

See Energy Bill
Amended per 5553. The Pass 3/24 (p. 1202)

FILED MAR 2 1988

SENATE FILE **2250**
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

Approved (p. 585)
(formerly 55B2236)

Passed Senate, Date 3/4/88 (p. 708) Passed House, Date 4/11/88 (p. 1692)
Vote: Ayes _____ Nays _____ Vote: Ayes 90 Nays 6

Approved May 6, 1988

Approved Senate 4/14/88 (p. 1585)
44-0

Mentions to predecessor (p. 1613)
" w/ 4/15 (p. 1645)

A BILL FOR

1 An Act relating to environmental protection by correcting the
2 reference to the membership of the advisory committee for the
3 center for health effects of environmental contamination; by
4 establishing requirements regarding sanitary disposal project
5 inspections, the disposal of solid waste, and the solid waste
6 tonnage fee; by making corrections relating to the collection
7 and allocation of moneys within the solid waste account and
8 the agriculture management account; by correcting a reference
9 to the duties of the department of natural resources regarding
10 household hazardous materials; and by specifying the content
11 and liability for the content of statements submitted with a
12 declaration of value regarding the existence and location of
13 wells, disposal sites, underground storage tanks, and
14 hazardous waste.

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

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Conference Committee Appointed 4/16/88
Senators Delaney (Chair), Miller, Priebe, Hester, & Hill (p. 1297)
Representatives Roamberg (Chair), Johnson, Schmitt, Mueller, & Keen (p. 2124)

Passed per Conference Committee Report
Senate 4/17/88 (p. 1756) 47-0
House 4/17/88 (p. 2228) 84-3

(SF 2250)

5055 >

1 Section 1. Section 263.17, subsection 4, unnumbered
2 paragraph 1, Code Supplement 1987, is amended to read as
3 follows:

4 An advisory committee consisting of one representative of
5 each of the organizations enumerated in subsection 2,
6 paragraph "a", ~~a representative of the Iowa department of~~
7 ~~public health, and a representative of the department of~~
8 ~~natural resources~~ is established. The advisory committee
9 shall:

10 Sec. 2. Section 455B.302, unnumbered paragraph 2, Code
11 1987, is amended to read as follows:

12 Cities and counties may execute with public and private
13 agencies contracts, leases, or other necessary instruments,
14 purchase land and do all things necessary not prohibited by
15 law for the collection of solid waste, establishment and
16 operation of sanitary disposal projects, and general
17 administration of the same. Any agreement executed with a
18 private agency for the operation of a sanitary disposal
19 project shall provide for the posting of a sufficient surety
20 bond by the private agency conditioned upon the faithful
21 performance of the agreement. A city or county may at any
22 time during regular working hours enter upon the premises of a
23 sanitary disposal project, including the premises of a
24 sanitary landfill, in order to inspect the premises and
25 monitor the operations and general administration of the
26 project to ensure compliance with the agreement and with state
27 and federal laws. This includes the right of the city or
28 county to enter upon the premises of a former sanitary
29 disposal project which has been closed, including the premises
30 of a former sanitary landfill, owned by a private agency, for
31 the purpose of providing required postclosure care.

32 Sec. 3. Section 455B.307, subsection 1, Code Supplement
33 1987, is amended to read as follows:

34 1. A private agency or public agency shall not dump or
35 deposit or permit the dumping or depositing of any solid waste

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

27 Sec. 4. Section 455B.310, subsection 2, Code Supplement
28 1987, is amended to read as follows:

29 2. The tonnage fee is twenty-five cents per ton of solid
30 waste. However, for the year beginning July 1, 1988, the
31 tonnage fee is one dollar and fifty cents per ton of solid
32 waste for the year beginning July 1, 1988 and shall increase
33 annually in the amount of fifty cents per ton through July 1,
34 1992. The city or county providing for the establishment and
35 operation of the sanitary landfill may charge an additional

1 Sec. 11. Section 558.69, unnumbered paragraph 1, Code
2 Supplement 1987, is amended to read as follows:

3 With each declaration of value submitted to the county
4 recorder under chapter 428A, there shall also be submitted a
5 statement that no known wells are situated on the property, or
6 if known wells are situated on the property, the statement
7 must state the approximate location of each known well and its
8 status with respect to section 159.29 or 455B.190. The
9 statement shall also state that no known disposal site for
10 solid waste, as defined in section 455B.301, which has been
11 deemed to be potentially hazardous by the department of
12 natural resources, exists on the property, or if such a known
13 disposal site does exist, the location of the site on the
14 property. The statement shall additionally state that no
15 known underground storage tank, as defined in section
16 455B.471, subsection 6, exists on the property, or if an a
17 known underground storage tank does exist, the type and size
18 of the tank, and the any known substance in the tank. The
19 statement shall also state that no known hazardous waste as
20 defined in section 455B.411, subsection 4, or listed by the
21 department pursuant to section 455B.412, subsection 2, or
22 section 455B.464, exists on the property, or if known
23 hazardous waste does exist, that the waste is being managed in
24 accordance with rules adopted by the department of natural
25 resources. The statement shall be signed by ~~the-grantors-or~~
26 ~~the-transferors-of-the-property~~ at least one of the sellers or
27 their agents. The county recorder shall refuse to record any
28 deed, instrument, or writing for which a declaration of value
29 is required under chapter 428A unless the statement required
57530 by this section has been submitted to the county recorder. If
31 the statement submitted reveals no well, disposal site,
32 underground storage tank, or hazardous waste on the property,
33 the county recorder may destroy the statement.

34 Sec. 12. Section 558.69, Code Supplement 1987, is amended
35 by inserting the following new unnumbered paragraph:

SENATE FILE 2250

H-6174

1 Amend Senate File 2250, as passed by the Senate, as
2 follows:

3 1. By striking page 2, line 34, through page 3,
4 line 3, and inserting the following: "1992. The city
5 ~~or county providing for the establishment and~~
6 ~~operation of the sanitary landfill may charge an~~
7 ~~additional tonnage fee for the disposal of solid waste~~
8 ~~at the sanitary landfill, to be used exclusively for~~
9 ~~the development and implementation of alternatives to~~
10 ~~sanitary landfills: A county in which a privately~~
11 ~~operated landfill accepts solid waste from outside of~~
12 ~~the county may charge an additional tonnage fee for~~
13 ~~the disposal of solid waste at the sanitary landfill~~
14 ~~which is not more than one hundred percent of the fee~~
15 ~~otherwise established in this section. The additional~~
16 ~~fee charged and the moneys collected shall be used~~
17 ~~exclusively for the development and implementation of~~
18 ~~alternatives to sanitary landfills or for the costs~~
19 ~~incurred by the county to abate problems associated~~
20 ~~with the operation of the sanitary landfill."~~

By DVORSKY of Johnson
SHOULTZ of Black Hawk

H-6174 FILED APRIL 4, 1988

Adopted 4/11 (p. 1691)

SENATE FILE 2250

H-6178

1 Amend Senate File 2250, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 31, the
4 following:

5 "Sec. ____ . Section 455B.304, Code Supplement 1987,
6 is amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The commission shall
9 adopt rules which prohibit the final disposal of
10 beverage containers as defined pursuant to section
11 455C.1, subsection 2, by a dealer, distributor, or
12 manufacturer of beverage containers, person operating
13 a redemption center for beverage containers, or an
14 agent of a dealer, distributor, manufacturer, or
15 redemption center, in a sanitary landfill."

By SHOULTZ of Black Hawk

H-6178 FILED APRIL 4, 1988

w/25 4/11 (p. 1690)

SENATE FILE 2250

H-6268

1 Amend the amendment, H-6174, to Senate File 2250,
2 as passed by the Senate, as follows:

3 1. Page 1, line 14, by striking the words "one
4 hundred" and inserting the following: "fifty".

By SHERZAN of Polk

H-6268 FILED APRIL 6, 1988

Law 4/11 (p. 1691)

SENATE FILE 2250

H-5858

1 Amend Senate File 2250 as passed by the Senate as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 200.8, subsection 1,
6 unnumbered paragraph 3, Code Supplement 1987, is
7 amended to read as follows:

8 Any person other than a manufacturer who annually
9 offers for sale, sells, or distributes specialty
10 fertilizer in the amount of three thousand pounds or
11 more in packages of twenty-five pounds or less or
12 applies specialty fertilizer for compensation shall be
13 required to pay an annual inspection fee of fifty
14 thirty dollars in lieu of the semiannual inspection
15 fee as set forth in this chapter."

16 2. Page 3, line 14, by inserting after the word
17 "section." the following: "However, the department
18 shall establish by rule, and shall collect a fee to
19 defray the costs to the department for the expenses
20 incurred through the issuance of permits, monitoring,
21 and inspection of the facilities under this
22 subsection."

23 3. Page 3, line 19, by striking the figure "15"
24 and inserting the following: "30".

25 4. Page 3, line 25, by striking the words
26 "department on" and inserting the following:
27 "department on by".

28 5. Page 3, by inserting after line 27 the
29 following:

30 "Sec. ____ . Section 455E.11, subsection 1,
31 unnumbered paragraph 1, Code Supplement 1987, is
32 amended to read as follows:

33 A groundwater protection fund is created in the
34 state treasury. Moneys received from sources
35 designated for purposes related to groundwater
36 monitoring and groundwater quality standards shall be
37 deposited in the fund. Notwithstanding section 8.33,
38 any unexpended balances in the groundwater protection
39 fund and in any of the accounts within the groundwater
40 protection fund at the end of each fiscal year shall
41 be retained in the fund and the respective accounts
42 within the fund. The fund may be used for the
43 purposes established for each account within the fund.
44 Notwithstanding section 453.7, subsection 2, interest
45 or earnings on investments or time deposits of the
46 moneys in the groundwater protection fund or in any of
47 the accounts within the groundwater protection fund,
48 with the exception of those interest or earnings on
49 investments or time deposits of the moneys in the oil
50 overcharge account, which shall be credited to the oil

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1 overcharge account, shall be credited to the solid
2 waste account of the groundwater protection fund for
3 appropriation to the department of natural resources.
4 The department of natural resources shall use the
5 moneys appropriated to provide grants to public water
6 supply systems to abate or eliminate threats to public
7 health and safety resulting from contamination of the
8 water supply source. However, a public water supply
9 system shall not receive a grant for more than ten
10 percent of the moneys available for those purposes.

11 Sec. ____ . Section 455E.11, subsection 2, paragraph
12 a, Code Supplement 1987, is amended by adding the
13 following new subparagraph (1) and by renumbering the
14 subsequent subparagraphs:

15 NEW SUBPARAGRAPH. (1) The moneys received from
16 the tonnage fee imposed under section 455B.310 for the
17 fiscal year beginning July 1, 1987, and ending June
18 30, 1988, shall be used for the following purposes:

19 (a) An amount equal to fifty percent of the moneys
20 received from the tonnage fee imposed pursuant to
21 section 455B.310 shall be reserved for the purpose of
22 providing grants to cities and counties required to
23 provide for sanitary disposal projects under section
24 455B.302 for the purpose of developing or updating
25 plans required to be filed under section 455B.306.
26 Grants shall be governed by section 455B.311.

27 (b) An amount equal to twenty-five percent of the
28 moneys received from the tonnage fee imposed under
29 section 455B.310 shall be reserved for the purpose of
30 providing grants to public water supply systems to
31 abate or eliminate threats to public health and safety
32 resulting from contamination of the water supply
33 source. However, a public water supply shall not
34 receive a grant for more than ten percent of the
35 moneys available for those purposes.

36 (c) An amount equal to twenty-five percent of the
37 moneys received from the tonnage fee imposed under
38 section 455B.310 shall be appropriated to the waste
39 management authority."

40 6. Page 4, by inserting after line 35 the
41 following:

42 "Sec. ____ . Section 455F.7, Code Supplement 1987,
43 is amended to read as follows:

44 455F.7 HOUSEHOLD HAZARDOUS MATERIALS PERMIT.

45 1. A retailer offering for sale or selling a
46 household hazardous material shall have a valid permit
47 for each place of business owned or operated by the
48 retailer for this activity. All permits provided for
49 in this division shall expire on June 30 of each year.
50 Every retailer shall submit an annual application by

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1 July 1 of each year and a fee of ~~ten-dollars-based~~
2 ~~upon-gross-retail-sales-of-up-to-fifty-thousand~~
3 ~~dollars, twenty-five dollars based-upon-gross-retail~~
4 ~~sales-of-fifty-thousand-dollars-to-three-million~~
5 ~~dollars, and one-hundred-dollars-based-upon-gross~~
6 ~~retail-sales-of-three-million-dollars-or-more~~ to the
7 department of revenue and finance for a permit upon a
8 form prescribed by the director of revenue and
9 finance. Permits are nonrefundable, are based upon an
10 annual operating period, and are not prorated. A
11 person in violation of this section shall be subject
12 to permit revocation upon notice and hearing. The
13 department shall remit the fees collected to the
14 household hazardous waste account of the groundwater
15 ~~protection fund.~~ A person distributing general use
16 pesticides labeled for agricultural or lawn and garden
17 use with gross annual pesticide sales of less than ten
18 thousand dollars is subject to the requirements and
19 fee payment prescribed by this section.

20 2. A manufacturer or distributor of household
21 hazardous materials, which authorizes retailers as
22 independent contractors to sell the products of the
23 manufacturer or distributor on a person-to-person
24 basis primarily in the customer's home, may obtain a
25 single household hazardous materials permit on behalf
26 of its authorized retailers in the state, in lieu of
27 individual permits for each retailer, and pay a fee
28 ~~based-upon-the-manufacturer's-or-distributor's-gross~~
29 ~~retail-sales-in-the-state-according-to-the-fee~~
30 ~~schedule-and-requirements-of-subsection-1~~ of twenty-
31 five dollars. However, a manufacturer or distributor
32 which has gross retail sales of three million dollars
33 or more in the state shall pay an additional permit
34 fee of one hundred dollars for each subsequent
35 increment of three million dollars of gross retail
36 sales in the state, up to a maximum permit fee of
37 three thousand dollars."

38 7. Page 5, line 30, by striking the word "If" and
39 inserting the following: "A buyer of property shall
40 be provided with a copy of the statement submitted,
41 and, following the fulfillment of this provision, if".

42 8. Page 6, by inserting after line 6, the
43 following:

44 "Sec. ____ . CASH ADVANCE -- SMALL BUSINESS
45 ASSISTANCE CENTER. The department of natural
46 resources shall provide a cash advance of not more
47 than one hundred thousand dollars for the period
48 beginning July 1, 1988, and ending June 30, 1989, to
49 the University of Northern Iowa to develop and
50 maintain the small business assistance center for the

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- 1 safe and economic management of solid waste and
- 2 hazardous substances established at the University of
- 3 Northern Iowa."
- 4 9. By renumbering as necessary.

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
ROSENBERG of Story, Chairperson

H-5858 FILED MARCH 24, 1988

*Adopted or amended by 6050, 6294, & 6352
4/11 (p. 1690)*

SENATE FILE 2250

H-6050

- 1 Amend the amendment, H-5858, to Senate File 2250 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, line 10, by striking the word "three"
- 4 and inserting the following: "four".

H-6050 FILED MARCH 30, 1988 BY DE GROOT of Lyon

Adopted 4/11 (p. 1688)

SENATE FILE 2250

H-6286

- 1 Amend Senate File 2250, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 8, by inserting after the word
- 4 "coal", the words "or cob".

By HARBOR of Mills

H-6286 FILED APRIL 7, 1988

Adopted 4/11 (p. 1672)

SENATE FILE 2250

H-6294

- 1 Amend the amendment, H-5858, to Senate File 2250 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, by striking lines 16 through 22, and
- 4 inserting the following:
- 5 " . Page 3, line 14, by inserting after the
- 6 word "section." the following: "However, solid waste
- 7 disposal facilities under this subsection are subject
- 8 to the fees imposed pursuant to section 455B.105,
- 9 subsection 12, paragraph "a". Notwithstanding the
- 10 provisions of section 455B.105, subsection 12,
- 11 paragraph "b", the fees collected pursuant to this
- 12 subsection shall be used by the department for the
- 13 regulation of these solid waste disposal facilities."

By SHOULTZ of Black Hawk

H-6294 FILED APRIL 7, 1988

Adopted 4/11 (p. 1684)

SENATE FILE 2250

H-6352

- 1 Amend the amendment H-5858 to Senate File 2250, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the words "in
- 4 packages of twenty-five pounds or less" and inserting
- 5 the following: "in-packages-of-twenty-five-pounds-or
- 6 less".

By JOHNSON of Winneshiek

H-6352 FILED APRIL 11, 1988

ADOPTED (p. 1689)

SENATE FILE 2250

H-6355

1 Amend Senate File 2250, as passed by the Senate, as
2 follows:

3 1. Page 3, by inserting after line 27, the
4 following:

5 "Sec. ____ . Section 455B.484, Code Supplement 1987,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 14. Promote, consistent with the
8 solid waste policy and the mandate for alternatives to
9 landfills, the recycling of beverage containers as
10 defined in section 455C.1, subsection 2. The
11 authority may direct a specific dealer, distributor,
12 manufacturer, or redemption center which would
13 otherwise dispose of beverage containers in a sanitary
14 landfill to cease doing so when the authority can
15 demonstrate that an economically feasible alternative
16 is available. Alternative disposal methods shall
17 reflect the waste management hierarchy."

By SHOULTZ of Black Hawk

H-6355 FILED APRIL 11, 1988

NOT GERMANE (p. 1692)

SENATE FILE 2250

H-6365

1 Amend the amendment, H-5858, to Senate File 2250 as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 8 through 15 and
4 inserting the following:

5 "Any person other than a manufacturer who offers
6 for sale, sells, or distributes prepackaged specialty
7 fertilizer in packages of twenty-five pounds or less
8 or applies specialty fertilizer for compensation shall
9 be required to pay an annual inspection fee of fifty
10 dollars in lieu of the semiannual exempt from the
11 payment of any inspection fee as set forth in this
12 chapter. However, a person other than a manufacturer
13 who applies specialty fertilizer for compensation
14 shall be required to pay an annual inspection fee of
15 fifty dollars in lieu of the semiannual inspection fee
16 as set forth in this chapter."

By BENNETT of Ida

H-6365 FILED APRIL 11, 1988

LOST (p. 1690)

SENATE FILE 2250
AMENDMENT H-5858
FISCAL NOTE

REQUESTED BY REPRESENTATIVE JOHNSON

In compliance with a written request received March 29, 1988, a fiscal note for AMENDMENT H-5858 TO SENATE FILE 2250 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-5858 to Senate File 2250 changes the inspection fee on certain specialty fertilizers, provides for the retention of interests from the Groundwater Protection Accounts within those specific accounts, allocates the funds received by the Department of Natural Resources for the Solid Waste Tonnage Fee imposed by the bill for FY 1988, and changes the fees charged for Household Hazardous Materials Permits.

The amendment also provides for a loan from the Department of Natural Resources to the Small Business Assistance Center at the University of Northern Iowa. This loan is to ensure the continued existence of the Center's program for the safe and economic management of solid and hazardous waste.

Fiscal Effect:**Specialty Fertilizer Fees**

The amendment reduces the fee for certain specialty fertilizers from \$50 to \$30 and limits the scope of the fee to only those persons who offer for sale, sell, or distribute at least three thousand pounds of specialty fertilizers annually. Presently there are 2,126 specialty fertilizer dealers subject to the inspection fee. However, only 724 have paid the required fee. This raises \$36,200 in revenue. The amount of revenue generated by the new fee schedule will depend on the level of compliance with the lower, less extensive fee. These fees are deposited in the Fertilizer Trust Fund.

Interest From Groundwater Accounts

Presently, interest generated by the funds in the various Groundwater Protection Accounts is credited to the General Fund. Retaining the interest within the respective accounts would increase the groundwater accounts by a total of \$80,000 and reduce the General Fund by a like amount.

Allocation of Solid Waste Fees

Senate File 2250 clarifies the collection of Solid Waste Tonnage Fees for FY 1988. This amendment allocates the money. The tonnage fee in the bill would raise \$400,000. The amendment allocates 50% of this money to cities and counties to develop or update plans required by Section 455B.306, Code of Iowa. This Section refers to plans for sanitary disposal projects. 25% of the funds would be used for grants to public water supply systems to abate or eliminate threats to public health and safety resulting from the contamination of the water supply. The final 25% would be credited to the Waste Management Authority of the Department of Natural Resources.

-2-

Household Hazardous Materials Permits

Currently, the permit fee for the sale of Household Hazardous Materials is set on a sliding scale, from \$10 to \$100, based on dollar amount of sales. This amendment would change the fee to \$25 for all sellers. The current fee structure generates \$150,000 per year. This amendment would raise collections to \$325,000. Fees collected for these permits are deposited in the Household Hazardous Waste Account.

Small Business Assistance loan

The Small Business Assistance Center at the University of Northern Iowa is funded for FY 1989, however, because the fees collected by sanitary landfills for the fiscal year beginning July 1, 1988 are not remitted to the State until January 1, 1989, the Center has a cash flow problem. The loan is a solution to this problem and is to be repaid when the Solid Waste Fees are sent to the State. This loan would result in a maximum interest loss to the Department of \$3,000.

Sources:

Department of Agriculture and Land Stewardship
Department of Natural Resources

(LSB 8352S.2, JWR)

FILED MARCH 30, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE AMENDMENT TO
SENATE FILE 2250

946

1 Amend Senate File 2250, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 200.8, subsection 1,
6 unnumbered paragraph 3, Code Supplement 1987, is
7 amended to read as follows:

8 Any person other than a manufacturer who annually
9 offers for sale, sells, or distributes specialty
10 fertilizer in the amount of four thousand pounds or
11 more in packages of twenty-five pounds or less or
12 applies specialty fertilizer for compensation shall be
13 required to pay an annual inspection fee of fifty
14 thirty dollars in lieu of the semiannual inspection
15 fee as set forth in this chapter."

6022
16 2. By striking page 2, line 34, through page 3,
17 line 3, and inserting the following: "1992. The city
18 or county providing for the establishment and
19 operation of the sanitary landfill may charge an
20 additional tonnage fee for the disposal of solid waste
21 at the sanitary landfill, to be used exclusively for
22 the development and implementation of alternatives to
23 sanitary landfills. A county in which a privately
24 operated landfill accepts solid waste from outside of
25 the county may charge an additional tonnage fee for
26 the disposal of solid waste at the sanitary landfill
27 which is not more than one hundred percent of the fee
28 otherwise established in this section. The additional
29 fee charged and the moneys collected shall be used
30 exclusively for the development and implementation of
31 alternatives to sanitary landfills or for the costs
32 incurred by the county to abate problems associated
33 with the operation of the sanitary landfill."

34 3. Page 3, line 14, by inserting after the word
35 "section." the following: "However, solid waste
36 disposal facilities under this subsection are subject
37 to the fees imposed pursuant to section 455B.105,
38 subsection 12, paragraph "a". Notwithstanding the
39 provisions of section 455B.105, subsection 12,
40 paragraph "b", the fees collected pursuant to this
41 subsection shall be used by the department for the
42 regulation of these solid waste disposal facilities."

43 4. Page 3, line 19, by striking the figure "15"
44 and inserting the following: "30".

45 5. Page 3, line 25, by striking the words
46 "department on" and inserting the following:
47 "department on by".

48 6. Page 3, by inserting after line 27 the
49 following:

50 "Sec. ____ . Section 455E.11, subsection 1,

1 unnumbered paragraph 1, Code Supplement 1987, is
2 amended to read as follows:

60223 A groundwater protection fund is created in the
4 state treasury. Moneys received from sources
5 designated for purposes related to groundwater
6 monitoring and groundwater quality standards shall be
7 deposited in the fund. Notwithstanding section 8.33,
8 any unexpended balances in the groundwater protection
9 fund and in any of the accounts within the groundwater
10 protection fund at the end of each fiscal year shall
11 be retained in the fund and the respective accounts
12 within the fund. The fund may be used for the
13 purposes established for each account within the fund.
14 Notwithstanding section 453.7, subsection 2, interest
15 or earnings on investments or time deposits of the
16 moneys in the groundwater protection fund or in any of
17 the accounts within the groundwater protection fund,
18 with the exception of those interest or earnings on
19 investments or time deposits of the moneys in the oil
20 overcharge account, which shall be credited to the oil
21 overcharge account, shall be credited to the solid
22 waste account of the groundwater protection fund for
23 appropriation to the department of natural resources.
24 The department of natural resources shall use the
25 moneys appropriated to provide grants to public water
26 supply systems to abate or eliminate threats to public
27 health and safety resulting from contamination of the
28 water supply source. However, a public water supply
29 system shall not receive a grant for more than ten
30 percent of the moneys available for those purposes.

31 Sec. ____ . Section 455E.11, subsection 2, paragraph
32 a, Code Supplement 1987, is amended by adding the
33 following new subparagraph (1) and by renumbering the
34 subsequent subparagraphs:

35 NEW SUBPARAGRAPH. (1) The moneys received from
36 the tonnage fee imposed under section 455B.310 for the
37 fiscal year beginning July 1, 1987, and ending June
38 30, 1988, shall be used for the following purposes:

39 (a) An amount equal to fifty percent of the moneys
40 received from the tonnage fee imposed pursuant to
41 section 455B.310 shall be reserved for the purpose of
42 providing grants to cities and counties required to
43 provide for sanitary disposal projects under section
44 455B.302 for the purpose of developing or updating
45 plans required to be filed under section 455B.306.
46 Grants shall be governed by section 455B.311.

47 (b) An amount equal to twenty-five percent of the
48 moneys received from the tonnage fee imposed under
49 section 455B.310 shall be reserved for the purpose of
50 providing grants to public water supply systems to

1 abate or eliminate threats to public health and safety
2 resulting from contamination of the water supply
3 source. However, a public water supply shall not
4 receive a grant for more than ten percent of the
5 moneys available for those purposes.

6 (c) An amount equal to twenty-five percent of the
7 moneys received from the tonnage fee imposed under
8 section 455B.310 shall be appropriated to the waste
9 management authority."

622910 7. Page 4, by inserting after line 35 the
11 following:

12 "Sec. ____ . Section 455F.7, Code Supplement 1987,
13 is amended to read as follows:

14 455F.7 HOUSEHOLD HAZARDOUS MATERIALS PERMIT.

15 1. A retailer offering for sale or selling a
16 household hazardous material shall have a valid permit
17 for each place of business owned or operated by the
18 retailer for this activity. All permits provided for
19 in this division shall expire on June 30 of each year.
20 Every retailer shall submit an annual application by
21 July 1 of each year and a fee of ~~ten-dollars-based~~
22 ~~upon-gross-retail-sales-of-up-to-fifty-thousand~~
23 ~~dollars; twenty-five dollars based-upon-gross-retail~~
24 ~~sales-of-fifty-thousand-dollars-to-three-million~~
25 ~~dollars; and-one-hundred-dollars-based-upon-gross~~
26 ~~retail-sales-of-three-million-dollars-or-more~~ to the
27 department of revenue and finance for a permit upon a
28 form prescribed by the director of revenue and
29 finance. Permits are nonrefundable, are based upon an
30 annual operating period, and are not prorated. A
31 person in violation of this section shall be subject
32 to permit revocation upon notice and hearing. The
33 department shall remit the fees collected to the
34 household hazardous waste account of the groundwater
35 protection fund. A person distributing general use
36 pesticides labeled for agricultural or lawn and garden
37 use with gross annual pesticide sales of less than ten
38 thousand dollars is subject to the requirements and
39 fee payment prescribed by this section.

40 2. A manufacturer or distributor of household
41 hazardous materials, which authorizes retailers as
42 independent contractors to sell the products of the
43 manufacturer or distributor on a person-to-person
44 basis primarily in the customer's home, may obtain a
45 single household hazardous materials permit on behalf
46 of its authorized retailers in the state, in lieu of
47 individual permits for each retailer, and pay a fee
48 ~~based-upon-the-manufacturer's-or-distributor's-gross~~
49 ~~retail-sales-in-the-state-according-to-the-fee~~
50 ~~schedule-and-requirements-of-subsection-1~~ of twenty-

S-5946 Page 4

1 five dollars. However, a manufacturer or distributor
2 which has gross retail sales of three million dollars
3 or more in the state shall pay an additional permit
4 fee of one hundred dollars for each subsequent
5 increment of three million dollars of gross retail
6 sales in the state, up to a maximum permit fee of
7 three thousand dollars."

8 8. Page 5, line 30, by striking the word "if" and
9 inserting the following: "A buyer of property shall
10 be provided with a copy of the statement submitted,
11 and, following the fulfillment of this provision, if".

12 9. Page 6, by inserting after line 6, the
13 following:

14 "Sec. ____ . CASH ADVANCE -- SMALL BUSINESS
15 ASSISTANCE CENTER. The department of natural
16 resources shall provide a cash advance of not more
17 than one hundred thousand dollars for the period
18 beginning July 1, 1988, and ending June 30, 1989, to
19 the University of Northern Iowa to develop and
20 maintain the small business assistance center for the
21 safe and economic management of solid waste and
22 hazardous substances established at the University of
23 Northern Iowa."

24 10. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

S-5946

Filed April 12, 1988

RECEIVED FROM THE HOUSE

*Senate concurred as amended by
6022 4/14 (p. 1535)*

-6022

1 Amend the House amendment, S-5946, to Senate File
2 2250, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. ____ . Section 206.5, Code Supplement 1987, is
6 amended by adding the following new unnumbered
7 paragraph after unnumbered paragraph 3:

8 NEW UNNUMBERED PARAGRAPH. An employee of a food
9 processing and distribution establishment is exempt
10 from the certification requirements of this section
11 provided that at least one person holding a
12 supervisory position is certified and provided that
13 the employer provides a program, approved by the
14 department, for training and certification of
15 personnel who apply, as an incidental part of their
16 duties, any pesticide on property owned or rented by
17 the employer. The secretary shall adopt rules to
18 administer the provisions of this paragraph."

19 2. Page 2, by striking lines 3 through 30, and
20 inserting the following:

21 "A groundwater protection fund is created in the
22 state treasury. Moneys received from sources
23 designated for purposes related to groundwater
24 monitoring and groundwater quality standards shall be
25 deposited in the fund. Notwithstanding section 8.33,
26 any unexpended balances in the groundwater protection
27 fund and in any of the accounts within the groundwater
28 protection fund at the end of each fiscal year shall
29 be retained in the fund and the respective accounts
30 within the fund. Notwithstanding section 453.7,
31 subsection 2, interest or earnings on investments or
32 time deposits of the moneys in the groundwater protec-
33 tion fund or in any of the accounts within the ground-
34 water protection fund shall be credited to the
35 groundwater protection fund or the respective accounts
36 within the groundwater protection fund. The fund may
37 be used for the purposes established for each account
38 within the fund."

39 3. By striking page 3, line 10 through page 4,
40 line 7.

41 4. Page 4, by inserting after line 23, the
42 following:

43 " ____ . Title page, line 1, by inserting after the
44 word "by" the following: "exempting certain persons
45 from pesticide application certification requirements,
46 by"."

S-6022

Filed April 14, 1988

ADOPTED
(g. 1585)

BY PAT DELUHERY
EMIL J. HUSAK
ALVIN MILLER
BERL E. PRIEBE
JAMES WELLS
RICHARD F. DRAKE
JIM LIND
CALVIN HULTMAN

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 2250

H-6516

1 Amend the House amendment, S-5946, to Senate File
2 2250, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. ____ . Section 206.5, Code Supplement 1987, is
6 amended by adding the following new unnumbered
7 paragraph after unnumbered paragraph 3:
8 NEW UNNUMBERED PARAGRAPH. An employee of a food
9 processing and distribution establishment is exempt
10 from the certification requirements of this section
11 provided that at least one person holding a
12 supervisory position is certified and provided that
13 the employer provides a program, approved by the
14 department, for training and certification of
15 personnel who apply, as an incidental part of their
16 duties, any pesticide on property owned or rented by
17 the employer. The secretary shall adopt rules to
18 administer the provisions of this paragraph."

19 2. Page 2, by striking lines 3 through 30, and
20 inserting the following:

21 "A groundwater protection fund is created in the
22 state treasury. Moneys received from sources
23 designated for purposes related to groundwater
24 monitoring and groundwater quality standards shall be
25 deposited in the fund. Notwithstanding section 8.33,
26 any unexpended balances in the groundwater protection
27 fund and in any of the accounts within the groundwater
28 protection fund at the end of each fiscal year shall
29 be retained in the fund and the respective accounts
30 within the fund. Notwithstanding section 453.7,
31 subsection 2, interest or earnings on investments or
32 time deposits of the moneys in the groundwater protec-
33 tion fund or in any of the accounts within the ground-
34 water protection fund shall be credited to the
35 groundwater protection fund or the respective accounts
36 within the groundwater protection fund. The fund may
37 be used for the purposes established for each account
38 within the fund."

39 3. By striking page 3, line 10 through page 4,
40 line 7.

41 4. Page 4, by inserting after line 23, the
42 following:

43 " ____ . Title page, line 1, by inserting after the
44 word "by" the following: "exempting certain persons
45 from pesticide application certification requirements,
46 by"."

RECEIVED FROM THE SENATE

H-6516 FILED APRIL 15, 1988

REFUSED TO CONCUR (p. 2033)

Senate revisited 4/16 (p. 1654)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2250

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 Senate File 2250, a bill for An Act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6516.

2. That the House amendment, S-5946, to Senate File 2250, as passed by the Senate, is amended as follows:

1. Page 1, by inserting after line 15 the following:

"Sec. ____ . Section 206.5, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. An employee of a food processing and distribution establishment is exempt from the certification requirements of this section provided that at least one person holding a supervisory position is certified and provided that the employer provides a program, approved by the department, for training, testing, and certification of personnel who apply, as an incidental part of their duties, any pesticide on property owned or rented by the employer. The secretary shall adopt rules to administer the provisions of this paragraph."

2. Page 2, by striking lines 3 through 30, and inserting the following:

"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. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the groundwater protection fund or in any of the accounts within the groundwater protection fund shall be credited to the groundwater protection fund or the respective accounts within the groundwater protection fund. The fund may be used for the purposes established for each account within the fund."

3. Page 4, line 16, by inserting after the word "advance"

the following: "with repayment and deposit of the funds in the account of origin".

4. Page 4, by inserting after line 23, the following:

"___. Title page, line 1, by inserting after the word "by" the following: "exempting certain persons from pesticide application certification requirements, by"."

ON THE PART OF THE SENATE:

PATRICK DELUHERY, Chairperson
HURLEY HALL
JACK HESTER
ALVIN V. MILLER
BERL E. PRIEBE

Senate adopted 4/17 (p. 1753)

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chairperson
PAUL JOHNSON
ANDY MCKEAN
SUE MULLINS
DON SHOULTZ

Adopted 4/17/88 (p. 2228)

FILED MAR 10 1988

STATE OF IOWA

FISCAL NOTE

LSB No. 8352S
Staff ID. JWR

2. BY SENATOR DELUERY

SENATE FILE 2250

In compliance with a written request received March 2, 1988, a fiscal note for SENATE FILE 2250 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.

Senate File 2250 strikes repetitive language and makes a correction regarding the State's groundwater protection goal. The bill provides for city or county on-site inspection of sanitary landfill disposal sites. The bill makes corrections in the amount and allocation of solid waste tonnage fees. The bill clarifies the procedures and liability relative to the statement submitted regarding the existence of wells, disposal sites, underground storage tanks, and hazardous waste on property.

Fiscal Effect:

1. Section 4 - House File 631 appeared to strike the 25 cents per ton fee for solid waste that would normally have been collected in April, 1988 for calendar year 1987. The DNR feels that the fee is still in place. This section would clear up any doubt. Tonnage fees collected from the 1.6 million tons deposited in 1987 would total \$400,000.
2. Section 5 - This section broadens the types of wastes that can be exempted from tonnage fees if deposited in landfills with special provisions. This provision would decrease the tonnage subject to the fee. This would have a negative effect on total fees collected, but the amount should be small.
3. Section 7 - During FY 1991, there are two 50 cent increases in the tonnage fee collected on solid waste. This money is to be used for landfill demonstration projects, groundwater monitoring, and solid waste management programs. This section allows the local landfill to retain one of the 50 cent increases. The local landfill must expend the money on the types of projects listed above. The effect of this section is to shift the expenditure of \$800,000 in project funds from the State and local agencies to the local landfills.

Source: Department of Natural Resources

(LSB 8352S, JWR)

Deluery
Fiscal Director

Legislative Fiscal Bureau

Date: 3/9/88

SSB 2236

SSB 2236

ENVIRONMENT AND ENERGY UTILITIES: Deluhery, Chair; A. Miller and Schwengels

*Environment & Energy
Utilities*

FILE 2250

BY (PROPOSED COMMITTEE ON ENVIRONMENT AND ENERGY UTILITIES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to environmental protection by correcting the
2 reference to the membership of the advisory committee for the
3 center for health effects of environmental contamination; by
4 establishing requirements regarding sanitary disposal project
5 inspections, the disposal of solid waste, and the solid waste
6 tonnage fee; by making corrections relating to the collection
7 and allocation of moneys within the solid waste account and
8 the agriculture management account; by correcting a reference
9 to the duties of the department of natural resources regarding
10 household hazardous materials; and by specifying the content
11 and liability for the content of statements submitted with a
12 declaration of value regarding the existence and location of
13 wells, disposal sites, underground storage tanks, and
14 hazardous waste.

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

16
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24

1 Section 1. Section 263.17, subsection 4, unnumbered
2 paragraph 1, Code Supplement 1987, is amended to read as
3 follows:

4 An advisory committee consisting of one representative of
5 each of the organizations enumerated in subsection 2,
6 paragraph "a", ~~a representative of the Iowa department of~~
7 ~~public health, and a representative of the department of~~
8 ~~natural resources~~ is established. The advisory committee
9 shall:

10 Sec. 2. Section 455B.302, unnumbered paragraph 2, Code
11 1987, is amended to read as follows:

12 Cities and counties may execute with public and private
13 agencies contracts, leases, or other necessary instruments,
14 purchase land and do all things necessary not prohibited by
15 law for the collection of solid waste, establishment and
16 operation of sanitary disposal projects, and general
17 administration of the same. Any agreement executed with a
18 private agency for the operation of a sanitary disposal
19 project shall provide for the posting of a sufficient surety
20 bond by the private agency conditioned upon the faithful
21 performance of the agreement. A city or county may at any
22 time during regular working hours enter upon the premises of a
23 sanitary disposal project, including the premises of a
24 sanitary landfill, in order to inspect the premises and
25 monitor the operations and general administration of the
26 project to ensure compliance with the agreement and with state
27 and federal laws. This includes the right of the city or
28 county to enter upon the premises of a former sanitary
29 disposal project which has been closed, including the premises
30 of a former sanitary landfill, owned by a private agency, for
31 the purpose of providing required postclosure care.

32 Sec. 3. Section 455B.307, subsection 1, Code Supplement
33 1987, is amended to read as follows:

34 1. A private agency or public agency shall not dump or
35 deposit or permit the dumping or depositing of any solid waste

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

27 Sec. 4. Section 455B.310, subsection 2, Code Supplement
28 1987, is amended to read as follows:

29 2. The tonnage fee is twenty-five cents per ton of solid
30 waste. However, for the year beginning July 1, 1988, the
31 tonnage fee is one dollar and fifty cents per ton of solid
32 waste for the year beginning July 1, 1988 and shall increase
33 annually in the amount of fifty cents per ton through July 1,
34 1992. The city or county providing for the establishment and
35 operation of the sanitary landfill may charge an additional

S.F. _____ H.F. _____

1 tonnage fee for the disposal of solid waste at the sanitary
2 landfill, to be used exclusively for the development and
3 implementation of alternatives to sanitary landfills.

4 Sec. 5. Section 455B.310, subsection 3, Code Supplement
5 1987, is amended to read as follows:

6 3. Solid waste disposal facilities with special provisions
7 which limit the site to the disposal of construction and
8 demolition waste and, landscape waste, and coal combustion
9 waste, or foundry sand, or solid waste materials approved by
10 the department for lining or capping or for construction
11 berms, dikes or roads in a sanitary disposal project or
12 sanitary landfill ~~or which limit the site to the disposal of~~
13 ~~excess fly-ash used in the reclamation of strip-mined land~~ are
14 exempt from the tonnage fees imposed under this section.

15 Sec. 6. Section 455B.310, subsection 5, Code Supplement
16 1987, is amended to read as follows:

17 5. Fees imposed by this section prior to July 1, 1988, are
18 due on April 15, 1988, for the previous calendar year and are
19 due on July 15, 1988, for the period January 1, 1988, through
20 June 30, 1988. The fees shall be paid to the department and
21 shall be accompanied by a return in the form prescribed by the
22 department. Fees imposed by this section beginning July 1,
23 1988 shall be paid to the department on a quarterly basis.
24 The initial payment of fees collected beginning July 1, 1988
25 shall be paid to the department on January 1, 1989 and on a
26 quarterly basis thereafter. The payment shall be accompanied
27 by a return in the form prescribed by the department.

28 Sec. 7. Section 455E.11, subsection 2, paragraph a, Code
29 Supplement 1987, is amended by adding the following new
30 subparagraph:

31 NEW SUBPARAGRAPH. (8A) Fifty cents per ton per year of
32 funds received from the tonnage fee imposed under section
33 455B.310 for the fiscal year beginning July 1, 1990, and
34 thereafter may be retained by the agency making the payments
35 to the state provided that a separate account is established

1 for these funds and that they are used in accordance with the
2 requirements of section 455B.306.

3 Sec. 8. Section 455E.11, subsection 2, paragraph b,
4 unnumbered paragraph 1, Code Supplement 1987, is amended to
5 read as follows:

6 b. An agriculture management account. Moneys collected
7 from the groundwater protection fee levied pursuant to section
8 200.8, subsection 4, the portion of the fees collected
9 pursuant to sections 206.8, subsection 2, and 206.12,
10 subsection 3, and other moneys designated for the purpose of
11 agriculture management shall be deposited in the agriculture
12 management account. The agriculture management account shall
13 be used for the following purposes:

14 Sec. 9. Section 455E.11, subsection 2, paragraph b,
15 subparagraph (2), subparagraph subdivision (c), Code
16 Supplement 1987, is amended to read as follows:

17 (c) The department shall allocate a sum not to exceed
18 seventy-nine thousand dollars of the moneys appropriated for
19 the fiscal year beginning July 1, 1987, and ending June 30,
20 1988 for the preparation of a detailed report and plan for the
21 establishment on July 1, 1988 of the center for health effects
22 of environmental contamination. The plan for establishing the
23 center shall be presented to the general assembly on or before
24 January 15, 1988. The report shall include the assemblage of
25 all existing data relating to Iowa drinking water supplies,
26 including characteristics of source, treatment, presence of
27 contaminants, precise location, and usage patterns to
28 facilitate data retrieval and use in research; and detailed
29 organizational plans, research objectives, and budget
30 projections for the anticipated functions of the center in
31 subsequent years. The department may allocate annually a sum
32 not to exceed nine percent of the moneys appropriated of the
33 account to the center, beginning July 1, 1988.

34 Sec. 10. Section 455F.6, subsection 4, Code Supplement
35 1987, is amended by striking the subsection.

1 Sec. 11. Section 558.69, unnumbered paragraph 1, Code
2 Supplement 1987, is amended to read as follows:
3 With each declaration of value submitted to the county
4 recorder under chapter 428A, there shall also be submitted a
5 statement that no known wells are situated on the property, or
6 if known wells are situated on the property, the statement
7 must state the approximate location of each known well and its
8 status with respect to section 159.29 or 455B.190. The
9 statement shall also state that no known disposal site for
10 solid waste, as defined in section 455B.301, which has been
11 deemed to be potentially hazardous by the department of
12 natural resources, exists on the property, or if such a known
13 disposal site does exist, the location of the site on the
14 property. The statement shall additionally state that no
15 known underground storage tank, as defined in section
16 455B.471, subsection 6, exists on the property, or if an a
17 known underground storage tank does exist, the type and size
18 of the tank, and the any known substance in the tank. The
19 statement shall also state that no known hazardous waste as
20 defined in section 455B.411, subsection 4, or listed by the
21 department pursuant to section 455B.412, subsection 2, or
22 section 455B.464, exists on the property, or if known
23 hazardous waste does exist, that the waste is being managed in
24 accordance with rules adopted by the department of natural
25 resources. The statement shall be signed by ~~the-grantors-or~~
26 ~~the-transferors-of-the-property~~ at least one of the sellers or
27 their agents. The county recorder shall refuse to record any
28 deed, instrument, or writing for which a declaration of value
29 is required under chapter 428A unless the statement required
30 by this section has been submitted to the county recorder. If
31 the statement submitted reveals no well, disposal site,
32 underground storage tank, or hazardous waste on the property,
33 the county recorder may destroy the statement.

34 Sec. 12. Section 558.69, Code Supplement 1987, is amended
35 by inserting the following new unnumbered paragraph:

AND BY SPECIFYING THE CONTENT AND LIABILITY FOR THE CONTENT OF STATEMENTS SUBMITTED WITH A DECLARATION OF VALUE REGARDING THE EXISTENCE AND LOCATION OF WELLS, DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND HAZARDOUS WASTE.

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

SENATE FILE 2250

AN ACT

RELATING TO ENVIRONMENTAL PROTECTION BY EXEMPTING CERTAIN PERSONS FROM PESTICIDE APPLICATION CERTIFICATION REQUIREMENTS, BY CORRECTING THE REFERENCE TO THE MEMBERSHIP OF THE ADVISORY COMMITTEE FOR THE CENTER FOR HEALTH EFFECTS OF ENVIRONMENTAL CONTAMINATION; BY ESTABLISHING REQUIREMENTS REGARDING SANITARY DISPOSAL PROJECT INSPECTIONS, THE DISPOSAL OF SOLID WASTE, AND THE SOLID WASTE TONNAGE FEE; BY MAKING CORRECTIONS RELATING TO THE COLLECTION AND ALLOCATION OF MONEYS WITHIN THE SOLID WASTE ACCOUNT AND THE AGRICULTURE MANAGEMENT ACCOUNT; BY CORRECTING A REFERENCE TO THE DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES REGARDING HOUSEHOLD HAZARDOUS MATERIALS;

Section 1. Section 200.8, subsection 1, unnumbered paragraph 3, Code Supplement 1987, is amended to read as follows:

Any person other than a manufacturer who annually offers for sale, sells, or distributes specialty fertilizer in the amount of four thousand pounds or more 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 thirty dollars in lieu of the semiannual inspection fee as set forth in this chapter.

Sec. 2. Section 206.5, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. An employee of a food processing and distribution establishment is exempt from the certification requirements of this section provided that at least one person holding a supervisory position is certified and provided that the employer provides a program, approved by the department, for training, testing, and certification of personnel who apply, as an incidental part of their duties, any pesticide on property owned or rented by the employer. The secretary shall adopt rules to administer the provisions of this paragraph.

Sec. 3. Section 263.17, subsection 4, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

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:

Sec. 4. Section 455B.302, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Cities and counties may execute with public and private agencies contracts, leases, or other necessary instruments, purchase land and do all things necessary not prohibited by law for the collection of solid waste, establishment and operation of sanitary disposal projects, and general administration of the same. Any agreement executed with a private agency for the operation of a sanitary disposal project shall provide for the posting of a sufficient surety bond by the private agency conditioned upon the faithful performance of the agreement. A city or county may at any time during regular working hours enter upon the premises of a sanitary disposal project, including the premises of a sanitary landfill, in order to inspect the premises and monitor the operations and general administration of the project to ensure compliance with the agreement and with state and federal laws. This includes the right of the city or county to enter upon the premises of a former sanitary disposal project which has been closed, including the premises of a former sanitary landfill, owned by a private agency, for the purpose of providing required postclosure care.

Sec. 5. Section 455B.307, subsection 1, Code Supplement 1987, is amended to read as follows:

1. A private agency or public agency 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 protection goal specified in section 455E.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. 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.

Sec. 6. Section 455B.310, subsection 2, Code Supplement 1987, is amended to read as follows:

2. The tonnage fee is twenty-five cents per ton of solid waste. However, for the year beginning July 1, 1988, the tonnage fee is 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: A county in which a privately operated landfill accepts solid waste from outside of the county may charge an additional tonnage fee for the disposal of solid waste at the sanitary landfill which is not more than one hundred percent of the fee otherwise established in this section. The additional fee

(b) An amount equal to twenty-five percent of the moneys received from the tonnage fee imposed under section 455B.310 shall be reserved for the purpose of providing grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source. However, a public water supply shall not receive a grant for more than ten percent of the moneys available for those purposes.

(c) An amount equal to twenty-five percent of the moneys received from the tonnage fee imposed under section 455B.310 shall be appropriated to the waste management authority.

Sec. 11. Section 455E.11, subsection 2, paragraph a, Code Supplement 1987, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8A) Fifty cents per ton per year of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1990, and thereafter 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.

Sec. 12. Section 455E.11, subsection 2, paragraph b, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

b. An agriculture management account. Moneys collected from the groundwater protection fee levied pursuant to section 200.8, subsection 4, the portion of the fees collected pursuant to sections 206.8, subsection 2, and 206.12, subsection 3, and other moneys designated for the purpose of agriculture management shall be deposited in the agriculture management account. The agriculture management account shall be used for the following purposes:

Sec. 13. Section 455E.11, subsection 2, paragraph b, subparagraph (2), subparagraph subdivision (c), Code Supplement 1987, is amended to read as follows:

(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 of the account to the center, beginning July 1, 1988.

Sec. 14. Section 455P.6, subsection 4, Code Supplement 1987, is amended by striking the subsection.

Sec. 15. Section 455P.7, Code Supplement 1987, is amended to read as follows:

455P.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

charged and the moneys collected shall be used exclusively for the development and implementation of alternatives to sanitary landfills or for the costs incurred by the county to abate problems associated with the operation of the sanitary landfill.

Sec. 7. Section 455B.310, subsection 3, Code Supplement 1987, is amended to read as follows:

3. Solid waste disposal facilities with special provisions which limit the site to the disposal of construction and demolition waste and, landscape waste, and coal combustion waste, or foundry sand, or solid waste materials approved by the department for lining or capping or for construction berms, dikes or roads in a sanitary disposal project or sanitary landfill or which limit the site to the disposal of excess fly-ash used in the reclamation of strip-mined land are exempt from the tonnage fees imposed under this section. However, solid waste disposal facilities under this subsection are subject to the fees imposed pursuant to section 455B.105, subsection 12, paragraph "a". Notwithstanding the provisions of section 455B.105, subsection 12, paragraph "b", the fees collected pursuant to this subsection shall be used by the department for the regulation of these solid waste disposal facilities.

Sec. 8. Section 455B.310, subsection 5, Code Supplement 1987, is amended to read as follows:

5. Fees imposed by this section prior to July 1, 1988, are due on April 15, 1988, for the previous calendar year and are due on July 30, 1988, for the period January 1, 1988, through June 30, 1988. The fees shall be paid to the department and shall be accompanied by a return in the form prescribed by the department. Fees imposed by this section beginning July 1, 1988 shall be paid to the department on a quarterly basis. The initial payment of fees collected beginning July 1, 1988 shall be paid to the department on by 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. 9. Section 455B.11, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

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. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the groundwater protection fund or in any of the accounts within the groundwater protection fund shall be credited to the groundwater protection fund or the respective accounts within the groundwater protection fund. The fund may be used for the purposes established for each account within the fund.

Sec. 10. Section 455B.11, subsection 2, paragraph a, Code Supplement 1987, is amended by adding the following new subparagraph (1) and by renumbering the subsequent subparagraphs:

NEW SUBPARAGRAPH. (1) The moneys received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall be used for the following purposes:

(a) An amount equal to fifty percent of the moneys received from the tonnage fee imposed pursuant to section 455B.310 shall be reserved for the purpose of providing grants to cities and counties required to provide for sanitary disposal projects under section 455B.302 for the purpose of developing or updating plans required to be filed under section 455B.306. Grants shall be governed by section 455B.311.

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 of twenty-five dollars. 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. 16. Section 558.69, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

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 known 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 known

disposal site does exist, the location of the site on the property. The statement shall additionally state that no known underground storage tank, as defined in section 455B.471, subsection 6, exists on the property, or if an known underground storage tank does exist, the type and size of the tank, and the any known substance in the tank. The statement shall also state that no known 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 known 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 at least one of the sellers or their agents. 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. A buyer of property shall be provided with a copy of the statement submitted, and, following the fulfillment of this provision, if the statement submitted reveals no well, disposal site, underground storage tank, or hazardous waste on the property, the county recorder may destroy the statement.

Sec. 17. Section 558.69, Code Supplement 1987, is amended by inserting the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The owner of the property is responsible for the accuracy of the information submitted on the form. The owner's agent shall not be liable for the accuracy of information provided by the owner of the property. The provisions of this paragraph do not limit liability which may be imposed under a contract or under any other law.

Sec. 18. CASH ADVANCE -- SMALL BUSINESS ASSISTANCE CENTER. The department of natural resources shall provide a cash advance with repayment and deposit of the funds in the account of origin of not more than one hundred thousand dollars for the period beginning July 1, 1988, and ending June 30, 1989.

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.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2250, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 6, 1988

TERRY E. BRANSTAD
Governor