

House Energy & Environ. protect.
D PASS 4-4-89 (LP 1273)

FILED MAR 17 1989

SENATE FILE 488
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 125)

Passed Senate, Date 3-27-89 (p. 1023) Passed House, Date 4-12-89 (p. 1341)
Vote: Ayes 26 Nays 23 Vote: Ayes 70 Nays 24
Approved June 1, 1989

A BILL FOR

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

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SF 488

H-5813 1 Section 1. Section 455B.307, subsection 3, Code 1989, is

H-5813 2 amended to read as follows:

3 3. Any person who violates any provision of part 1 of this
4 division or any rule or any order adopted or the conditions of
5 any permit or order issued pursuant to part 1 of this division
6 shall be subject to a civil penalty, ~~---The amount of the civil~~
7 ~~penalty shall be based upon the toxicity and severity of the~~

H-3912B ~~solid waste as determined by rule 7 but~~ not to exceed five

H-3811 9 hundred thousand dollars for each day of such violation.

10 EXPLANATION

11 This bill increases the maximum civil penalty for solid
12 waste disposal violations from five hundred dollars to five
13 thousand dollars. Additionally, the bill removes existing
14 limits on what factors can be considered in setting a civil
15 penalty for solid waste disposal violations.

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SENATE FILE 488

H-3930

- 1 Amend the amendment, H-3843, to Senate File 488 as
 - 2 passed by the Senate, as follows:
 - 3 1. Page 2, line 1, by striking the words "five
 - 4 hundred" and inserting the following: "one thousand".
- By PETERSEN of Muscatine

H-3930 FILED APRIL 7, 1989

WITHDRAWN 4-12-89 (p. 1324)

SENATE FILE 488

H-3992

- 1 Amend Senate File 488, as passed by the Senate, as
 - 2 follows:
 - 3 1. Page 1, line 8, by striking the word "five"
 - 4 and inserting the following: "five one".
- By PETERSEN of Muscatine

H-3992 FILED APRIL 12, 1989

LOST

4-12-89 (p. 1340)

H-3843

1 Amend Senate File 488, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the words and
4 figures "subsection 3, Code 1989, is" and inserting
5 the following: "subsections 1 and 3, Code 1989, are".

6 2. Page 1, by inserting after line 2, the
7 following:

8 "1. A private-agency-or-public-agency person shall
9 not dump or deposit or permit the dumping or
10 depositing of any solid waste at any place other than
11 a sanitary disposal project approved by the director
12 unless the agency person has been granted a permit by
13 the department which allows the dumping or depositing
14 of solid waste on land owned or leased by the agency
15 person. The department shall adopt rules regarding
16 the permitting of this activity which shall provide
17 that the public interest is best served, but which may
18 be based upon criteria less stringent than those
19 regulating a public sanitary disposal project provided
20 that the rules adopted meet the groundwater protection
21 goal specified in section 455E.4. The comprehensive
22 plans for these facilities may be varied in
23 consideration of the types of sanitary disposal
24 practices, hydrologic and geologic conditions,
25 construction and operations characteristics, and
26 volumes and types of waste handled at the disposal
27 site. The director may issue temporary permits for
28 dumping or disposal of solid waste at disposal sites
29 for which an application for a permit to operate a
30 sanitary disposal project has been made and which have
31 not met all of the requirements of part 1 of this
32 division and the rules adopted by the commission if a
33 compliance schedule has been submitted by the
34 applicant specifying how and when the applicant will
35 meet the requirements for an operational sanitary
36 disposal project and the director determines the
37 public interest will be best served by granting such
38 temporary permit. The only penalty for a violation of
39 this subsection shall be the scheduled fine provided
40 for in section 805.8, subsection 12, except that the
41 violator shall be ordered to clean up and properly
42 dispose of the waste dumped or deposited."

43 3. Page 1, line 9, by striking the words "hundred
44 thousand" and inserting the following: "hundred".

45 4. Page 1, by inserting after line 9, the
46 following:

47 "Sec. ____ . Section 805.8, Code 1989, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 12. SOLID WASTE DISPOSAL
50 VIOLATIONS. For violations of section 455E.307,

Page 2

3921 subsection 1, the scheduled fine is five hundred
2 dollars."

3 5. Renumber as necessary.

By GARMAN of Story

H-3843 FILED APRIL 5, 1989

154-1-12-89 (p. 154)

DELUHERY, CH.
GRONSTAL
SCORHOLTZ

SSB 125
ENVIRONMENT
ENERGY UTILITIES
Now

SENATE FILE 488
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

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

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1 Section 1. Section 455B.307, subsection 3, Code 1989, is
2 amended to read as follows:

3 3. Any person who violates any provision of part 1 of this
4 division or any rule or any order adopted or the conditions of
5 any permit or order issued pursuant to part 1 of this division
6 shall be subject to a civil penalty, ~~---The-amount-of-the-civil~~
7 ~~penalty-shall-be-based-upon-the-toxicity-and-severity-of-the~~
8 ~~solid-waste-as-determined-by-rule,---but~~ not to exceed five
9 hundred thousand dollars for each day of such violation.

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EXPLANATION

11 This bill increases the maximum civil penalty for solid
12 waste disposal violations from five hundred dollars to five
13 thousand dollars. Additionally, the bill removes existing
14 limits on what factors can be considered in setting a civil
15 penalty for solid waste disposal violations.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

18 Currently the civil penalty level in this solid waste
19 program is a maximum of five hundred dollars per day. In some
20 cases this amount would not discourage more significant
21 violations where the costs of disposal or proper operation of
22 disposal facilities alone may equal or exceed this level. In
23 addition, violations that contaminate or could potentially
24 contaminate water resources warrant greater penalties. The
25 limitation on factors to be considered in setting the amount
26 of the penalty is removed. This permits the department to
27 consider other factors, such as the cost which would have been
28 required to avoid the violation. Consideration of the
29 toxicity and severity alone ignore the circumstances of the
30 violation. Consideration of other circumstances may tend to
31 increase or decrease the likely fine depending upon the facts
32 of the case.

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~~solid-waste-as-determined-by-rule7-but~~ not to exceed five hundred thousand dollars for each day of such violation.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

SENATE FILE 488

AN ACT

RELATING TO SOLID WASTE DISPOSAL AND PROVIDING PENALTIES.

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

Section 1. Section 455B.307, subsection 3, Code 1989, is amended to read as follows:

3. Any person who violates any provision of part 1 of this division or any rule or any order adopted or the conditions of any permit or order issued pursuant to part 1 of this division shall be subject to a civil penalty, ~~the amount of the civil penalty shall be based upon the toxicity and severity of the~~

I hereby certify that this bill originated in the Senate and is known as Senate File 488, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *June 1*, 1989

TERRY E. BRANSTAD
Governor

SF 488