Groundwater" means any water of the state, as defined in section 455B.171, which occurs beneath the surface of the earth in a saturated geological formation of rock or soil.

2. "Department" means the department of natural resources created under section 455A.2.

3. "Director" means the director of the department.

4. "Commission" means the environmental protection commission created under section 455A.6.

5. "Contamination" means the direct or indirect introduction into groundwater of any contaminant caused in whole or in part by human activities.

6. "Contaminant" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste, or other substance which does not occur naturally in groundwater or which naturally occurs at a lower concentration.

7. "Active cleanup" means removal, treatment, or isolation of a contaminant from groundwater through the directed efforts of humans.

8. "Passive cleanup" means the removal or treatment of a contaminant in groundwater through management practices or the construction of barriers, trenches, and other similar facilities for prevention of contamination, as well as the use of natural processes such as groundwater recharge, natural decay, and chemical or biological decomposition.

Sec. 103. NEW SECTION. 455E.3 FINDINGS.

The general assembly finds that:

1. Groundwater is a precious and vulnerable natural resource. The vast majority of persons in the state depend on groundwater as a drinking water source. Agriculture, commerce, and industry also depend heavily on groundwater. Historically, the majority of Iowa's groundwater has been usable for these purposes without treatment. Protection of groundwater is essential to the health, welfare, and economic prosperity of all citizens of the state.

2. Many activities of humans, including the manufacturing, storing, handling, and application to land of pesticides and fertilizers; the disposal of solid and hazardous wastes; the

storing and handling of hazardous substances; and the improper construction and the abandonment of wells and septic systems have resulted in groundwater contamination throughout the state.

3. Knowledge of the health effects of contaminants varies greatly. The long-term detriment to human health from synthetic organic compounds in particular is largely unknown but is of concern.

4. Any detectable quantity of a synthetic organic compound in groundwater is unnatural and undesirable.

5. The movement of groundwater, and the movement of contaminants in groundwater, is often difficult to ascertain or control. Decontamination is difficult and expensive to accomplish. Therefore, preventing contamination of groundwater is of paramount importance.

Sec. 104. NEW SECTION. 455E.4 GROUNDWATER PROTECTION GOAL.

The intent of the state is to prevent contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical, and if necessary to restore the groundwater to a potable state, regardless of present condition, use, or characteristics.

Sec. 105. NEW SECTION. 455E.5 GROUNDWATER PROTECTION POLICIES.

1. It is the policy of the state to prevent further contamination of groundwater from any source to the maximum extent practical.

2. The discovery of any groundwater contamination shall require appropriate actions to prevent further contamination. These actions may consist of investigation and evaluation or enforcement actions if necessary to stop further contamination as required under chapter 455E.

3. All persons in the state have the right to have their lawful use of groundwater unimpaired by the activities of any person which render the water unsafe or unpotable.

4. All persons in the state have the duty to conduct their activities so as to prevent the release of contaminants into groundwater.

5. Documentation of any contaminant which presents a significant risk to human health, the environment, or the quality of life shall result in either passive or active cleanup. In both cases, the best technology available or best management practices shall be utilized. The department shall adopt rules which specify the general guidelines for determining the cleanup actions necessary to meet the goals of the state and the general procedures for determining the parties responsible by July 1, 1989. Until the rules are adopted, the absence of rules shall not be raised as a defense to an order to clean up a source of contamination.

6. Adopting health-related groundwater standards may be of benefit in the overall groundwater protection or other regulatory efforts of the state. However, the existence of such standards, or lack of them, shall not be construed or utilized in derogation of the groundwater protection goal and protection policies of the state.

7. The department shall take actions necessary to promote and assure public confidence and public awareness. In pursuing this goal, the department shall make public the results of groundwater investigations.

8. Education of the people of the state is necessary to preserve and restore groundwater quality. The content of this groundwater protection education must assign obligations, call for sacrifice, and change some current values. Educational efforts should strive to establish a conservation ethic among Iowans and should encourage each Iowan to go beyond enlightened self-interest in the protection of groundwater quality.

Sec. 106. NEW SECTION. 455E.6 LEGAL EFFECTS.

This chapter supplements other legal authority and shall not enlarge, restrict, or anrogate any remedy which any person or class of persons may have under other statutory or common law and which serves the purpose of groundwater protection. An activity that does not violate chapter 455B does not violate this chapter. In the event of a conflict between this section and another provision of this chapter, it is the intent of the general assembly that this section prevails.

Liability shall not be imposed upon an agricultural producer for the costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of any quantity of nitrates provided that application has been in compliance with soil test results and that the applicator has properly complied with label instructions for application of the fertilizer. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer.

Liability shall not be imposed upon an agricultural producer for costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of pesticide provided that the applicator has properly complied with label instructions for application of the pesticide and that the applicator has a valid appropriate applicator's license. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer.

Sec. 107. NEW SECTION. 455E.7 PRIMARY ADMINISTRATIVE AGENCY.

The department is designated as the agency to coordinate and administer groundwater protection programs for the state.

Sec. 108. NEW SECTION. 455E.8 POWERS AND DUTIES OF THE DIRECTOR.

In addition to other groundwater protection duties, the director, in cooperation with soil district commissioners and with other state and local agencies, shall:

1. Develop and administer a comprehensive groundwater monitoring network, including point of use, point of contamination, and problem assessment monitoring sites across the state, and the assessment of ambient groundwater quality.

2. Include in the annual report required by section 455A.4, the number and concentration of contaminants detected in groundwater. This information shall also be provided to the director of public health and the secretary of agriculture.

3. Report any data concerning the contamination of groundwater by a contaminant not regulated under the federal Safe Drinking Water Act, 42 U.S.C. § 300(f) et seq. to the United States environmental protection agency along with a request to establish a maximum contaminant level and to conduct a risk assessment for the contaminant.

4. Complete groundwater hazard mapping of the state and make the results available to state and local planning organizations by July 1, 1991.

5. Establish a system or systems within the department for collecting, evaluating, and disseminating groundwater quality data and information.

6. Develop and maintain a natural resource geographic information system and comprehensive water resource data system. The system shall be accessible to the public.

7. Develop and adopt by administrative rule, criteria for evaluating groundwater protection programs by July 1, 1988.

8. Take any action authorized by law, including the investigatory and enforcement actions authorized by chapter 455B, to implement the provisions of this chapter and the rules adopted pursuant to this chapter.

9. Disseminate data and information, relative to this chapter, to the public to the greatest extent practical.

10. Develop a program, in consultation with the department of education and the department of environmental education of

the University of Northern Iowa, regarding water quality issues which shall be included in the minimum program required in grades seven and eight pursuant to section 256.11, subsection 4.

Sec. 109. NEW SECTION. 455E.9 POWERS AND DUTIES OF THE COMMISSION.

1. The commission shall adopt rules to implement this chapter.

2. When groundwater standards are proposed by the commission, all available information to develop the standards shall be considered, including federal regulations and all relevant information gathered from other sources. A public hearing shall be held in each congressional district prior to the submittal of a report on standards to the general assembly. This report on how groundwater standards may be a part of a groundwater protection program shall be submitted by the department to the general assembly for its consideration by January 1, 1989.

Sec. 110. NEW SECTION. 455E.10 JOINT DUTIES -- LOCAL AUTHORITY.

1. All state agencies shall consider groundwater protection policies in the administration of their programs. Local agencies shall consider groundwater protection policies in their programs. All agencies shall cooperate with the department in disseminating public information and education materials concerning the use and protection of groundwater, in collecting groundwater management data, and in conducting research on technologies to prevent or remedy contamination of groundwater.

2. Political subdivisions are authorized and encouraged to implement groundwater protection policies within their respective jurisdictions, provided that implementation is at least as stringent but consistent with the rules of the department.

Sec. 111. NEW SECTION. 455B.11 GROUNDWATER PROTECTION FUND ESTABLISHED.

1. A groundwater protection fund is created in the state treasury. Moneys received from sources designated for purposes related to groundwater monitoring and groundwater quality standards shall be deposited in the fund. Notwithstanding section 8.33, any unexpended balances in the groundwater protection fund and in any of the accounts within the groundwater protection fund at the end of each fiscal year shall be retained in the fund and the respective accounts within the fund. The fund may be used for the purposes established for each account within the fund.

The director shall include in the departmental budget prepared pursuant to section 455A.4, subsection 1, paragraph "c", a proposal for the use of groundwater protection fund moneys, and a report of the uses of the groundwater protection fund moneys appropriated in the previous fiscal year.

The secretary of agriculture shall submit with the report prepared pursuant to section 17.3 a proposal for the use of groundwater protection fund moneys, and a report of the uses of the groundwater protection fund moneys appropriated in the previous fiscal year.

2. The following accounts are created within the groundwater protection fund:

a. A solid waste account. Moneys received from the tonnage fee imposed under section 455B.110 and from other sources designated for environmental protection purposes in relation to sanitary disposal projects shall be deposited in the solid waste account.

The department shall use the funds in the account for the following purposes:

(1) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.110 for the fiscal year beginning July 1, 1988 and ending June 30, 1989, shall be used for the following:

(a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.

(b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(ii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(2) An additional fifty cents per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(3) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(4) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990, shall be used for the following:

(a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.

(b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(ii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to

facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(5) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(6) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(7) The first fifty cents per ton of funds received from the tonnage fee imposed for the fiscal year beginning July 1, 1990 and thereafter shall be used for the following:

(a) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(b) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 139.11, subsections 20 and 21, and section 139.35.

(c) The administration and enforcement of a groundwater monitoring program and other required programs which are related to solid waste management.

(d) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(e) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(8) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1990 and thereafter shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(9) Each additional fifty cents per ton per year of funds received from the tonnage fee for the fiscal period beginning July 1, 1990 and thereafter is allocated for the following purposes:

(a) Thirty-five cents per ton per year shall be allocated to the department of natural resources for the following purposes:

(i) Twenty-five cents per ton per year shall be used to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(ii) No more than ten cents of the thirty-five cents per year may be used for the administration of a groundwater monitoring program and other required programs which are related to solid waste management, if the amount of funds generated for administrative costs in this fiscal period is less than the amount generated for the costs in the fiscal year beginning July 1, 1988.

(b) Fifteen cents per ton per year shall be allocated to local agencies for use as provided by law.

(10) Cities, counties, and private agencies subject to fees imposed under section 455B.310 may use the funds collected in accordance with the provisions of this section and the conditions of this subsection. The funds used from the account may only be used for any of the following purposes:

(a) Development and implementation of an approved comprehensive plan.

(b) Development of a closure or postclosure plan.

(c) Development of a plan for the control and treatment of leachate which may include a facility plan or detailed plans and specifications.

(d) Preparation of a financial plan, but these funds may not be used to actually contribute to any fund created to satisfy financial requirements, or to contribute to the purchase of any instrument to meet this need.

On January 1 of the year following the first year in which the funds from the account are used, and annually thereafter, the agency shall report to the department as to the amount of the funds used, the exact nature of the use of the funds, and the projects completed. The report shall include an audit report which states that the funds were, in fact, used entirely for purposes authorized under this subsection.

(11) If moneys appropriated to the portion of the solid waste account to be used for the administration of groundwater monitoring programs and other required programs that are related to solid waste management remain unused at the end of any fiscal year, the moneys remaining shall be allocated to the portion of the account used for abatement and cleanup of threats to the public health, safety, and the environment, resulting from sanitary landfills. If the balance of the moneys in the portion of the account used for abatement and

cleanup exceeds three million dollars, the moneys in excess shall be used to fund the development and implementation of demonstration projects for landfill alternatives to solid waste disposal including recycling.

The agriculture management account shall be used for the following purposes:

(1) Nine thousand dollars of the account is appropriated to the Iowa department of public health for carrying out the departmental duties under section 135.11, subsections 20 and 21, and section 139.35.

(2) Of the remaining moneys in the account:

(a) Thirty-five percent is appropriated annually for the Leopold center for sustainable agriculture at Iowa State University of science and technology.

(b) Two percent is appropriated annually to the department of natural resources for the purpose of administering grants to counties and conducting oversight of county-based programs relative to the testing of private water supply wells and the proper closure of private abandoned wells. Not more than twenty-three percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs of private, rural water supply testing, not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing, and not more than twelve percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs for properly closing abandoned, rural water supply wells.

(c) The department shall allocate a sum not to exceed seventy-nine thousand dollars of the moneys appropriated for the fiscal year beginning July 1, 1987, and ending June 30, 1988 for the preparation of a detailed report and plan for the establishment on July 1, 1988 of the center for health effects

of environmental contamination. The plan for establishing the center shall be presented to the general assembly on or before January 15, 1988. The report shall include the assemblage of all existing data relating to Iowa drinking water supplies, including characteristics of source, treatment, presence of contaminants, precise location, and usage patterns to facilitate data retrieval and use in research; and detailed organizational plans, research objectives, and budget projections for the anticipated functions of the center in subsequent years. The department may allocate annually a sum not to exceed nine percent of the moneys appropriated to the center, beginning July 1, 1988.

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs, and not more than two hundred thousand dollars of the moneys is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes. Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weed or other vegetation within highway rights-of-way.

(e) A household hazardous waste account. The moneys collected pursuant to section 455F.7 shall be deposited in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 20 and 21, and section 139.35, eighty thousand dollars is appropriated to the department of natural resources

for city, county, or service organization project grants relative to recycling and reclamation events, and eight thousand dollars is appropriated to the department of transportation for the period of October 1, 1987 through June 30, 1989 for the purpose of conducting the used oil collection pilot project. The remainder of the account shall be used to fund Toxic Cleanup Days programs, education programs, and other activities pursuant to chapter 455F, including the administration of the household hazardous materials permit program by the department of revenue and finance.

(f) A storage tank management account. All fees collected pursuant to section 455B.473, subsection 4, and section 455B.479, shall be deposited in the storage tank management account. Funds shall be expended for the following purposes:

(1) One thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 20 and 21, and section 139.35.

(2) Seventy percent of the moneys deposited in the account annually are appropriated to the department of natural resources for the administration of a state storage tank program pursuant to chapter 455B, division IV, part 8, and for programs which reduce the potential for harm to the environment and the public health from storage tanks.

(3) For the fiscal year beginning July 1, 1987, and ending June 30, 1988, twenty-five thousand dollars is appropriated from the account to the division of insurance for payment of costs incurred in the establishment of the plan of operations program regarding the financial responsibility of owners and operators of underground storage tanks which store petroleum.

(4) The remaining funds in the account are appropriated annually to the department of natural resources for the funding of state remedial cleanup efforts.

(g) An oil overcharge account. The oil overcharge moneys distributed by the United States department of energy, and approved for the energy related components of the groundwater protection strategy available through the energy conservation trust fund created in section 93.11, shall be deposited in the oil overcharge account as appropriated by the general assembly. The oil overcharge account shall be used for the following purposes:

(1) The following amounts are appropriated to the department of natural resources to implement its responsibilities pursuant to section 455E.8:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, eight hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, six hundred fifty thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, six hundred thousand dollars is appropriated.

(d) For the fiscal year beginning July 1, 1990 and ending June 30, 1991, five hundred thousand dollars is appropriated.

(e) For the fiscal year beginning July 1, 1991 and ending June 30, 1992, five hundred thousand dollars is appropriated.

(2) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, five hundred sixty thousand dollars is appropriated to the department of natural resources for assessing rural, private water supply quality.

(3) For the fiscal period beginning July 1, 1987 and ending June 30, 1989, one hundred thousand dollars is appropriated annually to the department of natural resources for the administration of a groundwater monitoring program at sanitary landfills.

(4) The following amounts are appropriated to the Iowa state water resources research institute to provide

competitive grants to colleges, universities, and private institutions within the state for the development of research and education programs regarding alternative disposal methods and groundwater protection:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, one hundred twenty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, one hundred thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, one hundred thousand dollars is appropriated.

(5) The following amounts are appropriated to the department of natural resources to develop and implement demonstration projects for landfill alternatives to solid waste disposal, including recycling programs:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, seven hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, eight hundred fifty thousand dollars is appropriated.

(6) For the fiscal period beginning July 1, 1987 and ending June 30, 1988, eight hundred thousand dollars is appropriated to the Leopold center for sustainable agriculture.

(7) Seven million five hundred thousand dollars is appropriated to the agriculture energy management fund created under chapter 467E for the fiscal period beginning July 1, 1987 and ending June 30, 1992, to develop nonregulatory programs to implement integrated farm management of farm chemicals for environmental protection, energy conservation, and farm profitability; interactive public and farmer education; and applied studies on best management practices and best appropriate technology for chemical use efficiency and reduction.

(8) The following amounts are appropriated to the department of natural resources to continue the Big Spring demonstration project in Clayton county.

(a) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, seven hundred thousand dollars is appropriated annually.

(b) For the fiscal period beginning July 1, 1990 and ending June 30, 1992, five hundred thousand dollars is appropriated annually.

(9) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, one hundred thousand dollars is appropriated annually to the department of agriculture and land stewardship to implement a targeted education program on best management practices and technologies for the mitigation of groundwater contamination from or closure of agricultural drainage wells, abandoned wells, and sinkholes.

Sec. 112. Section 455B.172, subsection 2, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

2. The department shall carry out the responsibilities of the state related to private water supplies and private sewage disposal systems for the protection of the environment and the public health and safety of the citizens of the state.

Sec. 113. Section 455B.172, Code 1987, is amended by adding the following new subsections after subsection 2 and renumbering the subsequent subsections:

NEW SUBSECTION. 3. Each county board of health shall adopt standards for private water supplies and private sewage disposal facilities. These standards shall be at least as stringent but consistent with the standards adopted by the commission. If a county board of health has not adopted standards for private water supplies and private sewage disposal facilities, the standards adopted by the commission shall be applied and enforced within the county by the county board of health.

NEW SUBSECTION. 4. Each county board of health shall regulate the private water supply and private sewage disposal facilities located within the county board's jurisdiction, including the enforcement of standards adopted pursuant to this section.

NEW SUBSECTION. 5. The department shall maintain jurisdiction over and regulate the direct discharge to a water of the state. The department shall retain concurrent authority to enforce state standards for private water supply and private sewage disposal facilities within a county, and exercise departmental authority if the county board of health fails to fulfill board responsibilities pursuant to this section.

The commission shall make grants to counties for the purpose of conducting programs for the testing of private, rural water supply wells and for the proper closing of abandoned, rural, private water supply wells within the jurisdiction of the county. Grants shall be funded through allocation of the agriculture management account of the groundwater protection fund. Grants awarded, continued, or renewed shall be subject to the following conditions:

a. An application for a grant shall be in a form and shall contain information as prescribed by rule of the commission.

b. Nothing in this section shall be construed to prohibit the department from making grants to one or more counties to carry out the purpose of the grant on a joint, multicounty basis.

c. A grant shall be awarded on an annual basis to cover a fiscal year from July 1 to June 30 of the following calendar year.

d. The continuation or renewal of a grant shall be contingent upon the county's acceptable performance in carrying out its responsibilities, as determined by the director. The director, subject to approval by the commission, may deny the

awarding of a grant or withdraw a grant awarded if, by determination of the director, the county has not carried out the responsibilities for which the grant was awarded, or cannot reasonably be expected to carry out the responsibilities for which the grant would be awarded.

Sec. 114. Section 455B.173, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Adopt, modify, or repeal rules relating to the awarding of grants to counties for the purpose of carrying out responsibilities pursuant to section 455B.172 relative to private water supplies and private sewage disposal facilities.

Sec. 115. Section 455B.311, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The director, with the approval of the commission, may make grants to cities, counties, or central planning agencies representing cities and counties or combinations of cities, counties, or central planning agencies from funds reserved under and for the purposes specified in section 455B.309; subsection 4 455E.11, subsection 2, paragraph "a", subject to all of the following conditions:

Sec. 116. Section 455B.309, Code 1987, is repealed.

PART TWO -- PESTICIDES AND FERTILIZER

Sec. 201. Section 89B.4, subsection 1, Code 1987, is amended to read as follows:

1. Except for section 89B.9, this chapter does not apply to a person engaged in farming as defined in this section; or a pesticide, as defined in section 206.2, subsection 1, used, stored, or available for sale by a commercial applicator as defined in section 206.2, subsection 12; a certified applicator as defined in section 206.2, subsection 17; a certified private applicator as defined in section 206.2, subsection 18; a certified commercial applicator as defined in section 206.2, subsection 19; a pesticide dealer as defined

in section 206.2, subsection 24; or to activities which are covered under the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 135 et seq.; provided, however, that However, such persons shall comply with the requirements of the regulations for the federal Insecticide, Fungicide, and Rodenticide Act, 40 C.F.R. § 170, and the requirements of and rules adopted under chapter 206 where applicable to such the persons. As used in this section, "farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock, spraying, or harvesting. The department of agriculture and land stewardship shall cooperate with the division in an investigation of an agricultural employee's complaint filed pursuant to section 89B.9.

Sec. 202. Section 135.11, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 20. Establish, publish, and enforce rules requiring prompt reporting of methemoglobinemia, pesticide poisoning, and the reportable poisonings and illnesses established pursuant to section 139.35.

NEW SUBSECTION. 21. Collect and maintain reports of pesticide poisonings and other poisonings, illnesses, or injuries caused by selected chemical or physical agents, including methemoglobinemia and pesticide and fertilizer hypersensitivity; and compile and publish, annually, a statewide and county-by-county profile based on the reports.

Sec. 203. NEW SECTION. 139.35 REPORTABLE POISONINGS AND ILLNESSES.

1. If the results of an examination by a public, private, or hospital clinical laboratory of a specimen from a person in Iowa yield evidence of or are reactive for a reportable poisoning or a reportable illness from a toxic agent,

including methemoglobinemia, the results shall be reported to the Iowa department of public health on forms prescribed by the department. If the laboratory is located in Iowa, the person in charge of the laboratory shall report the results. If the laboratory is not in Iowa, the health care provider submitting the specimen shall report the results.

2. The physician or other health practitioner attending a person infected with a reportable poisoning or a reportable illness from a toxic agent, including methemoglobinemia, shall immediately report the case to the Iowa department of public health. The Iowa department of public health shall publish and distribute instructions concerning the method of reporting. Reports shall be made in accordance with rules adopted by the Iowa department of public health.

3. A person in charge of a poison control or poison information center shall report cases of reportable poisoning, including methemoglobinemia, about which they receive inquiries to the Iowa department of public health.

4. The Iowa department of public health shall adopt rules designating reportable poisonings, including methemoglobinemia, and illnesses which must be reported under this section.

5. The Iowa department of public health shall establish and maintain a central registry to collect and store data reported pursuant to this section.

Sec. 204. Section 177.2, subsection 1, Code 1987, is amended to read as follows:

1. To encourage the use of good agricultural practices in crop production, including best management practices for applying fertilizer and pesticide, and to conserve, maintain, and improve soil productivity.

Sec. 205. Section 200.4, Code 1987, is amended to read as follows:

200.4 LICENSES.

1. Any person who manufactures, mixes, blends, or mixes to customer order, offers for sale, sells, or distributes any fertilizer or soil conditioner ~~offered-for-sale, sold, or distributed~~ in Iowa must first obtain a license from the secretary of agriculture and shall pay a ten-dollar license fee for each plant or place of manufacture or distribution from which fertilizer or soil conditioner products are sold or distributed in Iowa. Such license fee shall be paid annually on July 1 of each year ~~and the manufacturer, blender or mixer shall at the same time, list the name and address of each such plant or place of manufacture from which sale or distribution is made.~~

~~This subsection shall not apply to a manufacturer who manufactures "specialty fertilizer" only, as defined in section 208.37, subsection 57, in packages of twenty-five pounds or less.~~

2. Said licensee shall at all times produce an intimate and uniform mixture of fertilizers or soil conditioners. When two or more fertilizer materials are delivered in the same load, they shall be thoroughly and uniformly mixed unless they are in separate compartments.

Sec. 206. Section 200.8, Code 1987, is amended to read as follows:

200.8 INSPECTION FEES.

1. There shall be paid by the licensee to the secretary for all commercial fertilizers and soil conditioners sold, or distributed in this state, an inspection fee to be fixed annually by the secretary of agriculture at not more than twenty cents per ton. ~~Except sales.~~ Sales for manufacturing purposes only are hereby exempted from fees but must still be reported showing manufacturer who purchased same. Payment of said inspection fee by any licensee shall exempt all other persons, firms or corporations from the payment thereof.

On individual packages of specialty fertilizer containing twenty-five pounds or less, there shall be paid by the manufacturer in lieu of the ~~annual-license-fee-and-the~~ semiannual inspection fee as set forth in this chapter, an annual registration and inspection fee of twenty-five one hundred dollars for each brand and grade sold or distributed in the state. In the event that any person manufacturer sells specialty fertilizer in packages of twenty-five pounds or less and also in packages of more than twenty-five pounds, this annual registration and inspection fee shall apply only to that portion sold in packages of twenty-five pounds or less, and that portion sold in packages of more than twenty-five pounds shall be subject to the same inspection fee as fixed by the secretary of agriculture as provided in this chapter.

Any person other than a manufacturer who offers for sale, sells, or distributes specialty fertilizer in packages of twenty-five pounds or less or applies specialty fertilizer for compensation shall be required to pay an annual inspection fee of fifty dollars in lieu of the semiannual inspection fee as set forth in this chapter.

2. Every licensee and any person required to pay an annual registration and inspection fee under this chapter in this state shall:

a. File not later than the last day of January and July of each year, on forms furnished by secretary, a semiannual statement setting forth the number of net tons of commercial fertilizer or soil conditioners distributed in this state by grade for each county during the preceding six months' period; and upon filing such statement shall pay the inspection fee at the rate stated in subsection 1 of this section. However, in lieu of the semiannual statement by grade for each county, as hereinabove provided for, the registrant, on individual packages of commercial specialty fertilizer containing twenty-five pounds or less, shall file not later than the last day of

July of each year, on forms furnished by the secretary, an annual statement setting forth the number of net tons of commercial specialty fertilizer distributed in this state by grade during the preceding twelve-month period; ~~but no inspection-fee-shall-be-due-thereon.~~

b. If the tonnage report is not filed or the payment of inspection fees, or both, is not made within ten days after the last day of January and July of each year as required in paragraph "a" of this subsection, a penalty amounting to ten percent of the amount due, if any, shall be assessed against the licensee. In any case, the penalty shall be no less than fifty dollars. The amount of fees due, if any, and penalty shall constitute a debt and become the basis of a judgment against the licensee.

3. If there is an unencumbered balance of funds in the fertilizer fund on June 30 of any fiscal year equal to or exceeding three hundred fifty thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 and the annual license fee established pursuant to section 201.3 for the next fiscal year in such amount as will result in an ending estimated balance for the June 30 of the next fiscal year of three hundred fifty thousand dollars.

Sec. 207. Section 200.8, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to the fees imposed under subsection 1, a groundwater protection fee shall be imposed upon nitrogen-based fertilizer. The fee shall be based upon the percentage of actual nitrogen contained in the product. An eighty-two percent nitrogen solution shall be taxed at a rate of seventy-five cents per ton. Other nitrogen-based product formulations shall be taxed on the percentage of actual nitrogen contained in the formulations with the eighty-two percent nitrogen solution serving as the base. The fee shall be paid by each licensee registering to sell fertilizer:

to the secretary of agriculture. The fees collected shall be deposited in the agriculture management account of the groundwater protection fund. The secretary of agriculture shall adopt rules for the payment, filing, and collection of groundwater protection fees from licensees in conjunction with the collection of registration and inspection fees. The secretary shall, by rule allow an exemption to the payment of this fee for fertilizers which contain trace amounts of nitrogen.

Sec. 208. Section 200.9, Code 1987, is amended to read as follows:

200.9 FERTILIZER FUND.

Fees collected for licenses and inspection fees under sections 200.4 and 200.8, with the exception of those fees collected for deposit in the agriculture management account of the groundwater protection fund, shall be deposited in the treasury to the credit of the fertilizer fund to be used only by the department for the purpose of inspection, sampling, analysis, preparation, and publishing of reports and other expenses necessary for administration of this chapter. The secretary may assign moneys to the Iowa agricultural experiment station for research, work projects, and investigations as may-be needed for the specific purpose of improving the regulatory functions for enforcement of this chapter.

Sec. 209. Section 206.2, subsection 12, Code 1987, is amended to read as follows:

12. ~~The term "commercial~~ Commercial applicator" shall ~~mean~~ means any person, or corporation, or employee of a person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying any pesticide or servicing any device but shall not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who

applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation.

Sec. 210. Section 206.2, subsection 17, Code 1987, is amended to read as follows:

17. "Certified applicator" means any individual who is certified under this chapter as authorized to use ~~or supervise the use of~~ any pesticide which is classified for restricted use.

Sec. 211. Section 206.2, subsection 18, Code 1987, is amended to read as follows:

18. "Certified private applicator" means a certified applicator who uses ~~or supervises the use of~~ any pesticide which is classified for restricted use ~~for purposes of producing any agricultural commodity~~ on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

Sec. 212. Section 206.2, subsection 19, Code 1987, is amended to read as follows:

19. "Certified commercial applicator" means a pesticide applicator or individual who applies or uses a restricted-use pesticide or device ~~for the purpose of producing any agricultural commodity or on any property of another for compensation.~~

Sec. 213. Section 206.2, subsection 24, Code 1987, is amended to read as follows:

24. The term "pesticide dealer" means any person who distributes any restricted use pesticides which, ~~by regulation, are restricted to application only by certified applicators;~~ pesticide for use by commercial or public pesticide applicators; or general use pesticides labeled for agricultural or lawn and garden use with the exception of

dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer.

Sec. 214. Section 206.5, Code 1987, is amended to read as follows:

206.5 CERTIFICATION REQUIREMENTS.

~~No person shall~~ A commercial or public applicator shall not apply any pesticide and a person shall not apply any restricted use pesticide without first complying with the certification requirements of this chapter and such other restrictions as determined by the secretary or being under the direct supervision of a certified applicator.

~~The secretary shall adopt, by rule, requirements for the examination, re-examination and certification of applicants and set a fee of not more than ten dollars for the certification program of commercial applicators and not more than five dollars for the certification program of private applicators.~~

~~The secretary may adopt rules for the training of applicators in co-operation with the co-operative extension service at Iowa State University of science and technology.~~

~~The secretary shall not require applicants for certification as private applicators to take and pass a written test if the applicant instead shows proof that the applicant has attended an informational course of instruction approved by the secretary. The secretary shall provide for temporary certification for emergency purchases of restricted use products by requiring the purchaser to sign an affidavit, at the point of purchase, that the purchaser has read and understands the information on the label of the restricted use product being purchased.~~

Commercial and public applicators shall choose between one-year certification for which the applicator shall pay a twenty-five dollar fee or three-year certification for which

the applicator shall pay a seventy-five dollar fee. Public applicators who are employed by a state agency shall be exempt from the twenty-five and seventy-five dollar certification fees and instead be subject to a five-dollar annual certification fee or a fifteen dollar fee for a three-year certification. The commercial or public applicator shall be tested prior to certification annually, if the applicator chooses a one-year certification or each three years if the applicator chooses three-year certification. A private applicator shall be tested prior to initial certification. The test shall include, but is not limited to, the area of safe handling of agricultural chemicals and the effects of these chemicals on groundwater. A person employed by a farmer not solely as a pesticide applicator who applies restricted use pesticides as an incidental part of the person's general duties or a person who applies restricted use pesticides as an incidental part of a custom farming operation is required to meet the certification requirements of a private applicator.

The secretary may adopt rules to provide for license and certification adjustments, including fees, which may be necessary to provide for an equitable transition for licenses and certifications issued prior to January 1, 1989. The rules shall also include a provision for renewal of certification through the administering of an approved exam, and a provision for a thirty-day renewal grace period.

Sec. 215. Section 206.6, subsection 3, Code 1987, is amended to read as follows:

3. EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE. The secretary of agriculture shall not issue a commercial applicator license until the individual engaged in or managing the pesticide application business and employed by the business to apply pesticides is qualified certified by passing an examination to demonstrate to the secretary the individual's knowledge of how to apply pesticides under the

classifications the individual has applied for, and the individual's knowledge of the nature and effect of pesticides the individual may apply under such classifications. The applicant successfully completing this examination the certification requirement shall be a licensed commercial applicator.

Sec. 216. Section 206.6, subsection 4, Code 1987, is amended to read as follows:

4. RENEWAL OF APPLICANT'S LICENSE. The secretary of agriculture shall renew any applicant's license under the classifications for which such applicant is licensed, provided that a program of training of all of the applicant's personnel who apply pesticides has been established and maintained by the licensee are certified commercial applicators. Such a program may include attending training sessions such as cooperative extension short courses or industry trade association training seminars.

Sec. 217. Section 206.6, subsection 6, paragraph b, Code 1987, is amended to read as follows:

b. Public applicators for agencies listed in this subsection shall be subject to examinations certification requirements as provided for in this section, ~~however, the secretary shall issue a limited license without a fee to such public applicator who has qualified for such license.~~ The public applicator license shall be valid only when such applicator is acting as an applicator applying or supervising the application of pesticides used by such entities. Government research personnel shall be exempt from this licensing requirement when applying pesticides only to experimental plots. ~~Individuals~~ Public agencies or municipal corporations licensed pursuant to this section shall be licensed public applicators.

Sec. 218. Section 206.7, subsection 1, Code 1987, is amended to read as follows:

1. REQUIREMENT FOR CERTIFICATION. No A commercial or public applicator shall not apply any restricted-use pesticide without first complying with the certification standards or being under the direct supervision of a certified applicator.

Sec. 219. Section 206.8, subsections 2 and 3, Code 1987, are amended to read as follows:

2. ~~Application for a license shall be accompanied by a twenty-five dollar A pesticide dealer shall pay a minimum annual license fee of twenty-five dollars or an annual license fee for the primary business location and an additional five dollar annual license fee for each other location or outlet within the state, and shall be on a form prescribed by the secretary and shall include the full name of the person applying for such license based on one-tenth of one percent of the gross retail sales of all pesticides sold by the pesticide dealer in the previous year. The annual license fee shall be paid to the department of agriculture and land stewardship, beginning July 1, 1988, and July 1 of each year thereafter. A licensee shall pay a fee of twenty-five dollars for the period July 1, 1987 through June 30, 1988.~~

The initial twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund.

3. Provisions of this section shall not apply to a pesticide applicator who sells pesticides as an integral part of the applicator's pesticide application service, or any federal, state, county, or municipal agency which provides pesticides only for its own programs.

Sec. 220. Section 206.8, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Application for a license required for manufacturers and distributors who are not engaged in the

retail sale of pesticides shall be accompanied by a twenty-five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary.

Sec. 221. Section 206.9, Code 1987, is amended to read as follows:

206.9 CO-OPERATIVE AGREEMENTS.

The secretary may co-operate, receive grants-in-aid and enter into agreements with any agency of the federal government, of this state or its subdivisions, or with any agency of another state, or trade associations to obtain assistance in the implementation of this chapter and to do all of the following:

1. Secure uniformity of regulations;
2. Co-operate in the enforcement of the federal pesticide control laws through the use of state or federal personnel and facilities and to implement co-operative enforcement programs;
3. ~~Develop and administer state programs for training and certification of certified applicators consistent with federal standards;~~
4. ~~Contract for training with other agencies including federal agencies for the purpose of training certified applicators;~~
5. Contract for monitoring pesticides for the national plan;
6. Prepare and submit state plans to meet federal certification standards; ~~and,~~
7. Regulate certified applicators.
8. Develop, in conjunction with the Iowa cooperative extension service in agriculture and home economics, courses available to the public regarding pesticide best management practices.

Sec. 222. Section 206.12, subsection 3, Code 1987, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, ~~and for the purpose of defraying expenses connected with the enforcement of this chapter,~~ the secretary shall set the registration fee annually at no more than twenty one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state. The secretary shall adopt by rule exemptions to the minimum fee. The fees fifty dollars of each fee collected shall be deposited in the treasury to the credit of the pesticide fund to be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

Sec. 223. Section 206.12, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Each licensee under section 206.6 or 206.8 shall file an annual report with the secretary of agriculture listing the amount and type of all pesticides sold, offered for sale, or distributed at retail for use in this state, or applied in this state during each month of the previous year. This report shall be filed at the time of payment for licensure or annually on or before July 1. The secretary, by rule, may specify the form of the report and require additional information deemed necessary to determine pesticide use within the state. The information required shall include the brand names and amounts of pesticides sold, offered for sale, or distributed at retail for use in this state for each business location owned or operated by the

retailer, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

Sec. 224. Section 206.19, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Determine in cooperation with municipalities, the proper notice to be given by a commercial or public applicator to occupants of adjoining properties in urban areas prior to or after the exterior application of pesticides, establish a schedule to determine the periods of application least harmful to living beings, and adopt rules to implement these provisions. Municipalities shall cooperate with the department by reporting infractions and in implementing this subsection.

NEW SUBSECTION. 3A. Adopt rules providing guidelines for public bodies to notify adjacent property occupants regarding the application of herbicides to noxious weeds or other undesirable vegetation within highway rights-of-way.

NEW SUBSECTION. 4. Establish civil penalties for violations by commercial applicators.

Sec. 225. Section 206.21, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The secretary of agriculture, in cooperation with the advisory committee created pursuant to section 206.23, shall designate areas with a history of concerns regarding nearby pesticide applications as pesticide management areas. The secretary shall adopt rules for designating pesticide management areas.

Sec. 226. NEW SECTION. 206.24 AGRICULTURAL INITIATIVE.

A program of education and demonstration in the area of the agricultural use of fertilizers and pesticides shall be initiated by the secretary of agriculture on July 1, 1987. The secretary shall coordinate the activities of the state regarding this program.

Education and demonstration programs shall promote the widespread adoption of management practices which protect groundwater. The programs may include but are not limited to programs targeted toward the individual farm owner or operator, high school and college students, and groundwater users, in the areas of best management practices, current research findings, and health impacts. Emphasis shall be given to programs which enable these persons to demonstrate best management practices to their peers.

Sec. 227. NEW SECTION. 206.25 PESTICIDE CONTAINERS DISPOSAL.

The department of agriculture and land stewardship, in cooperation with the environmental protection division of the department of natural resources, shall develop a program for handling used pesticide containers which reflects the state solid waste management policy hierarchy, and shall present the program developed to the general assembly by February 1, 1988.

Sec. 228. NEW SECTION. 263.14 CENTER FOR HEALTH EFFECTS OF ENVIRONMENTAL CONTAMINATION.

1. The state board of regents shall establish and maintain at Iowa City as an integral part of the State University of Iowa the center for health effects of environmental contamination, having as its object the determination of the levels of environmental contamination which can be specifically associated with human health effects.

2. a. The center shall be a cooperative effort of representatives of the following organizations:

- (1) The State University of Iowa department of preventative medicine and environmental health.
- (2) The State University of Iowa department of pediatrics of the college of medicine.
- (3) The state hygienic laboratory.
- (4) The institute of agricultural medicine.
- (5) The Iowa cancer center.

- (6) The department of civil and environmental engineering.
 - (7) Appropriate clinical and basic science departments.
 - (8) The college of law.
 - (9) The college of liberal arts and sciences.
 - (10) The Iowa department of public health.
 - (11) The department of natural resources.
 - (12) The department of agriculture and land stewardship.
- b. The active participation of the national cancer institute, the agency for toxic substances and disease registries, the national center for disease control, the United States environmental protection agency, and the United States geological survey, shall also be sought and encouraged.
3. The center may:
- a. Assemble all pertinent laboratory data on the presence and concentration of contaminants in soil, air, water, and food, and develop a data retrieval system to allow the findings to be easily accessed by exposed populations.
 - b. Make use of data from the existing cancer and birth defect statewide recording systems and develop similar recording systems for specific organ diseases which are suspected to be caused by exposure to environmental toxins.
 - c. Develop registries of persons known to be exposed to environmental hazards so that the health status of these persons may be examined over time.
 - d. Develop highly sensitive biomedical assays which may be used in exposed persons to determine early evidence of adverse health effects.
 - e. Perform epidemiologic studies to relate occurrence of a disease to contaminant exposure and to ensure that other factors known to cause the disease in question can be ruled out.
 - f. Foster relationships and ensure the exchange of information with other teaching institutions or laboratories in the state which are concerned with the many forms of environmental contamination.

- g. Implement programs of professional education and training of medical students, physicians, nurses, scientists, and technicians in the causes and prevention of environmentally induced disease.
 - h. Implement public education programs to inform persons of research results and the significance of the studies.
 - i. Respond as requested to any branch of government for consultation in the drafting of laws and regulations to reduce contamination of the environment.
4. An advisory committee consisting of one representative of each of the organizations enumerated in subsection 2, paragraph "a", a representative of the Iowa department of public health, and a representative of the department of natural resources is established. The advisory committee shall:
- a. Employ, as a state employee, a full-time director to operate the center. The director shall coordinate the efforts of the heads of each of the major divisions of laboratory analysis, epidemiology and biostatistics, biomedical assays, and exposure modeling and shall also coordinate the efforts of professional and support staff in the operation of the center.
 - b. Submit an annual report of the activities of the center to the legislative council of the general assembly by January 15 of each year.
 5. The center shall maintain the confidentiality of any information obtained from existing registries and from participants in research programs. Specific research projects involving human subjects shall be approved by the State University of Iowa institutional review board.
 6. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.
- Sec. 229. NEW SECTION. 266.37 SOIL TEST INTERPRETATION.
- The Iowa cooperative extension service in agriculture and home economics shall develop and publish material on the

interpretation of the results of soil tests. The material shall also feature the danger to groundwater quality from the overuse of fertilizers and pesticides. The material shall be available from the service at cost and any person providing soil tests for agricultural or horticultural purposes shall provide the material to the customer with the soil test results.

Sec. 230. NEW SECTION. 266.38 LEOPOLD CENTER FOR SUSTAINABLE AGRICULTURE.

1. For the purposes of this section, "sustainable agriculture" means the appropriate use of crop and livestock systems and agricultural inputs supporting those activities which maintain economic and social viability while preserving the high productivity and quality of Iowa's land.

2. The Leopold center for sustainable agriculture is established in the Iowa agricultural and home economics experiment station at Iowa State University of science and technology. The center shall conduct and sponsor research to identify and reduce negative environmental and socio-economic impacts of agricultural practices. The center also shall research and assist in developing emerging alternative practices that are consistent with a sustainable agriculture. The center shall develop in association with the Iowa cooperative extension service in agriculture and home economics an educational framework to inform the agricultural community and the general public of its findings.

3. An advisory board is established consisting of the following members:

a. Three persons from Iowa State University of science and technology, appointed by its president.

b. Two persons from the State University of Iowa, appointed by its president.

c. Two persons from the University of Northern Iowa, appointed by its president.

d. Two representatives of private colleges and universities within the state, to be nominated by the Iowa association of independent colleges and universities, and appointed by the Iowa coordinating council for post-high school education.

e. One representative of the department of agriculture and land stewardship, appointed by the secretary of agriculture.

f. One representative of the department of natural resources, appointed by the director.

g. One man and one woman, actively engaged in agricultural production, appointed by the state soil conservation committee.

The terms of the members shall begin and end as provided in section 69.19 and any vacancy shall be filled by the original appointing authority. The terms shall be for four years and shall be staggered as determined by the president of Iowa State University of science and technology.

4. The Iowa agricultural and home economics experiment station shall employ a director for the center, who shall be appointed by the president of Iowa State University of science and technology. The director of the center shall employ the necessary research and support staff. The director and staff shall be employees of Iowa State University of science and technology. No more than five hundred thousand dollars of the funds received from the agriculture management account annually shall be expended by the center for the salaries and benefits of the employees of the center, including the salary and benefits of the director. The remainder of the funds received from the agriculture management account shall be used to sponsor research grants and projects on a competitive basis from Iowa colleges and universities and private nonprofit agencies and foundations. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

The director shall prepare an annual report.

5. The board shall provide the president of Iowa State University of science and technology with a list of three candidates from which the director shall be selected. The board shall provide an additional list of three candidates if requested by the president. The board shall advise the director in the development of a budget, on the policies and procedures of the center, in the funding of research grant proposals, and regarding program planning and review.

Sec. 231. NEW SECTION. 317.26 ALTERNATIVE REMEDIATION PRACTICES.

The director of the department of natural resources, in cooperation with the secretary of agriculture and county conservation boards or the board of supervisors, shall develop and implement projects which utilize alternative practices in the remediation of noxious weeds and other vegetation within highway rights-of-way.

Sec. 232. Section 467E.1, subsection 2, Code 1987, is amended to read as follows:

2. An agricultural energy management advisory council is established which shall consist of the secretary of agriculture and the chief administrator of each of the following organizations or the administrator's designee:

- a. The energy and geological resources division of the department of natural resources.
- b. The environmental protection division of the department of natural resources.
- c. Iowa state university of science and technology college of agriculture.
- d. Iowa state university of science and technology college of engineering.
- e. Iowa state water resource research institute.
- f. State university of Iowa department of preventative medicine and environmental health.

g. Division of soil conservation of the department of agriculture and land stewardship.

h. Iowa cooperative extension service in agriculture and home economics.

i. The university of northern Iowa.

j. The state hygienic laboratory.

The secretary of agriculture shall coordinate the appointment process for compliance with section 69.16A.

The secretary of agriculture shall be the chairperson of the council. The presiding officers of the senate and house shall each appoint two nonvoting members, not more than one of any one political party, to serve on the advisory council for a term of two years. The council may invite the administrators of the United States geological survey and the federal environmental protection agency to each appoint a person to meet with the council in an advisory capacity. The council shall meet quarterly or upon the call of the chairperson. The council shall review possible uses of the funds fund and the effectiveness of current and past expenditures of the fund. The council shall make recommendations to the department of agriculture and land stewardship on the uses of the fund.

Sec. 233. PESTICIDE DEALER EXEMPTION. The secretary may adopt rules to provide for license and certification fee adjustments that may be necessary to provide an equitable transition from fees required prior to July 1, 1988.

Sec. 234. APPROPRIATION. For the fiscal year beginning July 1, 1987, and ending June 30, 1988, the increased fee revenues resulting to the fertilizer fund and to the pesticide fund from the increases in fees and expansion of coverage of fee requirements provided in this Act are appropriated to the department of agriculture and land stewardship for the administration and implementation of chapters 200 and 206, as amended by this Act.

PART THREE -- WELLS, SINKHOLES, WATERSHEDS,
AND WETLANDS

Sec. 301. NEW SECTION. 108.11 AGRICULTURAL DRAINAGE
WELLS -- WETLANDS -- CONSERVATION EASEMENTS.

The department shall develop and implement a program for the acquisition of wetlands and conservation easements on and around wetlands that result from the closure or change in use of agricultural drainage wells upon implementation of the programs specified in section 159.29 to eliminate groundwater contamination caused by the use of agricultural drainage wells. The program shall be coordinated with the department of agriculture and land stewardship. The department may use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund in addition to other moneys available for wetland acquisition, protection, development, and management.

Sec. 302. NEW SECTION. 159.28 SINKHOLES -- CONSERVATION
EASEMENT PROGRAMS.

The department shall develop and implement a program for the prevention of groundwater contamination through sinkholes. The program shall provide for education of landowners and encourage responsible chemical and land management practices in areas of the state prone to the formation of sinkholes.

The program may provide financial incentives for land management practices and the acquisition of conservation easements around sinkholes. The program may also provide financial assistance for the cleanup of wastes dumped into sinkholes.

The program shall be coordinated with the groundwater protection programs of the department of natural resources and other local, state, or federal government agencies which could compensate landowners for resource protection measures. The department shall use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund.

Sec. 303. NEW SECTION. 159.29 AGRICULTURAL DRAINAGE
WELLS.

1. An owner of an agricultural drainage well shall register the well with the department of natural resources by January 1, 1988.

2. An owner of an agriculture drainage well and a landholder whose land is drained by the well or wells of another person shall develop, in consultation with the department of agriculture and land stewardship and the department of natural resources, a plan which proposes alternatives to the use of agricultural drainage wells by July 1, 1991.

a. Financial incentive moneys may be allocated from the financial incentive portion of the agriculture management account of the groundwater protection fund to implement alternatives to agricultural drainage wells.

b. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall not be eligible for financial incentive moneys pursuant to paragraph "a" if the owner fails to register the well with the department of natural resources by January 1, 1988 or if the owner fails to develop a plan for alternatives in cooperation with the department of agriculture and land stewardship and the department of natural resources.

3. The department shall:

a. On July 1, 1987 initiate a pilot demonstration and research project concerning elimination of groundwater contamination attributed to the use of agricultural chemicals and agricultural drainage wells. The project shall be established in a location in North Central Iowa determined by the department to be the most appropriate. A demonstration project shall also be established in Northeast Iowa to study techniques for the cleanup of sinkholes.

The agricultural drainage well pilot project shall be designed to identify the environmental, economic, and social problems presented by continued use or closure of agricultural drainage wells and to monitor possible contamination caused by agriculture land management practices and agricultural chemical use relative to agricultural drainage wells.

b. Develop alternative management practices based upon the findings from the demonstration projects to reduce the infiltration of synthetic organic compounds into the groundwater through agricultural drainage wells and sinkholes.

c. Examine alternatives and the costs of implementation of alternatives to the use of agricultural drainage wells, and examine the legal, technical, and hydrological constraints for integrating alternative drainage systems into existing drainage districts.

4. Financial incentive moneys expended through the use of the financial incentive portion of the agriculture management account may be provided by the department to landowners in the project areas for employing reduced chemical farming practices and land management techniques.

5. The secretary may appoint interagency committees and groups as needed to coordinate the involvement of agencies participating in department sponsored projects. The interagency committees and groups may accept grants and funds from public and private organizations.

6. The department shall publish a report on the status and findings of the pilot demonstration projects on or before July 1, 1989, and each subsequent year of the projects. The department of agriculture and land stewardship shall develop a priority system for the elimination of chemical contamination from agricultural drainage wells and sinkholes. The priority system shall incorporate available information regarding the significance of contamination, the number of registered wells in the area, and the information derived from the report

prepared pursuant to this subsection. The highest priority shall be given to agricultural drainage wells for which the above criteria are best met, and the costs of necessary action are at the minimum level.

7. Beginning July 1, 1990, the department shall initiate an ongoing program to meet the goal of eliminating chemical contamination caused by the use of agricultural drainage wells by January 1, 1995 based upon the findings of the report published pursuant to subsection 6.

8. Notwithstanding the prohibitions of section 455B.267, subsection 4, an owner of an agricultural drainage well may make emergency repairs necessitated by damage to the drainage well to minimize surface runoff into the agricultural drainage well, upon the approval of the county board of supervisors or the board's designee of the county in which the agricultural drainage well is located. The approval shall be based upon the following conditions:

a. The well has been registered in accordance with both state and federal law.

b. The applicant will institute management practices including alternative crops, reduced application of chemicals, or other actions which will reduce the level of chemical contamination of the water which drains into the well.

c. The owner submits a written statement that approved emergency repairs are necessary and do not constitute a basis to avoid the eventual closure of the well if closure is later determined to be required. If a county board of supervisors or the board's designee approves the emergency repair of an agricultural drainage well, the county board of supervisors or the board's designee shall notify the department of the approval within thirty days of the approval.

Sec. 304. Section 455B.187, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A landowner or the landowner's agent shall not drill for or construct a new water well without first obtaining a permit for this activity from the department. The department shall not issue a permit to any person for this activity unless the person first registers with the department all wells, including abandoned wells, on the property. The department may delegate the authority to issue a permit to a county board of supervisors or the board's designee. In the event of such delegation, the department shall retain concurrent authority. The commission shall adopt rules pursuant to chapter 17A to implement this paragraph.

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section, a county board of supervisors or the board's designee may grant an exemption from the permit requirements to a landowner or the landowner's agent if an emergency drilling is necessary to meet an immediate need for water. The exemption shall be effective immediately upon approval of the county board of supervisors or the board's designee. The board of supervisors or the board's designee shall notify the director within thirty days of the granting of an exemption.

NEW UNNUMBERED PARAGRAPH. In the case of property owned by a state agency, a person shall not drill for or construct a new water well without first registering with the department the existence of any abandoned wells on the property. The department shall develop a prioritized closure program and time frame for the completion of the program, and shall adopt rules to implement the program.

Sec. 305. NEW SECTION. 455B.190 ABANDONED WELLS PROPERLY PLUGGED.

All abandoned wells, as defined in section 455B.171, shall be properly plugged in accordance with the schedule established by the department. The department shall develop a prioritized closure program and a time frame for the completion of the program and shall adopt rules to implement

the program. A person who fails to properly plug an abandoned well on property the person owns, in accordance with the program established by the department, is subject to a civil penalty of up to one hundred dollars per day that the well remains unplugged or improperly plugged. The moneys collected shall be deposited in the financial incentive portion of the agriculture management account. The department of agriculture and land stewardship may provide by rule for financial incentive moneys, through expenditure of the moneys allocated to the financial-incentive-program portion of the agriculture management account, to reduce a person's cost in properly plugging wells abandoned prior to July 1, 1987.

Sec. 306. Section 465.22, Code 1987, is amended to read as follows:

465.22 DRAINAGE IN COURSE OF NATURAL DRAINAGE -- RECONSTRUCTION -- DAMAGES.

Owners of land may drain the same land in the general course of natural drainage by constructing or reconstructing open or covered drains, discharging the same drains in any natural watercourse or depression whereby so the water will be carried into some other natural watercourse, and when such if the drainage is wholly upon the owner's land the owner shall ~~is~~ not be liable in damages therefor; ~~nor shall any such for the drainage unless it increases the quantity of water or changes the manner of discharge on the land of another.~~ An owner in constructing a replacement drain, wholly on the owner's own land, and in the exercise of due care ~~be,~~ is not liable in damages to another in case if a previously constructed drain on the owner's own land is rendered inoperative or less efficient by such the new drain, unless in violation of the terms of a written contract. ~~Nothing in this~~ This section ~~shall in any manner be construed to~~ does not affect the rights or liabilities of proprietors in respect to running streams.

Sec. 307. NEW SECTION. 55B.69 EXISTENCE AND LOCATION OF WELLS, DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND HAZARDOUS WASTE.

With each declaration of value submitted to the county recorder under chapter 428A, there shall also be submitted a statement that no known wells are situated on the property, or if known wells are situated on the property, the statement must state the approximate location of each known well and its status with respect to section 159.29 or 455B.190. The statement shall also state that no disposal site for solid waste, as defined in section 455B.301, which has been deemed to be potentially hazardous by the department of natural resources, exists on the property, or if such a disposal site does exist, the location of the site on the property. The statement shall additionally state that no underground storage tank, as defined in section 455B.471, subsection 6, exists on the property, or if an underground storage tank does exist, the type and size of the tank, and the substance in the tank. The statement shall also state that no hazardous waste as defined in section 455B.411, subsection 4, or listed by the department pursuant to section 455B.412, subsection 2, or section 455B.464, exists on the property, or if hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources. The statement shall be signed by the grantors or the transferors of the property. The county recorder shall refuse to record any deed, instrument, or writing for which a declaration of value is required under chapter 428A unless the statement required by this section has been submitted to the county recorder.

If a declaration of value is not required, the above information shall be submitted on a separate form. The director of the department of natural resources shall prescribe the form of the statement and the separate form to

be supplied by each county recorder in the state. The county recorder shall transmit the statements to the department of natural resources at times directed by the director of the department.

PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

Sec. 401. Section 18.3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Administering the provisions of section 18.18.

Sec. 402. Section 28F.1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

This chapter provides a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, facilities used for the conversion of solid waste to energy, and also electric power facilities constructed within the state of Iowa except that hydroelectric power facilities may also be located in the waters and on the dams of or on land adjacent to either side of the Mississippi or Missouri river bordering the state of Iowa, water supply systems, swimming pools or golf courses. This chapter applies to the acquisition, construction, reconstruction, ownership, operation, repair, extension, or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and

alter the seal at pleasure, and execute all the powers conferred in this chapter.

Sec. 403. NEW SECTION. 268.4 SMALL BUSINESS ASSISTANCE CENTER FOR THE SAFE AND ECONOMIC MANAGEMENT OF SOLID WASTE AND HAZARDOUS SUBSTANCES.

1. The small business assistance center for the safe and economic management of solid waste and hazardous substances is established at the University of Northern Iowa. The University of Northern Iowa, in cooperation with the department of natural resources, shall develop and implement a program which provides the following:

- a. Information regarding the safe use and economic management of solid waste and hazardous substances to small businesses which generate the substances.
- b. Dissemination of information to public and private agencies regarding state and federal solid waste and hazardous substances regulations, and assistance in achieving compliance with the regulations.
- c. Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.
- d. Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.
- e. Assistance in the providing of capital formation in order to comply with state and federal regulations.

2. a. An advisory committee to the center is established, consisting of a representative of each of the following organizations:

- (1) The Iowa department of economic development.
- (2) The small business development commission.
- (3) The University of Northern Iowa.
- (4) The State University of Iowa.
- (5) Iowa State University of science and technology.

(6) The department of natural resources.

b. The active participation of representatives of small businesses in the state shall also be sought and encouraged.

3. Information obtained or compiled by the center shall be disseminated directly to the Iowa department of economic development, the small business development centers, and other public and private agencies with interest in the safe and economic management of solid waste and hazardous substances.

4. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.

Sec. 404. Section 455B.301, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 7. "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed sanitary landfill, including, but not limited to, application of final cover, grading and seeding of final cover, installation of an adequate monitoring system, and construction of ground and surface water diversion structures, if necessary.

NEW SUBSECTION. 8. "Closure plan" means the plan which specifies the methods and schedule by which an operator will complete or cease disposal operations of a sanitary disposal project, prepare the area for long-term care, and make the area suitable for other uses.

NEW SUBSECTION. 9. "Lifetime of the project" means the projected period of years that a landfill will receive waste, from the time of opening until closure, based on the volume of waste to be received projected at the time of submittal of the initial project plan and the calculated refuse capacity of the landfill based upon the design of the project.

NEW SUBSECTION. 10. "Financial assurance instrument" means an instrument submitted by an applicant to ensure the operator's financial capability to provide reasonable and necessary response during the lifetime of the project and for

the thirty years following closure, and to provide for the closure of the facility and postclosure care required by rules adopted by the commission in the event that the operator fails to correctly perform closure and postclosure care requirements. The form may include the establishment of a secured trust fund, use of a cash or surety bond, or the obtaining of an irrevocable letter of credit.

NEW SUBSECTION. 11. "Postclosure" and "postclosure care" mean the time and actions taken for the care, maintenance, and monitoring of a sanitary disposal project after closure that will prevent, mitigate, or minimize the threat to public health, safety, and welfare and the threat to the environment posed by the closed facility.

NEW SUBSECTION. 12. "Postclosure plan" means the plan which specifies the methods and schedule by which the operator will perform the necessary monitoring and care for the area after closure of a sanitary disposal project.

NEW SUBSECTION. 13. "Manufacturer" means a person who by labor, art, or skill transforms raw material into a finished product or article of trade.

NEW SUBSECTION. 14. "Leachate" means fluid that has percolated through solid waste and which contains contaminants consisting of dissolved or suspended materials, chemicals, or microbial waste products from the solid waste.

NEW SUBSECTION. 15. "Actual cost" means the operational, remedial and emergency action, closure, postclosure, and monitoring costs of a sanitary disposal project for the lifetime of the project.

Sec. 405. NEW SECTION. 455B.301A DECLARATION OF POLICY.

1. The protection of the health, safety, and welfare of Iowans and the protection of the environment require the safe and sanitary disposal of solid wastes. An effective and efficient solid waste disposal program, protects the environment and the public, and provides the most practical

and beneficial use of the material and energy values of solid waste. While recognizing the continuing necessity for the existence of landfills, alternative methods of managing solid waste and a reduction in the reliance upon land disposal of solid waste are encouraged. In the promotion of these goals, the following waste management hierarchy in descending order of preference, is established as the solid waste management policy of the state:

- a. Volume reduction at the source.
 - b. Recycling and reuse.
 - c. Combustion with energy recovery and refuse-derived fuel.
 - d. Combustion for volume reduction.
 - e. Disposal in sanitary landfills.
2. In the implementation of the solid waste management policy, the state shall:

- a. Establish and maintain a cooperative state and local program of project planning, and technical and financial assistance to encourage comprehensive solid waste management.
- b. Utilize the capabilities of private enterprise as well as the services of public agencies to accomplish the desired objectives of an effective solid waste management program.

Sec. 406. Section 455B.304, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The commission shall adopt rules prohibiting the disposal of uncontained liquid waste in a sanitary landfill. The rules shall prohibit land burial or disposal by land application of wet sewer sludge at a sanitary landfill.

Sec. 407. Section 455B.304, unnumbered paragraph 6, Code 1987, is amended to read as follows:

The commission shall, by rule, require continued monitoring of groundwater pursuant to this section for a period of twenty thirty years after the sanitary disposal project is closed. The commission may prescribe a lesser period of monitoring

duration and frequency in consideration of the potential or lack thereof for groundwater contamination from the sanitary disposal project. The commission may extend the twenty-year thirty-year monitoring period on a site-specific basis by adopting rules specifically addressing additional monitoring requirements for each sanitary disposal project for which the monitoring period is to be extended.

Sec. 408. Section 455B.304, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules which establish closure, postclosure, leachate control and treatment, and financial assurance standards and requirements and which establish minimum levels of financial responsibility for sanitary disposal projects.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules which establish the minimum distance between tiling lines and a sanitary landfill in order to assure no adverse effect on the groundwater.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules for the distribution of grants to cities, counties, central planning agencies, and public or private agencies working in cooperation with cities or counties, for the purpose of solid waste management. The rules shall base the awarding of grants on a project's reflection of the solid waste management policy and hierarchy established in section 455B.301A, the proposed amount of local matching funds, and community need.

NEW UNNUMBERED PARAGRAPH. By July 1, 1990, a sanitary landfill disposal project operating with a permit shall have a trained, tested, and certified operator. A certification program shall be devised or approved by rule of the department.

Sec. 409. Section 455B.305, subsection 5, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 1, 1997, however, no new landfill permits shall be issued unless the applicant certifies that the landfill is needed as a part of an alternative disposal method, or unless the applicant provides documentation which satisfies the director that alternatives have been studied and are not either technically or economically feasible. The decision of the director is subject to review by the commission at its next meeting.

Sec. 410. Section 455B.305, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Beginning July 1, 1992, the director shall not issue, renew, or reissue a permit for a sanitary landfill unless the sanitary landfill is equipped with a leachate control system. The director may exempt a permit applicant from this requirement if the director determines that certain conditions regarding, but not limited to, existing physical conditions, topography, soil, geology, and climate, are such that a leachate control system is unnecessary.

Sec. 411. Section 455B.306, subsection 1, Code 1987, is amended to read as follows:

1. A city, county, and a private agency operating or planning to operate a sanitary disposal project shall file with the director a comprehensive plan detailing the method by which the city, county, or private agency will comply with this part 1. The director shall review each comprehensive plan submitted and may reject, suggest modification, or approve the proposed plan. The director shall aid in the development of comprehensive plans for compliance with this part. The director shall make available to a city, county, and private agency appropriate forms for the submission of comprehensive plans and may hold hearings for the purpose of implementing this part. The director and governmental agencies with primary responsibility for the development and

conservation of energy resources shall provide research and assistance, when cities and counties operating or planning to operate sanitary disposal projects request aid in planning and implementing resource recovery systems. A comprehensive plan filed by a private agency operating or planning to operate a sanitary disposal project required pursuant to section 455B.302 shall be developed in cooperation and consultation with the city or county responsible to provide for the establishment and operation of a sanitary disposal project.

Sec. 412. Section 455B.306, subsection 2, Code 1987, is amended to read as follows:

2. The plan required by subsection 1 shall be filed with the department at the time of initial application for the construction and operation of a sanitary landfill disposal project and shall be updated and refiled with the department at the time of each subsequent application for renewal or reissuance of a previously issued permit.

Sec. 413. Section 455B.306, subsection 3, Code 1987, is amended to read as follows:

3. A comprehensive plan filed pursuant to this section in conjunction with an application for issuance, renewal, or reissuance of a permit for a sanitary disposal project shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics to the extent appropriate to the technology employed by the applicant at the sanitary disposal project:

- a. The extent to which solid waste is or can be recycled.
- b. The economic and technical feasibility of using other existing sanitary disposal project facilities in lieu of initiating or continuing the sanitary landfill for which the permit is being sought.
- c. The expected environmental impact of alternative solid waste disposal methods, including the use of sanitary landfills.

d. A specific plan and schedule for implementing technically and economically feasible solid waste disposal methods that will result in minimal environmental impact.

4. In addition to the above requirements, the following specific areas must be addressed in detail in the comprehensive plan:

a. A closure and postclosure plan detailing the schedule for and the methods by which the operator will meet the conditions for proper closure and postclosure adopted by rule by the commission. The plan shall include, but is not limited to, the proposed frequency and types of actions to be implemented prior to and following closure of an operation, the proposed postclosure actions to be taken to return the area to a condition suitable for other uses, and an estimate of the costs of closure and postclosure and the proposed method of meeting these costs. The postclosure plan shall reflect the thirty-year time period requirement for postclosure responsibility.

b. A plan for the control and treatment of leachate, including financial considerations proposed in meeting the costs of control and treatment in order to meet the requirements of section 455B.305, subsection 6.

c. A financial plan detailing the actual cost of the sanitary disposal project and including the funding sources of the project. In addition to the submittal of the financial plan filed pursuant to this subsection, the operator of an existing sanitary landfill shall submit an annual financial statement to the department.

d. An emergency response and remedial action plan including established provisions to minimize the possibility of fire, explosion, or any release to air, land, or water of pollutants that could threaten human health and the environment, and the identification of possible occurrences that may endanger human health and environment.

Sec. 414. Section 455B.106, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to the comprehensive plan filed pursuant to subsection 1, a person operating or proposing to operate a sanitary disposal project shall provide a financial assurance instrument to the department prior to the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility beginning July 1, 1988.

a. The financial assurance instrument shall meet all requirements adopted by rule by the commission, and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Following the cessation of operation or closure of a sanitary disposal project, neither the guarantor nor the operator shall cancel, revoke, or disburse the financial assurance instrument or allow the instrument to terminate until the operator is released from closure, postclosure, and monitoring responsibilities.

b. The operator shall maintain closure, and postclosure accounts. The commission shall adopt by rule the amounts to be contributed to the accounts based upon the amount of solid waste received by the facility. The accounts established shall be specific to the facility.

(1) Money in the accounts shall not be assigned for the benefit of creditors with the exception of the state.

(2) Money in an account shall not be used to pay any final judgment against a licensee arising out of the ownership or operation of the site during its active life or after closure.

(3) Conditions under which the department may gain access to the accounts and circumstances under which the accounts may be released to the operator after closure and postclosure responsibilities have been met, shall be established by the commission.

c. The commission shall adopt by rule the minimum amount of financial responsibility for sanitary disposal projects.

d. Financial assurance instruments may include instruments such as cash or surety bond, a letter of credit, a secured trust fund, or a corporate guarantee.

e. The annual financial statement submitted to the department pursuant to section 455B.106, subsection 3, paragraph "d", shall include the current amounts established in each of the accounts and the projected amounts to be deposited in the accounts in the following year.

Sec. 415. Section 455B.307, Code 1987, is amended to read as follows:

455B.307 DUMPING -- WHERE PROHIBITED.

1. ~~It shall be unlawful for any~~ A private agency or public agency to ~~shall not~~ dump or deposit or permit the dumping or depositing of any solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities at any place other than a sanitary disposal project approved by the director unless the agency has been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. The department shall adopt rules regarding the permitting of this activity which shall provide that the public interest is best served, but which may be based upon criteria less stringent than those regulating a public sanitary disposal project provided that the rules adopted meet the groundwater nondegradation goal specified in section 455B.4. The comprehensive plans for these facilities may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operations characteristics, and volumes and types of waste handled at the disposal site. ~~This section shall not prohibit a private agency or public agency from dumping or depositing solid waste resulting from its own residential, farming,~~

~~manufacturing, mining or commercial activities on land owned or leased by it if the action does not violate any statute of this state or rules promulgated by the commission or local boards of health or local ordinances.~~ The director may issue temporary permits for dumping or disposal of solid waste at disposal sites for which an application for a permit to operate a sanitary disposal project has been made and which have not met all of the requirements of part 1 of this division and the rules adopted by the commission if a compliance schedule has been submitted by the applicant specifying how and when the applicant will meet the requirements for an operational sanitary disposal project and the director determines the public interest will be best served by granting such temporary permit.

2 7. The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this part 1 of division IV or the rules promulgated adopted pursuant thereto to the part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of said the part or rules issued pursuant thereto to the part.

3 8. Any person who violates any provision of part 1 of this division or any rule or any order promulgated adopted or the conditions of any permit or order issued pursuant to part 1 of this division shall be subject to a civil penalty. The amount of the civil penalty shall be based upon the toxicity and severity of the solid waste as determined by rule, but not to exceed five hundred dollars for each day of such violation.

Sec. 416. Section 455B.310, subsection 2, Code 1987, is amended to read as follows:

2. The tonnage fee is ~~twenty-five cents~~ one dollar and fifty cents per ton of solid waste for the year beginning July

1, 1988 and shall increase annually in the amount of fifty cents per ton through July 1, 1992. The city or county providing for the establishment and operation of the sanitary landfill may charge an additional tonnage fee for the disposal of solid waste at the sanitary landfill, to be used exclusively for the development and implementation of alternatives to sanitary landfills.

Sec. 417. Section 455B.310, subsections 4 and 5, Code 1987, are amended to read as follows:

4. All tonnage fees received by the department under this section shall be ~~paid to a groundwater fund created under section 455B.309~~ deposited in the solid waste account of the groundwater protection fund created under section 455E.11.

5. Fees imposed by this section beginning July 1, 1988 shall be paid to the department on an annual a quarterly basis. ~~Fees are due on April 15 for the previous calendar year~~ The initial payment of fees collected beginning July 1, 1988 shall be paid to the department on January 1, 1989 and on a quarterly basis thereafter. The payment shall be accompanied by a return in the form prescribed by the department.

Sec. 418. Section 455B.310, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The department shall grant exemptions from the fee requirements of subsection 2 for receipt of solid waste meeting all of the following criteria:

- a. Receipt of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and another person.
- b. The contract was lawfully executed prior to January 1, 1987.
- c. The contract expressly prohibits an increase in the compensation or fee payable to the owner or operator of the landfill and does not allow voluntary cancellation or

renegotiation of the compensation or fee during the term of the contract.

d. The contract has not been amended at any time after January 1, 1987.

e. The owner or operator of the sanitary landfill applying for exemption demonstrates to the satisfaction of the department that good faith efforts were made to renegotiate the contract notwithstanding its terms, and has been unable to agree on an amendment allowing the fee provided in subsection 2 to be added to the compensation or fee provisions of the contract.

f. Applications for exemption must be submitted on forms provided by the department with proof of satisfaction of all criteria.

g. Notwithstanding the time specified within the contract, an exemption from payment of the fee increase requirements for a multiyear contract shall terminate by January 1, 1989.

NEW SUBSECTION. 8. In the case of a sanitary disposal project other than a sanitary landfill, no tonnage fee shall apply for five years beginning July 1, 1987 or for five years from the commencement of operation, whichever is later. By July 1, 1992, the department shall provide the general assembly with a recommendation regarding appropriate fees for alternative sanitary disposal projects.

Sec. 419. Section 455B.311, subsection 2, Code 1987, is amended to read as follows:

2. Grants shall only be awarded to a city or a county; however, a grant may be made to a central planning agency representing more than one city or county or combination of cities or counties for the purpose of planning and implementing regional solid waste management facilities or may be made to private or public agencies working in cooperation with a city or county. The department shall award grants, in accordance with the rules adopted by the commission, based

upon a proposal's reflection of the solid waste management policy and hierarchy established in section 455B.301A. Grants shall be awarded only for an amount determined by the department to be reasonable and necessary to conduct the work as set forth in the grant application. Grants may be awarded at a maximum cost-share level of ninety percent with a preference given for regional or shared projects and a preference given to projects involving environmentally fragile areas which are particularly subject to groundwater contamination. Grants shall be awarded in a manner which will distribute the grants geographically throughout the state.

Sec. 420. NEW SECTION. 455B.312 WASTE ABATEMENT PROGRAM.

1. If the department receives a complaint that certain products or packaging which when disposed of are incompatible with an alternative method of managing solid waste and with the solid waste management policy, the director shall investigate the complaint. If the director determines that the complaint is well-founded, the department shall inform the manufacturer of the product or packaging and attempt to resolve the matter by informal negotiations.

2. If informal procedures fail to result in resolution of the matter, the director shall hold a hearing between the affected parties. Following the hearing, if it is determined that removal of the product or packaging is critical to the utilization of the alternative method of disposing of solid waste, the director shall issue an order setting out the requirements for an abatement plan to be prepared by the manufacturer within the time frame established in the order.

If an acceptable plan is not prepared, the plan is not implemented, or the problem otherwise continues unabated, the attorney general shall take actions authorized by law to secure compliance.

Sec. 421. NEW SECTION. 18.18 STATE PURCHASES -- RECYCLED PRODUCTS.

1. When purchasing paper products, the department of general services shall, wherever the price is reasonably competitive and the quality intended, purchase the recycled product.
 2. The department of general services, in conjunction with the department of natural resources, shall review the procurement specifications currently used by the state to eliminate, wherever possible, discrimination against the procurement of products manufactured with recovered materials.
 3. The department of natural resources shall assist the department of general services in locating suppliers of recycled products and collecting data on recycled content purchases.
 4. Information on recycled content shall be requested on all bids for paper products issued by the state and on other bids for products which could have recycled content such as oil, plastic products, compost materials, aggregate, solvents, and rubber products.
 5. The department of general services, in conjunction with the department of natural resources, shall adopt rules and regulations to carry out the provisions of this section.
 6. All state agencies shall fully cooperate with the departments of general services and natural resources in all phases of implementing this section.
- Sec. 422. GROUNDWATER FUND EXISTING FEES.
- All tonnage fees received by the department of natural resources pursuant to section 455B.310 and deposited in the groundwater fund and existing in the groundwater fund prior to December 31, 1987, shall be used for the following purposes:
1. Six cents of the twenty-five cents per ton deposited in the fund is appropriated to the waste management authority of the department of natural resources.
 2. Fifty thousand dollars of the moneys in the fund is appropriated to the University of Northern Iowa for the fiscal

year beginning July 1, 1987, and ending June 30, 1988, for the establishment of the small business assistance center for the safe and economic management of solid waste and hazardous substances at the University of Northern Iowa.

3. The remainder of the moneys in the account are appropriated to the department of natural resources for the development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

PART FIVE -- HOUSEHOLD HAZARDOUS WASTE

Sec. 501. NEW SECTION. 455F.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Department" means the department of natural resources.
2. "Commission" means the state environmental protection commission.
3. "Manufacturer" means a person who manufactures or produces a household hazardous material for resale in this state.
4. "Wholesaler" or "distributor" means a person other than a manufacturer or manufacturer's agent who engages in the business of selling or distributing a household hazardous material within the state, for the purpose of resale.
5. "Retailer" means a person offering for sale or selling a household hazardous material to the ultimate consumer, within the state.
6. "Display area label" means the signage used by a retailer to mark a household hazardous material display area as prescribed by the department of natural resources.
7. "Residential" means a permanent place of abode, which is a person's home as opposed to a person's place of business.
8. "Household hazardous material" means a product used for residential purposes and designated by rule of the department of natural resources and may include any hazardous substance

as defined in section 455B.411, subsection 3; and any hazardous waste as defined in section 455B.411, subsection 4; and shall include but is not limited to the following materials: motor oils, motor oil filters, gasoline and diesel additives, degreasers, waxes, polishes, solvents, paints, with the exception of latex-based paints, lacquers, thinners, caustic household cleaners, spot and stain remover with petroleum base, and petroleum-based fertilizers. However, "household hazardous material" does not include laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, and medications.

Sec. 502. NEW SECTION. 455F.2 POLICY STATEMENT.

It is the policy of this state to educate Iowans regarding the hazardous nature of certain household products, proper use of the products, and the proper methods of disposal of residual product and containers in order to protect the public health, safety, and the environment.

Sec. 503. NEW SECTION. 455F.3 LABELS REQUIRED.

1. A retailer shall affix a display area label, as prescribed by rule of the commission, in a prominent location upon or near the display area of a household hazardous material. If the display area is a shelf, and the price of the product is affixed to the shelf, the label shall be affixed adjacent to the price information.

2. The department shall develop, in cooperation with distributors, wholesalers, and retailer associations, and shall distribute to retailers a household hazardous products list to be utilized in the labeling of a display area containing products which are household hazardous materials.

3. A person found in violation of this section is guilty of a simple misdemeanor.

Sec. 504. NEW SECTION. 455F.4 CONSUMER INFORMATION BOOKLETS.

A retailer shall maintain and prominently display a booklet, developed by the department, in cooperation with manufacturers, distributors, wholesalers, and retailer associations and provided to retailers at departmental expense, which provides information regarding the proper use of household hazardous materials and specific instructions for the proper disposal of certain substance categories. The department shall also develop and provide to a retailer, at departmental expense, bulletins regarding household hazardous materials which provide information designated by rule of the commission. The retailer shall distribute the bulletins without charge to customers.

A manufacturer or distributor of household hazardous materials who authorizes independent contractor retailers to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, shall print informational lists of its products which are designated by the department as household hazardous materials. These lists of products and the consumer information booklets prepared in accordance with this section shall be provided by the manufacturer or distributor in sufficient quantities to each contractor retailer for dissemination to customers. During the course of a sale of a household hazardous material by a contractor retailer, the customer shall in the first instance be provided with a copy of both the list and the consumer information booklet. In subsequent sales to the same customer, the list and booklet shall be noted as being available if desired.

Sec. 505. NEW SECTION. 455F.5 DUTIES OF THE COMMISSION.

The commission shall:

1. Adopt rules which establish a uniform label to be supplied and used by retailers.
2. Adopt rules which designate the type and amount of information to be included in the consumer information booklets and bulletins.

Sec. 506. NEW SECTION. 455F.6 DUTIES OF THE DEPARTMENT.

The department shall:

1. Designate products which are household hazardous materials and, based upon the designations and in consultation with manufacturers, distributors, wholesalers, and retailer associations, develop a household hazardous product list for the use of retailers in identifying the products.

2. Enforce the provisions of this chapter and implement the penalties established.

3. Identify, after consulting with departmental staff and the listing of other states, no more than fifty commonly used household products which, due to level of toxicity, extent of use, nondegradability, or other relevant characteristic, constitute the greatest danger of contamination of the groundwater when placed in a landfill. The department may identify additional products by rule.

4. Submit recommendations to the general assembly regarding the products specified in subsection 1 which include but are not limited to the following:

a. Education of consumers regarding the danger incurred in disposal of the products, the proper disposal of the products, and the use of alternative products which do not present as great a disposal danger as the products specified.

b. Dissemination of information regarding the products specified.

c. Special labeling or stamping of the products.

d. A means for proper disposal of the products.

e. Proposed legislative action regarding implementation of recommendations concerning the products.

Sec. 507. NEW SECTION. 455F.7 HOUSEHOLD HAZARDOUS MATERIALS PERMIT.

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity.

All permits provided for in this division shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of ten dollars based upon gross retail sales of up to fifty thousand dollars, twenty-five dollars based upon gross retail sales of fifty thousand dollars to three million dollars, and one hundred dollars based upon gross retail sales of three million dollars or more to the department of revenue and finance for a permit upon a form prescribed by the director of revenue and finance. Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of this section shall be subject to permit revocation upon notice and hearing. The department shall remit the fees collected to the household hazardous waste account of the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section.

2. A manufacturer or distributor of household hazardous materials, which authorizes retailers as independent contractors to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, may obtain a single household hazardous materials permit on behalf of its authorized retailers in the state, in lieu of individual permits for each retailer, and pay a fee based upon the manufacturer's or distributor's gross retail sales in the state according to the fee schedule and requirements of subsection 1. However, a manufacturer or distributor which has gross retail sales of three million dollars or more in the state shall pay an additional permit fee of one hundred dollars for each subsequent increment of three million dollars of gross retail sales in the state, up to a maximum permit fee of three thousand dollars.

Sec. 508. NEW SECTION. 455F.8 HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM CREATED.

The department shall conduct programs to collect and dispose of small amounts of hazardous wastes which are being stored in residences or on farms. The program shall be known as "Toxic Cleanup Days". The department shall promote and conduct the program and shall by contract with a qualified and bonded waste handling company, collect and properly dispose of wastes believed by the person disposing of the waste to be hazardous. The department shall establish maximum amounts of hazardous wastes to be accepted from a person during the "Toxic Cleanup Days" program. Amounts accepted from a person above the maximum shall be limited by the department and may be subject to a fee set by the department, but the department shall not assess a fee for amounts accepted below the maximum amount. The department shall designate the times and dates for the collection of wastes. The department shall have as a goal twelve "Toxic Cleanup Days" during the period beginning July 1, 1987, and ending October 31, 1988. In any event, the department shall offer the number of days that can be properly and reasonably conducted with funds deposited in the household hazardous waste account. In order to achieve the maximum benefit from the program, the department shall offer "Toxic Cleanup Days" on a statewide basis and provide at least one "Toxic Cleanup Day" in each departmental region. "Toxic Cleanup Days" shall be offered in both rural and urban areas to provide a comparison of response levels and to test the viability of multicounty "Toxic Cleanup Days". The department may also offer at least one "Toxic Cleanup Day" at a previously serviced location to test the level of residual demand for the event and the effect of the existing public awareness on the program. The department shall prepare an annual report citing the results and costs of the program for submittal to the general assembly.

Sec. 509. NEW SECTION. 455F.9 EDUCATION PROGRAM.

In addition to the "Toxic Cleanup Days" program the department shall implement a public information and education program regarding the use and disposal of household hazardous materials. The program shall provide appropriate information concerning the reduction in use of the materials, including the purchase of smaller quantities and selection of alternative products. The department shall cooperate with existing educational institutions, distributors, wholesalers, and retailers, and other agencies of government and shall enlist the support of service organizations, whenever possible, in promoting and conducting the programs in order to effectuate the household hazardous materials policy of the state.

Sec. 510. NEW SECTION. 455F.10 PENALTIES.

Any person violating a provision of this chapter or a rule adopted pursuant to this chapter is guilty of a simple misdemeanor.

Sec. 511. COLLECTION OF USED MOTOR OIL -- PILOT PROJECT.

The state department of transportation, in cooperation with the department of natural resources and the Iowa State University of science and technology center for industrial research and service, shall institute a pilot project to collect and dispose of used motor oil from residences and farms in one urban county and one rural county by October 1, 1987.

The state department of transportation shall promote community participation; provide collection sites and facilities; prescribe procedures for each collection site, including the amount of used motor oil to be accepted from a household or farm, and measures necessary to assure maintenance of a sanitary collection site environment; arrange for proper used oil disposal; and report to the general assembly by March 1, 1988, regarding the progress on the pilot project. The report shall include the cost of the project.

the amount of used motor oil collected, and any other relevant data gathered by the participating agencies. The state department of transportation shall recommend in the report to the general assembly whether the program should be continued, expanded, modified, or discontinued.

The department of natural resources shall assist the state department of transportation in promoting the pilot project and in applying any state or federal environmental regulations to the pilot project. The Iowa State University of science and technology center for industrial research and service shall coordinate research on establishing the waste stream for used motor oil, investigate alternative disposal methods, and coordinate research with other states' research projects on used motor oil collection and disposal.

This section is repealed July 1, 1989.

Sec. 512. NEW SECTION. 455F.12 RECYCLING AND RECLAMATION PROGRAMS.

Up to eighty thousand dollars of the moneys deposited in the household hazardous waste account shall be allocated to the department of natural resources for city, county, or service organization projects relative to recycling and reclamation events. A city, county, or service organization shall submit a competitive grant to the department of natural resources by April 1 for approval by the department no later than May 15.

PART SIX -- STORAGE TANK MANAGEMENT

Sec. 601. Section 507D.3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. An assistance program for the facilitation of insurance and financial responsibility coverage for owners and operators of underground storage tanks which store petroleum shall not be affected by the prohibitions of subsections 2 and 3.

Sec. 602. PLAN OF OPERATIONS PROGRAM. The division of insurance of the department of commerce, in conjunction with the department of natural resources and private industry, shall, no later than September 15, 1987, create a plan of operations program for the development of state or private funds to satisfy the requirements of the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., regarding the financial responsibility of an owner or operator of an underground storage tank which stores petroleum.

The program shall include, but is not limited to, the following elements:

1. The establishment of a pool of insurers sufficient to manage all anticipated participants required to obtain and maintain evidence of financial responsibility in the amounts of one million dollars for corrective action and one million dollars for the compensation of third parties for property damage and bodily injury.
2. The establishment of the mechanism for election of the pool administrator by the participating industry.
3. The establishment of a plan of operations, through the administrator, including but not limited to the following items:
 - a. Collection of administrative expenses.
 - b. A claims process and defense system.
 - c. An actuarial review.
 - d. A determination of rate classifications which reflect the tank standards and monitoring devices maintained by an individual owner or operator, which in addition to a daily inventory system include but are not limited to the following:
 - (1) Secondary containment consisting of double wall construction and provided with a device to monitor the interstitial space between the secondary and primary containment structures.

(2) Secondary containment consisting of single wall construction and a man-made liner, and groundwater monitoring wells.

(3) Single wall construction and groundwater monitoring wells.

(4) Any type of tank construction and sniffer wells and an additional monitoring system.

e. A policyholder service system.

f. The billing, collecting, and investment of premiums.

4. The mechanism by which owners or operators who can demonstrate financial responsibility pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., may establish exempt status from participation in the program.

Sec. 603. COMMITTEE CREATED -- DUTIES. The legislative council shall create a legislative committee which shall meet within thirty days following the issuance of the plan of operations program. The committee shall be composed of two senators, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate; two representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives; one representative of petroleum storage tank owners and operators; and one representative of the petroleum industry.

The committee shall, on or before January 1, 1988, prepare proposed legislation for the implementation of the program to be enacted and implemented on or before May 1, 1988. The proposed legislation shall include:

1. The cost of participation of an individual owner or operator based upon the following:

a. The base premium rate determined by the actuarial data.

b. The amount of subsidization of the premium by the state, based on daily inventory and upon the storage tank

standards and inventory monitoring systems maintained by an individual owner or operator. The state subsidization of the premium shall be based upon a sliding fee schedule which may reflect the following criteria:

(1) Tanks with secondary containment consisting of double wall construction and provided with a device to monitor the interstitial space between the secondary and primary containment structures.

(2) Tanks with secondary containment consisting of single wall construction and a man-made liner, and provided with groundwater monitoring wells.

(3) Tanks with single wall construction and groundwater monitoring wells.

(4) Tanks with any type of construction and sniffer wells and an additional monitoring system.

2. The funding source for subsidization, which may be, but is not limited to, the following:

a. An increase in the annual storage tank fee.

b. An annual tank assessment fee.

c. A pump inspection fee, paid by fuel dealers.

d. Federal environmental protection agency grants.

3. The management of the plan and the funds, whether the plan is profitable or operates at a loss.

4. The mechanism by which owners or operators who can demonstrate financial responsibility pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., may establish exempt status from participation in the program.

Sec. 604. Section 455B.473, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. An owner or operator of a storage tank described in section 455B.471, subsection 6, paragraph "a", which brings the tank into use after July 1, 1987, shall notify the department of the existence of the tank within

thirty days. The registration of the tank shall be accompanied by a fee of ten dollars to be deposited in the storage tank management account. A tank which is existing before July 1, 1987, shall be reported to the department by July 1, 1989. Tanks under this section installed on or following July 1, 1987, shall comply with underground storage tank regulations adopted by rule by the department.

NEW SUBSECTION. 8. It shall be unlawful to deposit a regulated substance in an underground storage tank which has not been registered pursuant to subsections 1 through 5.

The department shall furnish the owner or operator of an underground storage tank with a registration tag for each underground storage tank registered with the department. The owner or operator shall affix the tag to the fill pipe of each registered underground storage tank. A person who conveys or deposits a regulated substance shall inspect the underground storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the underground storage tank fill pipe, the person conveying or depositing the regulated substance may deposit the regulated substance in the unregistered tank provided that the deposit is allowed only in the single instance, that the person reports the unregistered tank to the department of natural resources, and that the person provides the owner or operator with an underground storage tank registration form and informs the owner or operator of the underground storage tank registration requirements. The owner or operator is allowed fifteen days following the report to the department of the owner's or operator's unregistered tank to comply with the registration requirements. If an owner or operator fails to register the reported underground storage tank during the fifteen-day period, the owner or operator shall pay a fee of twenty-five dollars upon registration of the tank.

Sec. 605. Section 455B.473, subsection 4, Code 1987, is amended to read as follows:

4. The notice of the owner or operator to the department under subsections 1 through 3 shall be accompanied by a fee of five ten dollars for each tank included in the notice. ~~A separate fund is created in the state treasury, the receipts of which are appropriated to pay the administrative expenses of the department incurred under this part. All fees collected by the department under this subsection shall be credited to the fund. The unobligated or unencumbered balance in the fund as of June 30 of each year shall be transferred to the hazardous waste remedial fund. All moneys collected shall be deposited in the storage tank management account of the groundwater protection fund created in section 455E.11. All moneys collected pursuant to this section prior to July 1, 1987, which have not been expended, shall be deposited in the storage tank management account.~~

Sec. 606. Section 455B.474, subsection 2, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. If an owner or operator is required to uncover or remove an underground storage tank based upon a determination of the department that the underground storage tank presents a hazard to the public health, safety, or the environment, and if upon inspection of the tank the determination is unfounded, the state may reimburse reasonable costs incurred in the inspection of the tank. Claims for reimbursement shall be filed on forms provided by the commission. The commission shall adopt rules pursuant to chapter 17A relating to determinations of reasonableness in approval or rejection of claims in cases of dispute. Claims shall be paid from the general fund of the state. When any one of the tanks or the related pumps and piping at a multiple tank facility are found to be leaking, the state shall not reimburse costs for uncovering or removing any of the other tanks, piping, or pumps that are not found to be leaking.

Sec. 607. NEW SECTION. 455B.479 STORAGE TANK MANAGEMENT FEE.

An owner or operator of an underground storage tank shall pay an annual storage tank management fee of fifteen dollars per tank of over one thousand one hundred gallons capacity. The fees collected shall be deposited in the storage tank management account of the groundwater protection fund.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 631, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved June 9, 1987

TERRY E. BRANSTAD
Governor