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FILED MAR 16 1989

SENATE FILE 470
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 307)

Passed Senate, Date 3-28-89 (p. 1037) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to waste minimization and disposal.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 470

S-3375

1 Amend Senate File 470 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "generators" the following: ", including assistance".

By ALVIN V. MILLER
PATRICK DELUHERY

S-3375 FILED MARCH 22, 1989 *Adopted 3-23-89 (p. 1000)*

SENATE FILE 470

S-3425

1 Amend Senate File 470 as follows:
2 1. Page 1, by striking lines 14 and 15 and
3 inserting the following: "The".
4 2. Page 1, by inserting after line 21 the
5 following:
6 "Sec. ____ . Section 455B.484, subsection 9, Code
7 1989, is amended to read as follows:
8 9. Include in the annual report to the governor
9 and the general assembly required by section 455A.4,
10 subsection 1, paragraph "d", information outlining the
11 activities of the authority in carrying out programs
12 and responsibilities under this part, and identifying
13 trends and developments in the management of waste.
14 The report shall also include specific recommendations
15 for attaining the goals for waste minimization and
16 capacity assurance requirements."
17 3. By renumbering as necessary.

By RICHARD F. DRAKE
ALVIN MILLER

S-3425 FILED MARCH 27, 1989
Adopted 3-28-89 (p. 1037)

1 Section 1. Section 455B.481, Code 1989, is amended by
2 adding the following new unnumbered paragraph:

3-05-3 NEW UNNUMBERED PARAGRAPH. In order to meet capacity assur-
4 ance requirements of section 104k of the federal Superfund
5 Amendments and Reauthorization Act of 1986, Pub. L. No. 99-
6 499, and further the objectives of waste minimization, the
7 department, in cooperation with the small business assistance
8 center at the university of northern Iowa, shall work with
9 generators of hazardous wastes in the state to develop and
10 implement aggressive waste minimization programs. The goal of
11 these programs is to reduce the volume of hazardous waste
12 generated in the state by a significant amount as
13 expeditiously as possible and no later than January 1, 1995.
14 A twenty-five percent reduction in hazardous waste generation
15 is the goal for meeting capacity assurance requirements. The
16 department shall promote research and development, provide and
17 promote educational and informational programs, promote and
18 encourage voluntary technical assistance to hazardous waste
3375-19 generators by the small business assistance center, and
20 promote other activities by the public and private sectors
21 that support this goal.

3425-22 Sec. 2. Section 455B.484, Code 1989, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 14. Develop and implement programs, in
25 cooperation with the small business assistance center at the
26 university of northern Iowa, which result in widespread
27 adoption of waste minimization programs by hazardous waste
28 generators. These programs may include, but are not limited
29 to, source reduction, recycling, fuel recovery, incineration,
30 compaction, and other alternatives to land disposal. The
31 preference for program development and implementation shall be
32 for programs which result in the generation of less waste,
33 followed by a preference for programs which reuse the waste
34 generated in a beneficial manner.

35 Sec. 3. Section 455B.486, subsection 1, Code 1989, is

1 amended to read as follows:

2 1. The authority Upon receipt of a specific appropriation
3 sufficient to complete the site identification process, the
4 department shall identify and recommend to the commission a
5 minimum of five suitable sites for locating facilities for the
6 treatment, storage, or disposal of hazardous waste within this
7 state not more than thirty months after receipt of the
8 appropriation. The authority department shall use site
9 selection criteria adopted by the environmental protection
10 commission pursuant to section 455B.487 in identifying these
11 sites. The commission shall accept or-reject the
12 recommendation of the authority department for a minimum of
13 three of the five sites not more than six months after receipt
14 of the department's recommendation. If the commission rejects
15 the recommendation of the authority department for a site, the
16 commission shall state its reasons for rejecting the
17 recommendation.

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EXPLANATION

19 This bill provides for the development of waste
20 minimization programs in the state, in order to reduce the
21 amount of waste generated by twenty-five percent, by 1995.
22 The waste management authority is directed to develop and
23 implement waste minimization programs, and provides for the
24 recommendation of the environmental protection commission of
25 five suitable sites for locating suitable hazardous waste
26 disposal, treatment, or storage sites upon provision of an
27 adequate appropriation. The commission is to accept three of
28 the five sites recommended within six months of receipt of the
29 five recommendations.

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1 Section 1. Section 455B.481, Code 1989, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. In order to meet capacity assur-
4 ance requirements of section 104k of the federal Superfund
5 Amendments and Reauthorization Act of 1986, Pub. L. No. 99-
6 499, and further the objectives of waste minimization, the
7 department, in cooperation with the small business assistance
8 center at the university of northern Iowa, shall work with
9 generators of hazardous wastes in the state to develop and
10 implement aggressive waste minimization programs. The goal of
11 these programs is to reduce the volume of hazardous waste
12 generated in the state by a significant amount as
13 expeditiously as possible and no later than January 1, 1995.
14 The department shall promote research and development, provide
15 and promote educational and informational programs, promote
16 and encourage voluntary technical assistance to hazardous
17 waste generators, including assistance by the small business
18 assistance center, and promote other activities by the public
19 and private sectors that support this goal.

20 Sec. 2. Section 455B.484, subsection 9, Code 1989, is
21 amended to read as follows:

22 9. Include in the annual report to the governor and the
23 general assembly required by section 455A.4, subsection 1,
24 paragraph "d", information outlining the activities of the
25 authority in carrying out programs and responsibilities under
26 this part, and identifying trends and developments in the
27 management of waste. The report shall also include specific
28 recommendations for attaining the goals for waste minimization
29 and capacity assurance requirements.

30 Sec. 3. Section 455B.484, Code 1989, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 14. Develop and implement programs, in
33 cooperation with the small business assistance center at the
34 university of northern Iowa, which result in widespread
35 adoption of waste minimization programs by hazardous waste

3911-1 generators. These programs may include, but are not limited
2 to, source reduction, recycling, fuel recovery, incineration,
3 compaction, and other alternatives to land disposal. The
4 preference for program development and implementation shall be
5 for programs which result in the generation of less waste,
6 followed by a preference for programs which reuse the waste
7 generated in a beneficial manner.

3911-8 Sec. 4. Section 455B.486, subsection 1, Code 1989, is
9 amended to read as follows:

10 1. The authority Upon receipt of a specific appropriation
11 sufficient to complete the site identification process, the
12 department shall identify and recommend to the commission a
13 minimum of five suitable sites for locating facilities for the
14 treatment, storage, or disposal of hazardous waste within this
15 state not more than thirty months after receipt of the
16 appropriation. The authority department shall use site
17 selection criteria adopted by the environmental protection
18 commission pursuant to section 455B.487 in identifying these
19 sites. The commission shall accept or reject the
20 recommendation of the authority department for a minimum of
21 three of the five sites not more than six months after receipt
22 of the department's recommendation. If the commission rejects
23 the recommendation of the authority department for a site, the
24 commission shall state its reasons for rejecting the
25 recommendation.

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SENATE FILE 470

H-3911

1 Amend Senate File 470, as amended, passed, and
2 reprinted by the Senate, as follows:

4031-3 1. Page 1, by inserting before line 1, the
4 following:

7121-1521p 5 "Sec. _____. Section 455B.304, Code 1989, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The commission shall
8 adopt rules prohibiting the disposal of sewage ash at
9 a sanitary landfill or any other off-premises facility
10 currently permitted to dispose of sewage ash or any
11 other solid waste. However, the rules shall provide
12 for disposal of sewage ash on the premises of a
13 producer of sewage ash if the person producing the
14 sewage ash has applied for and received a permit for
15 the disposal."

16 2. Page 1, line 2, by striking the word
17 "paragraph" and inserting the following:
18 "paragraphs".

437 19 3. Page 1, by striking lines 12 and 13 and
20 inserting the following: "generated in the state as a
21 whole, and by each individual hazardous waste
22 generator, by twenty-five percent of the amount
23 generated as of January 1, 1987, as reported in the
24 biennial reports collected by the United States
25 environmental protection agency. The twenty-five
26 percent reduction goal shall be reached as
27 expeditiously as possible and no later than July 1,
28 1994."

428 3 29 4. Page 1, line 19, by inserting after the word
4356 30 "goal." the following: "In the promotion of the goal,
31 the following hazardous waste management hierarchy, in
32 descending order of preference, is established by the
33 department:

- 34 a. Source reduction for waste elimination.
- 35 b. On-site recycling.
- 36 c. Off-site recycling.
- 37 d. Waste treatment.
- 38 e. Incineration.
- 39 f. Land disposal.

434240 NEW UNNUMBERED PARAGRAPH. Additionally, the
41 department shall establish a listing of hazardous
42 waste materials which are currently being recycled.
43 The department shall require that hazardous waste
44 generators in the state submit, with the biennial
45 report submitted to the United States environmental
46 protection agency, a report of the generator's
47 compliance with the hazardous waste management
48 hierarchy, compliance with the reduction goal, and a
49 listing of hazardous waste materials which are
50 recyclable but which the individual generator does not

H-3911

Page 2

1 recycle."

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4213-2 2 5. Page 2, line 1, by inserting after the word
3 "generators." the following: "The department shall
4 conduct educational and informational programs. The
5 small business assistance center shall provide direct
6 technical assistance to small hazardous waste
7 generators."

4217 8 6. Page 2, by striking lines 8 through 25.

9 7. By renumbering as necessary.

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

H-3911 FILED APRIL 7, 1989

Adapted 5-2-89 (p2287)

SENATE FILE 470

H-4026

1 Amend the amendment, H-3911, to Senate File 470, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 5 the
5 following:

6 ""Sec. ____ . Section 321.450, Code 1989, is amended
7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Municipal sewage sludge
9 ash is deemed to be a potentially hazardous waste.

10 Municipal sewage sludge ash shall not be transported
11 by a person on the highways beyond a fifty mile radius
12 from its point of incineration."

13 2. By renumbering as necessary.

By BROWN of Lucas

H-4026 FILED APRIL 13, 1989

Withdrawn 5-2-89 (p. 2285)

SENATE FILE 470

H-4031

1 Amend the amendment, H-3911, to Senate File 470, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 15.

5 2. By renumbering as necessary.

By LUNDBY of Linn

H-4031 FILED APRIL 14, 1989

Adopted 5-2-89 (p. 2285)

SENATE FILE 470

H-4121

1 Amend the amendment, H-3911, to Senate File 470, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 5 the
5 following:

6 ""Sec. 100. Section 321.450, Code 1989, is amended
7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Municipal sewage sludge
9 ash is deemed to be a potentially hazardous waste.

10 Municipal sewage sludge ash shall not be transported
11 by a person on the highways beyond a fifty mile radius
12 from its point of incineration."

13 2. Page 2, line 8, by inserting after the figure
14 "25" the following: "and inserting the following:

15 "Sec. ____ . Section 100 of this Act is repealed,
16 July 1, 1994.""

17 3. By renumbering as necessary.

By BROWN of Lucas

H-4121 FILED APRIL 19, 1989

Withdrawn 5-2-89 (p. 2285)

SENATE FILE 470

H-4283

1 Amend amendment, H-3911, to Senate File 470, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 28, the
5 following:
6 "_____. Page 1, line 17, by striking the word
7 "including" and inserting the following: "promote".
8 _____. Page 1, line 18, by inserting after the word
9 "center" the following: "to businesses which generate
10 hazardous substances as provided pursuant to section
11 268.4".
12 2. Page 2, line 6, by striking the word "small".
13 3. Page 2, line 7, by inserting after the word
14 "generators" the following: "as required of the
15 center pursuant to section 268.4".

By SWARTZ of Marshall

H-4283 FILED APRIL 26, 1989

Withdrawn 5-2-89 (p.2286)

SENATE FILE 470

H-4356

1 Amend amendment, H-3911, to Senate File 470, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 21 and 22 and
5 inserting the following: "whole by twenty-five
6 percent of the amount".

7 2. Page 1, line 28, by inserting after the figure
8 "1994." the following: "In meeting the reduction
9 goal, elements "a" through "d" of the hazardous waste
10 management hierarchy shall be utilized. The
11 department, in cooperation with the small business
12 assistance center, shall reassess the twenty-five
13 percent reduction goal in 1994."

14 3. Page 1, by inserting after line 28, the
15 following:

16 "____. Page 1, line 17, by striking the word
17 "including" and inserting the following: "promote"."

18 4. Page 2, by inserting after line 1, the
19 following:

20 "NEW UNNUMBERED PARAGRAPH. The department shall
21 consult with representatives of industries which
22 generate hazardous waste and shall make
23 recommendations to the general assembly by January 1,
24 1991, concerning the possible application of a front-
25 end fee for substances which will result in the
26 generation of hazardous waste, the role of state
27 government in assisting the private sector in
28 establishing permanent, on-site, internal audit
29 functions, and other measures which state government
30 may initiate to encourage and assist generators of
31 hazardous waste in reducing the hazardous waste
32 generated."

33 5. Page 2, by striking lines 6 and 7, and
34 inserting the following: "waste minimization
35 technical assistance to small quantity hazardous waste
36 generators".

By SCHRADER of Marion
TRENT of Muscatine

ROSENBERG of Story
SWARTZ of Marshall

H-4356 FILED MAY 1, 1989

Adopted 5-2-89 (p. 2286)

SENATE FILE 470

H-4342

1 Amend amendment, H-3911, to Senate File 470, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 40, through page 2,
5 line 1, and inserting the following:
6 "NEW UNNUMBERED PARAGRAPH. Additionally, the
7 department shall establish and distribute to
8 generators a listing of hazardous waste materials
9 which are currently being recycled. The department
10 shall require that each hazardous waste generator in
11 the state submit, with the biennial report submitted
12 to the United States environmental protection agency,
13 a report of hazardous waste materials currently
14 designated as recyclable by the department which are
15 not being recycled by the generator. The report shall
16 include the reason why the generator is not recycling
17 such products. A small generator which does not
18 submit a biennial report to the United States
19 environmental protection agency, shall provide the
20 information required to be submitted under this
21 paragraph on a form provided by the department, with
22 the submittal of the small generator's hazardous waste
23 permit fee."

By SCHRADER OF Marion
TRENT of Muscatine

H-4342 FILED MAY 1, 1989

adopted 5-2-89 (p. 2287)

SENATE FILE 470

H-4347

1 Amend Senate File 470 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Sec. ____ . NEW SECTION. 455B.116 RESULTS OF
6 ENVIRONMENTAL TESTS -- PUBLIC RECORDS.
7 The results of any test, which test is relative to
8 the purview of the department, and which test is
9 conducted or performed by an independent entity at the
10 request of a government body, as defined in section
11 22.1, or an agent or attorney for a government body,
12 are public records pursuant to chapter 22."
13 2. By renumbering as necessary.

By JESSE of Jasper

H-4347 FILED MAY 1, 1989

adopted 5-2-89 (p. 2287)

HOUSE AMENDMENT TO
SENATE FILE 470

S-4062

1 Amend Senate File 470, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . NEW SECTION. 455B.116 RESULTS OF
6 ENVIRONMENTAL TESTS -- PUBLIC RECORDS.

7 The results of any test, which test is relative to
8 the purview of the department, and which test is
9 conducted or performed by an independent entity at the
10 request of a government body, as defined in section
11 22.1, or an agent or attorney for a government body,
12 are public records pursuant to chapter 22."

13 2. Page 1, line 2, by striking the word
14 "paragraph" and inserting the following:

15 "paragraphs".

16 3. Page 1, by striking lines 12 and 13 and
17 inserting the following: "generated in the state as a
18 whole by twenty-five percent of the amount generated
19 as of January 1, 1987, as reported in the biennial
20 reports collected by the United States environmental
21 protection agency. The twenty-five percent reduction
22 goal shall be reached as expeditiously as possible and
23 no later than July 1, 1994. In meeting the reduction
24 goal, elements "a" through "d" of the hazardous waste
25 management hierarchy shall be utilized. The
26 department, in cooperation with the small business
27 assistance center, shall reassess the twenty-five
28 percent reduction goal in 1994."

29 4. Page 1, line 17, by striking the word
30 "including" and inserting the following: "promote".

31 5. Page 1, line 19, by inserting after the word
32 "goal." the following: "In the promotion of the goal,
33 the following hazardous waste management hierarchy, in
34 descending order of preference, is established by the
35 department:

- 36 a. Source reduction for waste elimination.
- 37 b. On-site recycling.
- 38 c. Off-site recycling.
- 39 d. Waste treatment.
- 40 e. Incineration.
- 41 f. Land disposal.

42 NEW UNNUMBERED PARAGRAPH. Additionally, the
43 department shall establish and distribute to
44 generators a listing of hazardous waste materials
45 which are currently being recycled. The department
46 shall require that each hazardous waste generator in
47 the state submit, with the biennial report submitted
48 to the United States environmental protection agency,
49 a report of hazardous waste materials currently
50 designated as recyclable by the department which are

S-4062

Page 2

1 not being recycled by the generator. The report shall
 2 include the reason why the generator is not recycling
 3 such products. A small generator which does not
 4 submit a biennial report to the United States
 5 environmental protection agency, shall provide the
 6 information required to be submitted under this
 7 paragraph on a form provided by the department, with
 8 the submittal of the small generator's hazardous waste
 9 permit fee.

10 NEW UNNUMBERED PARAGRAPH. The department shall
 11 consult with representatives of industries which
 12 generate hazardous waste and shall make
 13 recommendations to the general assembly by January 1,
 14 1991, concerning the possible application of a front-
 15 end fee for substances which will result in the
 16 generation of hazardous waste, the role of state
 17 government in assisting the private sector in
 18 establishing permanent, on-site, internal audit
 19 functions, and other measures which state government
 20 may initiate to encourage and assist generators of
 21 hazardous waste in reducing the hazardous waste
 22 generated."

23 6. Page 2, line 1, by inserting after the word
 24 "generators." the following: "The department shall
 25 conduct educational and informational programs. The
 26 small business assistance center shall provide direct
 27 waste minimization technical assistance to small
 28 quantity hazardous waste generators."

29 7. Page 2, by striking lines 8 through 25.

30 8. By renumbering, relettering, or redesignating
 31 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-4062 FILED MAY 2, 1989

Concurred 5-4-89 (p.1900)

SENATE FILE 470

S-4107

1 Amend the House amendment, S-4062, to Senate File
2 470, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 2, the
5 following:
6 "____. Page 1, by inserting before line 1 the
7 following:
8 "Sec. _____. Section 476.6, subsection 1, unnumbered
9 paragraph 1, Code 1989, is amended to read as follows:
10 A public utility subject to rate regulation shall
11 not make effective a new or changed rate, charge,
12 schedule or regulation until the rate, charge,
13 schedule, or regulation has been approved by the
14 board, except as provided in subsections 11, and 13,
15 and 17.
16 Sec. _____. Section 476.6, Code 1989, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 17. PUBLIC FIRE PROTECTION. A
19 public utility furnishing water to the public subject
20 to rate regulation under this chapter shall not charge
21 a municipality or benefited fire district a rate for
22 the placing and providing of fire hydrants and related
23 facilities for distribution of water for use in
24 protecting life and property from the hazards of fire
25 within the municipality or benefited fire district.
26 In lieu of the charge, the public utility may include
27 the cost of placement and maintenance of the fire
28 hydrants and related facilities in its cost base in
29 determining a fair and reasonable rate to be charged
30 for water. However, any fee or rental charge being
31 made for fire hydrants and related facilities to a
32 municipality or benefited fire district, whether by
33 contract or otherwise, at the time this Act takes
34 effect, may continue to be collected for a period of
35 one hundred twenty days after the effective date of
36 this Act. Upon termination of this charge, the public
37 utility may include the revenue which would have been
38 derived from the charge in changed rates for water
39 assessed to its residential, governmental, commercial,
40 and industrial customers, provided the public utility
41 files a schedule of the rates with the board. The
42 inclusion shall be effective immediately upon filing
43 of the schedule, but shall be subject to reallocation
44 by the board among the several classes of customers."

By PAT DELUHERY
MAGGIE TINSMAN

S-4107 FILED MAY 4, 1989
RULED OUT OF ORDER

5-4-89 (p. 1905)

SENATE FILE 470

S-4101

1 Amend the House amendment, H-⁴⁰⁶²~~4347~~, to Senate File
2 470, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 15, the
5 following:
6 "However, a government body shall not be required
7 to provide such test results to any person under this
8 section until the agency's governing body or agency
9 head has received a copy of the test results. A
10 government body shall not be required to provide such
11 test results if the confidentiality of such
12 information is protected pursuant to section 22.7."

By PAT DELUHERY

ALVIN V. MILLER

S-4101 FILED MAY 4, 1989

ADOPTED

5489 (p.1905)

SENATE FILE 470

S-4092

1 Amend the House amendment, S-4062, to Senate File
2 470, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 24, by striking the letter "d"
5 and inserting the following: "e".

By ALVIN MILLER

S-4092 FILED MAY 3, 1989

adopted 5-4-89 (p.1906)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 470
H-4418

1 Amend the House amendment, S-4062, to Senate File
2 470, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 12, the
5 following:
6 "However, a government body shall not be required
7 to provide such test results to any person under this
8 section until the agency's governing body or agency
9 head has received a copy of the test results. A
10 government body shall not be required to provide such
11 test results if the confidentiality of such
12 information is protected pursuant to section 22.7."
13 2. Page 1, line 24, by striking the letter "d"
14 and inserting the following: "e".
15 3. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4418 FILED MAY 4, 1989
REFUSED TO CONCUR

54-89 (p.2429)
~~Senate Amendment~~
Insisted

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 470

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 470, a bill for An Act relating to waste minimization and disposal, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4418.
2. That the House recedes from its amendment, S-4062.
3. That Senate File 470, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting before line 1, the following:
"Sec. ____ . NEW SECTION. 455B.116 RESULTS OF ENVIRONMENTAL TESTS -- PUBLIC RECORDS.

The results of any test, which test is relative to the purview of the department, and which test is conducted or performed by an independent entity at the request of a government body, as defined in section 22.1, or an agent or

attorney for a government body, are public records pursuant to chapter 22.

A government body shall not be required to provide such test results to any person under this section until the agency head and agency's governing body have received a copy of the test results. A government body shall not be required to provide such test results if the confidentiality of such information is protected pursuant to section 22.7. However, following receipt of test results by an agency head and the agency's governing body, the agency head or agency's governing body shall not take action regarding such test results unless the test results have been made public knowledge for a period of not less than seven days."

2. Page 1, line 2, by striking the word "paragraph" and inserting the following: "paragraphs".

3. Page 1, by striking lines 12 and 13 and inserting the following: "generated in the state as a whole by twenty-five percent of the amount generated as of January 1, 1987, as reported in the biennial reports collected by the United States environmental protection agency. The twenty-five percent reduction goal shall be reached as expeditiously as possible and no later than July 1, 1994. In meeting the reduction goal, elements "a" through "d" of the hazardous waste management hierarchy shall be utilized. The department, in cooperation with the small business assistance center, shall reassess the twenty-five percent reduction goal in 1994."

4. Page 1, line 17, by striking the word "including" and inserting the following: "promote".

5. Page 1, line 19, by inserting after the word "goal." the following: "In the promotion of the goal, the following hazardous waste management hierarchy, in descending order of preference, is established by the department:

- a. Source reduction for waste elimination.
- b. On-site recycling.

- c. Off-site recycling.
- d. Waste treatment.
- e. Incineration.
- f. Land disposal.

NEW UNNUMBERED PARAGRAPH. Additionally, the department shall establish and distribute to generators a listing of hazardous waste materials which are currently being recycled. The department shall require that each hazardous waste generator in the state submit, with the biennial report submitted to the United States environmental protection agency, a report of hazardous waste materials currently designated as recyclable by the department which are not being recycled by the generator. The report shall include the reason why the generator is not recycling such products. A small generator which does not submit a biennial report to the United States environmental protection agency, shall provide the information required to be submitted under this paragraph on a form provided by the department, with the submittal of the small generator's hazardous waste permit fee.

NEW UNNUMBERED PARAGRAPH. The department shall consult with representatives of industries which generate hazardous waste and shall make recommendations to the general assembly by January 1, 1991, concerning the possible application of a front-end fee for substances which will result in the generation of hazardous waste, the role of state government in assisting the private sector in establishing permanent, on-site, internal audit functions, and other measures which state government may initiate to encourage and assist generators of hazardous waste in reducing the hazardous waste generated."

6. Page 2, line 1, by inserting after the word "generators." the following: "The department shall conduct educational and informational programs. The small business assistance center shall provide direct waste minimization technical assistance to small quantity hazardous waste generators."

- 7. Page 2, by striking lines 8 through 25.
- 8. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

PAT DELUHERY, Chairperson
JOHN P. KIBBIE
ALVIN V. MILLER
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adopted by House 5-6-89 (p2599)

Senate adopted 5/6 (p. 2011)

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SSB 307
ENVIRONMENT +
ENERGY UTILITIES
SENATE FILE 470
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
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 waste minimization and disposal.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.481, Code 1989, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. In order to meet capacity assur-
4 ance requirements of section 104k of the federal Superfund
5 Amendments and Reauthorization Act of 1986, Pub. L. No. 99-
6 499, and further the objectives of waste minimization, the
7 department shall work with generators of hazardous wastes in
8 the state to develop and implement aggressive waste
9 minimization programs. The goal of these programs is to
10 reduce the volume of hazardous waste generated in the state by
11 twenty-five percent as expeditiously as possible and no later
12 than January 1, 1995. The department shall provide technical
13 assistance, promote research and development, provide and
14 promote educational and informational programs, and promote
15 other activities by the public and private sectors that
16 support this goal.

17 Sec. 2. Section 455B.484, Code 1989, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 14. Develop and implement programs which
20 result in widespread adoption of waste minimization programs
21 by hazardous waste generators. These programs may include,
22 but are not limited to, source reduction, recycling, fuel
23 recovery, incineration, compaction, and other alternatives to
24 land disposal. The authority's preference for program
25 development and implementation shall be for programs which
26 result in the generation of less waste, followed by a
27 preference for programs which reuse the waste generated in a
28 beneficial manner.

29 Sec. 3. Section 455B.486, subsection 1, Code 1989, is
30 amended to read as follows:

31 1. The authority Upon receipt of a specific appropriation
32 sufficient to complete the site identification process, the
33 department shall identify and recommend to the commission a
34 minimum of five suitable sites for locating facilities for the
35 treatment, storage, or disposal of hazardous waste within this

1 state not more than thirty months after receipt of the
2 appropriation. The authority department shall use site
3 selection criteria adopted by the environmental protection
4 commission pursuant to section 455B.487 in identifying these
5 sites. The commission shall accept or-reject the
6 recommendation of the authority department for a minimum of
7 three of the five sites not more than six months after receipt
8 of the department's recommendation. If the commission rejects
9 the recommendation of the authority department for a site, the
10 commission shall state its reasons for rejecting the
11 recommendation.

12 EXPLANATION

13 This bill provides for the development of waste
14 minimization programs in the state, in order to reduce the
15 amount of waste generated by twenty-five percent, by 1995.
16 The waste management authority is directed to develop and
17 implement waste minimization programs, and provides for the
18 recommendation of the environmental protection commission of
19 five suitable sites for locating suitable hazardous waste
20 disposal, treatment, or storage sites upon provision of an
21 adequate appropriation. The commission is to accept three of
22 the five sites recommended within six months of receipt of the
23 five recommendations.

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SENATE FILE 470

AN ACT

RELATING TO WASTE MINIMIZATION AND DISPOSAL.

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

Section 1. NEW SECTION. 455B.116 RESULTS OF ENVIRONMENTAL TESTS -- PUBLIC RECORDS.

The results of any test, which test is relative to the purview of the department, and which test is conducted or performed by an independent entity at the request of a government body, as defined in section 22.1, or an agent or attorney for a government body, are public records pursuant to chapter 22.

A government body shall not be required to provide such test results to any person under this section until the agency head and agency's governing body have received a copy of the test results. A government body shall not be required to provide such test results if the confidentiality of such information is protected pursuant to section 22.7. However, following receipt of test results by an agency head and the agency's governing body, the agency head or agency's governing body shall not take action regarding such test results unless the test results have been made public knowledge for a period of not less than seven days.

Sec. 2. Section 455B.481, Code 1989, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. In order to meet capacity assurance requirements of section 104k of the federal Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, and further the objectives of waste minimization, the department, in cooperation with the small business assistance center at the university of northern Iowa, shall work with generators of hazardous wastes in the state to develop and

implement aggressive waste minimization programs. The goal of these programs is to reduce the volume of hazardous waste generated in the state as a whole by twenty-five percent of the amount generated as of January 1, 1987, as reported in the biennial reports collected by the United States environmental protection agency. The twenty-five percent reduction goal shall be reached as expeditiously as possible and no later than July 1, 1994. In meeting the reduction goal, elements "a" through "d" of the hazardous waste management hierarchy shall be utilized. The department, in cooperation with the small business assistance center, shall reassess the twenty-five percent reduction goal in 1994. The department shall promote research and development, provide and promote educational and informational programs, promote and encourage voluntary technical assistance to hazardous waste generators, promote assistance by the small business assistance center, and promote other activities by the public and private sectors that support this goal. In the promotion of the goal, the following hazardous waste management hierarchy, in descending order of preference, is established by the department:

- a. Source reduction for waste elimination.
- b. On-site recycling.
- c. Off-site recycling.
- d. Waste treatment.
- e. Incineration.
- f. Land disposal.

NEW UNNUMBERED PARAGRAPH. Additionally, the department shall establish and distribute to generators a listing of hazardous waste materials which are currently being recycled. The department shall require that each hazardous waste generator in the state submit, with the biennial report submitted to the United States environmental protection agency, a report of hazardous waste materials currently designated as recyclable by the department which are not being recycled by the generator. The report shall include the

reason why the generator is not recycling such products. A small generator which does not submit a biennial report to the United States environmental protection agency, shall provide the information required to be submitted under this paragraph on a form provided by the department, with the submittal of the small generator's hazardous waste permit fee.

NEW UNNUMBERED PARAGRAPH. The department shall consult with representatives of industries which generate hazardous waste and shall make recommendations to the general assembly by January 1, 1991, concerning the possible application of a front-end fee for substances which will result in the generation of hazardous waste, the role of state government in assisting the private sector in establishing permanent, on-site, internal audit functions, and other measures which state government may initiate to encourage and assist generators of hazardous waste in reducing the hazardous waste generated.

Sec. 3. Section 455B.484, subsection 9, Code 1989, is amended to read as follows:

9. Include in the annual report to the governor and the general assembly required by section 455A.4, subsection 1, paragraph "d", information outlining the activities of the authority in carrying out programs and responsibilities under this part, and identifying trends and developments in the management of waste. The report shall also include specific recommendations for attaining the goals for waste minimization and capacity assurance requirements.

Sec. 4. Section 455B.484, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Develop and implement programs, in cooperation with the small business assistance center at the university of northern Iowa, which result in widespread adoption of waste minimization programs by hazardous waste generators. The department shall conduct educational and informational programs. The small business assistance center shall provide direct waste minimization technical assistance

to small quantity hazardous waste generators. These programs may include, but are not limited to, source reduction, recycling, fuel recovery, incineration, compaction, and other alternatives to land disposal. The preference for program development and implementation shall be for programs which result in the generation of less waste, followed by a preference for programs which reuse the waste generated in a beneficial manner.

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JO ANN ZIMMERMAN
President of the Senate

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DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 470, Seventy-third General Assembly.

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JOHN F. DWYER
Secretary of the Senate

Approved May 27, 1989

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TERRY E. BRANSTAD
Governor