

FEB 13 1990

HOUSE FILE 2401

Place On Calendar

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HF 2186)

Passed House, Date 2/19/90 (p. 450) Passed Senate, Date 3/13/90 (p. 1037)

Vote: Ayes 96 Nays 0 Vote: Ayes 42 Nays 0

Approved March 23, 1990

A BILL FOR

1 An Act relating to the reporting of a hazardous condition  
 2 involving a hazardous substance to the department of natural  
 3 resources, to the local law enforcement agency, and to  
 4 operators of affected public or private water supply systems.  
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2401

1 Section 1. Section 455B.386, Code 1989, is amended to read  
2 as follows:

3 455B.386 NOTIFICATION OF SPILLS -- PENALTY.

4 A person manufacturing, storing, handling, transporting, or  
5 disposing of a hazardous substance shall notify the  
6 department, and the local police department, or the office of  
7 the sheriff of the affected county of the occurrence of a  
8 hazardous condition as soon as possible but not later than six  
9 hours after the onset of the hazardous condition or discovery  
10 of the hazardous condition. A sheriff or police chief who has  
11 been notified of a hazardous condition shall immediately  
12 notify the department. The department, upon receiving notice  
13 of a hazardous condition, shall immediately notify the  
14 operator of any public water supply system or private water  
15 supply system which may be affected by the hazardous  
16 condition. If requested, a person shall submit within thirty  
17 days of the department's request a written report of  
18 particulars of the incident. A person violating this section  
19 is subject to a civil penalty of not more than one thousand  
20 dollars.

21 EXPLANATION

22 This bill modifies the notification requirements relating  
23 to hazardous spills to include an obligation to notify any  
24 possibly affected public or private water supply systems of  
25 the occurrence of a hazardous condition. Currently, a person  
26 responsible for hazardous substances is required to notify  
27 either the department of natural resources, or the local  
28 police or sheriff. The bill would instead require the  
29 responsible person to notify both the department and local  
30 authorities. When the local police or sheriff's office is  
31 notified according to this bill, the office must then notify  
32 the department of natural resources. The department is then  
33 required to notify any public or private water supply system  
34 which may be affected.

35 The bill may include a state mandate as defined in section

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is subject to a civil penalty of not more than one thousand dollars.

HOUSE FILE 2401

AN ACT

RELATING TO THE REPORTING OF A HAZARDOUS CONDITION INVOLVING A HAZARDOUS SUBSTANCE TO THE DEPARTMENT OF NATURAL RESOURCES, TO THE LOCAL LAW ENFORCEMENT AGENCY, AND TO OPERATORS OF AFFECTED PUBLIC OR PRIVATE WATER SUPPLY SYSTEMS.

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

Section 1. Section 455B.386, Code 1989, is amended to read as follows:

455B.386 NOTIFICATION OF SPILLS -- PENALTY.

A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department, and the local police department, or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief who has been notified of a hazardous condition shall immediately notify the department. The department, upon receiving notice of a hazardous condition, shall immediately notify the operator of any public water supply system or private water supply system which may be affected by the hazardous condition. If requested, a person shall submit within thirty days of the department's request a written report of particulars of the incident. A person violating this section

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2401, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved March 23, 1990

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TERRY E. BRANSTAD  
Governor