

*Reprinted*

FEB 18 1992

Place on calendar

HOUSE FILE 2256

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 516)

Passed House, Date 3/11/92 (p. 556) Passed Senate, Date 4/10/92 <sup>(P. 1345)</sup>  
Vote: Ayes 97 Nays 0 Vote: Ayes 47 Nays 0  
Approved April 29, 1992

A BILL FOR

1 An Act relating to the local siting for new sanitary landfills  
2 and waste incinerators and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2256

1 Section 1. Section 455B.305A, subsection 1 and subsection  
2 2, unnumbered paragraph 1, Code 1991, are amended to read as  
3 follows:

4 1. Prior to the siting of a proposed, new sanitary  
5 landfill or ~~infectious-waste~~ incinerator, a city, county, or  
6 private agency, ~~with-the-exception-of-a-private-agency~~  
7 ~~disposing-of-waste-which-the-agency-generates-on-property~~  
8 ~~owned-by-the-agency-as-of-January-1, 1990,~~ including a private  
9 agency disposing of waste which the agency generates on  
10 property owned by the agency which is located within the city  
11 limits, shall submit a request for local siting approval to  
12 the city council or county board of supervisors which governs  
13 the city or county in which the proposed site is to be  
14 located. The city council or county board of supervisors  
15 shall approve or disapprove the site for each sanitary  
16 landfill or infectious waste incinerator.

17 An applicant for siting approval shall submit information  
18 to the city council or county board of supervisors to  
19 demonstrate compliance with the requirements prescribed by  
20 this chapter regarding a sanitary landfill or ~~infectious-waste~~  
21 incinerator. Siting approval shall be granted only if the  
22 proposed project meets all of the following criteria:

23 Prior to the siting of a proposed new sanitary landfill or  
24 incinerator by a private agency disposing of waste which the  
25 agency generates on property owned by the agency which is  
26 located outside of the city limits and for which no county  
27 zoning ordinance exists, the private agency shall cause  
28 written notice of the proposal, including the nature of the  
29 proposed facility, and the right of the owner to submit a  
30 petition for formal siting of the proposed site, to be served  
31 either in person or by mail on the owners and residents of all  
32 property within two miles in each direction of the proposed  
33 local site area. The owners shall be identified based upon  
34 the authentic tax records of the county in which the proposed  
35 site is to be located. The private agency shall notify the

1 county board of supervisors which governs the county in which  
 2 the site is to be located of the proposed siting, and certify  
 3 that notices have been mailed to owners and residents of the  
 4 impacted area. Written notice shall be published in the  
 5 official newspaper of the county in which the site is located.  
 6 The notice shall state the name and address of the applicant,  
 7 the location of the proposed site, the nature and size of the  
 8 development, the nature of the activity proposed, the probable  
 9 life of the proposed activity, and a description of the right  
 10 of persons to comment on the request. If two hundred fifty or  
 11 a minimum of ten percent, whichever is less, of the owners and  
 12 residents of property notified submit a petition for formal  
 13 review to the county board of supervisors or if the county  
 14 board of supervisors, on the board's own motion, requires  
 15 formal review of the proposed siting, the private agency  
 16 proposal is subject to the formal siting procedures  
 17 established pursuant to this section.

18 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
 19 immediate importance, takes effect upon enactment.

20 EXPLANATION

21 This bill provides that local siting procedures are  
 22 applicable to sanitary landfills and to all incinerators of a  
 23 city, county, or private agency including a private agency  
 24 which disposes of waste which the agency generates on property  
 25 or property owned by the agency which is located within the  
 26 city limits. The bill also establishes local siting  
 27 procedures for landfills and incinerators of private agencies  
 28 disposing of waste generated by the agency on property owned  
 29 by the agency located outside of the city limits.

30 The bill is effective upon enactment.

31 This bill may create a state mandate under chapter 25B.

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HOUSE FILE 2256  
FISCAL NOTE

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A fiscal note for House File 2256 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2256 provides that local siting procedures are applicable to sanitary landfills and incinerators operated by private agencies which dispose of waste which the agency generates on property owned by the agency, regardless if the disposal site is within city limits.

Fiscal Effect:

Requiring all private landfills and incinerators to follow local siting procedures would result in a minimal expense to local governments. There would be some increased cost to a private agency required to follow the procedure, but no estimate can be made at this time.

Source: Department of Natural Resources

(LSB 5409hv, JWR)

LED MARCH 2, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 2256

H-5232

1 Amend House File 2256 as follows:

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

4 "Section 1. Section 455B.301, Code Supplement  
5 1991, is amended by adding the following new  
6 subsection:

7 NEW SUBSECTION. 3A. "Incinerator" means any  
8 enclosed device using controlled flame combustion that  
9 does not meet the criteria for classification as a  
10 boiler and is not listed as an industrial furnace.  
11 "Incinerator" does not include thermal oxidizers used  
12 for the treatment of gas emissions."

13 2. Page 1, lines 1 and 2, by striking the words  
14 "and subsection 2, unnumbered paragraph 1, Code 1991,  
15 are" and inserting the following: "Code 1991, is".

16 3. Page 1, by striking line 5 and inserting the  
17 following: "landfill, incinerator, or infectious  
18 medical waste incinerator, a city, county, or".

19 4. Page 1, by striking line 16 and inserting the  
20 following: "landfill, or incinerator, or infectious  
21 medical waste incinerator."

22 5. By striking page 1, line 17 through page 2,  
23 line 17 and inserting the following:

24 "Sec. \_\_\_\_ . Section 455B.305A, subsection 2, Code  
25 1991, is amended by striking the subsection and  
26 inserting in lieu thereof the following:

27 Prior to the siting of a proposed new sanitary  
28 landfill or incinerator by a private agency disposing  
29 of waste which the agency generates on property owned  
30 by the agency which is located outside of the city  
31 limits and for which no county zoning ordinance  
32 exists, the private agency shall cause written notice  
33 of the proposal, including the nature of the proposed  
34 facility, and the right of the owner to submit a  
35 petition for formal siting of the proposed site, to be  
36 served either in person or by mail on the owners and  
37 residents of all property within two miles in each  
38 direction of the proposed local site area. The owners  
39 shall be identified based upon the authentic tax  
40 records of the county in which the proposed site is to  
41 be located. The private agency shall notify the  
42 county board of supervisors which governs the county  
43 in which the site is to be located of the proposed  
44 siting, and certify that notices have been mailed to  
45 owners and residents of the impacted area. Written  
46 notice shall be published in the official newspaper of  
47 the county in which the site is located. The notice  
48 shall state the name and address of the applicant, the  
49 location of the proposed site, the nature and size of  
50 the development, the nature of the activity proposed,

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Page 2

1 the probable life of the proposed activity, and a  
2 description of the right of persons to comment on the  
3 request. If two hundred fifty or a minimum of ten  
4 percent, whichever is less, of the owners and  
5 residents of property notified submit a petition for  
6 formal review to the county board of supervisors or if  
7 the county board of supervisors, on the board's own  
8 motion, requires formal review of the proposed siting,  
9 the private agency proposal is subject to the formal  
10 siting procedures established pursuant to this  
11 section."

12 6. Page 2, by inserting before line 18 the  
13 following:

14 "Sec. \_\_\_\_ . Section 455B.503, Code Supplement 1991,  
15 is amended to read as follows:

16 455B.503 INFECTIOUS WASTE TREATMENT AND DISPOSAL  
17 FACILITIES -- PERMITS REQUIRED -- RULES.

18 The commission shall adopt rules which require a  
19 person who owns or operates an infectious waste  
20 treatment or disposal facility to obtain an operating  
21 permit before initial operation of the facility. The  
22 rules shall specify the information required to be  
23 submitted with the application for a permit and the  
24 conditions under which a permit may be issued,  
25 suspended, modified, revoked, or renewed. The rules  
26 shall address but are not limited to the areas of  
27 operator safety, recordkeeping and tracking  
28 procedures, best available appropriate technologies,  
29 emergency response and remedial action procedures,  
30 waste minimization procedures, and long-term  
31 liability. The department shall submit proposed rules  
32 to the commission and notify the general assembly of  
33 the submission of the proposed rules pursuant to  
34 section 17.11 by January 15, ~~1992~~ 1993. The  
35 department shall not grant permits for the  
36 construction or operation of a commercial infectious  
37 waste treatment or disposal facility until the  
38 commission has adopted the required rules, and in no  
39 event earlier than July 1, 1993.

40 Sec. \_\_\_\_ . 1990 Iowa Acts, chapter 1191, section 5,  
41 subsection 1 and subsection 3, paragraph a, as amended  
42 by 1991 Iowa acts, chapter 242, section 7, are amended  
43 to read as follows:

44 1. The department of natural resources shall not  
45 grant a permit for the construction or operation of a  
46 commercial infectious waste treatment or disposal  
47 facility until such time as the department adopts  
48 rules for operating permits for these facilities and  
49 in any event not earlier than July 1, ~~1992~~ 1993. The  
50 moratorium does not apply to an infectious waste

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-2-

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Page 3

1 treatment or disposal facility constructed or operated  
2 by a hospital licensed pursuant to chapter 135B, or by  
3 two or more hospitals licensed pursuant to chapter  
4 135B that jointly construct or operate an infectious  
5 waste treatment or disposal facility, which in  
6 addition to its own waste only accepts infectious  
7 waste from other infectious waste generators,  
8 including but not limited to hospitals, health care  
9 facilities licensed pursuant to chapter 135C,  
10 physicians' offices or clinics, and other health  
11 service-related entities in this state or within the  
12 service area of the hospital or hospitals operating  
13 the facility. Owners and operators of small quantity  
14 generators of infectious medical waste who do not  
15 treat or dispose of the waste generated by the small  
16 quantity generator shall take precautions to ensure  
17 the safety and well-being of the public and especially  
18 persons directly exposed to the waste in the course of  
19 disposal. The precautions shall include but are not  
20 limited to securing all sharps; separating and  
21 securing infectious waste apart from general waste;  
22 clearly marking the waste to indicate that the waste  
23 is infectious; and ensuring that the waste is stored,  
24 transported, treated, and disposed of in a safe and  
25 secure manner. The department, in cooperation with  
26 the Iowa department of public health, shall adopt  
27 rules defining small quantity generators of infectious  
28 waste subject to the provisions of this subsection and  
29 which establish criteria for fulfilling the  
30 precautionary requirements established.

31 a. An existing infectious waste treatment or  
32 disposal facility shall comply with the standards and  
33 limitations adopted by July 1, ~~1993~~ 1994, or as  
34 federal standards and limitations become final,  
35 whichever is earlier."

36 8. By renumbering as necessary.

By JESSE of Jasper

H-5232 FILED MARCH 10, 1992

*Adopted, as amended 3/11 (p. 555)*

HOUSE FILE 2256

H-5092

- 1 Amend House File 2256 as follows:
- 2 1. Page 2, line 5, by inserting after the word
- 3 "newspaper" the following: ", as selected by the
- 4 county board of supervisors pursuant to section
- 5 349.1,".

By SPEAR of Lee

H-5092 FILED FEBRUARY 19, 1992

*out of order 3/11 (p. 555)*

HOUSE FILE 2256

H-5097

- 1 Amend House File 2256 as follows:
- 2 1. Page 1, lines 10 and 11, by striking the words
- 3 "which is located within the city limits".

By SPEAR of Lee

H-5097 FILED FEBRUARY 19, 1992

*out of order 3/11 (p. 555)*



HOUSE FILE 2256

H-5238

1 Amend the amendment, H-5232, to House File 2256 as  
2 follows:  
3 1. Page 1, line 46, by inserting after the word  
4 "newspaper" the following: ", as selected by the  
5 county board of supervisors pursuant to section  
6 349.1,".

By SPEAR of Lee

H-5238 FILED MARCH 11, 1992

*adopted (p.555) 3/11*

HOUSE FILE 2256

H-5242

1 Amend amendment, H-5232, to House File 2256 as  
2 follows:  
3 1. Page 1, by inserting after line 18 the  
4 following:  
5 "\_\_\_\_\_. Page 1, by striking lines 8 through 11 and  
6 inserting the following: "owned-by-the-agency-as-of  
7 January-17-1990, shall submit a request for local  
8 siting approval to"."  
9 2. By renumbering as necessary.

By SPEAR of Lee

JESSE of Jasper

H-5242 FILED MARCH 11, 1992

*adopted 3/11 (p.555)*

HOUSE FILE 2256

H-5255

1 Amend the amendment, H-5232, to House File 2256 as  
2 follows:  
3 1. Page 1, by striking lines 13 through 15 and  
4 inserting the following:  
5 "\_\_\_\_\_. Page 1, by striking lines 1 through 3 and  
6 inserting the following:  
7 "Section 1. Section 455B.305A, subsection 1, Code  
8 1991, is amended to read as follows:"  
9 2. Page 1, by striking lines 22 through 27 and  
10 inserting the following:  
11 "\_\_\_\_\_. By striking page 1, line 17, through page  
12 2, line 17, and inserting the following:  
13 "Sec. \_\_\_\_\_. Section 455B.305A, subsection 1, Code  
14 1991, is amended by adding the following new  
15 unnumbered paragraph:  
16 NEW UNNUMBERED PARAGRAPH. Prior to the siting of a  
17 proposed new sanitary"."

By JESSE of Jasper

H-5255 FILED MARCH 11, 1992

*adopted 3/11 (p.555)*

*Senate  
Environment 3/11/92, Amend + No Pass (S-5392) 3/26*

HOUSE FILE 2256  
BY COMMITTEE ON ENERGY AND  
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 516)

(As Amended and Passed by the House March 11, 1992)

*Re-*Passed House, Date 4/17/92 (p. 1598) Passed Senate, Date 4/10/92 (p. 1345)  
Vote: Ayes 94 Nays 2 Vote: Ayes 47 Nays 0  
Approved April 29, 1992

A BILL FOR

1 An Act relating to the local siting for new sanitary landfills  
2 and waste incinerators and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

1 Section 1. Section 455B.201, Code Supplement 1991, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 8A. "Incinerator" means any enclosed  
4 device using controlled flame combustion that does not meet  
5 the criteria for classification as a boiler and is not listed  
6 as an industrial furnace. "Incinerator" does not include  
7 thermal oxidizers used for the treatment of gas emissions.

8 Sec. 2. Section 455B.305A, subsection 1, Code 1991, is  
9 amended to read as follows:

10 1. Prior to the siting of a proposed, new sanitary  
11 landfill, incinerator, or infectious medical waste  
12 incinerator, a city, county, or private agency, with the  
13 exception of a private agency disposing of waste which the  
14 agency generates on property owned by the agency as of January  
15 17-1990, shall submit a request for local siting approval to  
16 the city council or county board of supervisors which governs  
17 the city or county in which the proposed site is to be  
18 located. The city council or county board of supervisors  
19 shall approve or disapprove the site for each sanitary  
20 landfill, or incinerator, or infectious medical waste  
21 incinerator.

22 Sec. 3. Section 455B.305A, subsection 1, Code 1991, is  
23 amended by adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. Prior to the siting of a  
25 proposed new sanitary landfill or incinerator by a private  
26 agency disposing of waste which the agency generates on  
27 property owned by the agency which is located outside of the  
28 city limits and for which no county zoning ordinance exists,  
29 the private agency shall cause written notice of the proposal,  
30 including the nature of the proposed facility, and the right  
31 of the owner to submit a petition for formal siting of the  
32 proposed site, to be served either in person or by mail on the  
33 owners and residents of all property within two miles in each  
34 direction of the proposed local site area. The owners shall  
35 be identified based upon the authentic tax records of the

1 county in which the proposed site is to be located. The  
2 private agency shall notify the county board of supervisors  
3 which governs the county in which the site is to be located of  
4 the proposed siting, and certify that notices have been mailed  
5 to owners and residents of the impacted area. Written notice  
6 shall be published in the official newspaper, as selected by  
7 the county board of supervisors pursuant to section 349.1, of  
8 the county in which the site is located. The notice shall  
9 state the name and address of the applicant, the location of  
10 the proposed site, the nature and size of the development, the  
11 nature of the activity proposed, the probable life of the  
12 proposed activity, and a description of the right of persons  
13 to comment on the request. If two hundred fifty or a minimum  
14 of ten percent, whichever is less, of the owners and residents  
15 of property notified submit a petition for formal review to  
16 the county board of supervisors or if the county board of  
17 supervisors, on the board's own motion, requires formal review  
18 of the proposed siting, the private agency proposal is subject  
19 to the formal siting procedures established pursuant to this  
20 section.

21 Sec. 4. Section 455B.503, Code Supplement 1991, is amended  
22 to read as follows:

23 455B.503 INFECTIOUS WASTE TREATMENT AND DISPOSAL  
24 FACILITIES -- PERMITS REQUIRED -- RULES.

25 The commission shall adopt rules which require a person who  
26 owns or operates an infectious waste treatment or disposal  
27 facility to obtain an operating permit before initial  
28 operation of the facility. The rules shall specify the  
29 information required to be submitted with the application for  
30 a permit and the conditions under which a permit may be  
31 issued, suspended, modified, revoked, or renewed. The rules  
32 shall address but are not limited to the areas of operator  
33 safety, recordkeeping and tracking procedures, best available  
34 appropriate technologies, emergency response and remedial  
35 action procedures, waste minimization procedures, and long-

1 term liability. The department shall submit proposed rules to  
2 the commission and notify the general assembly of the  
3 submission of the proposed rules pursuant to section 17.11 by  
4 January 15, 1992 1993. The department shall not grant permits  
5 for the construction or operation of a commercial infectious  
6 waste treatment or disposal facility until the commission has  
7 adopted the required rules, and in no event earlier than July  
8 1, 1993.

9 Sec. 5. 1990 Iowa Acts, chapter 1191, section 5,  
10 subsection 1 and subsection 3, paragraph a, as amended by 1991  
11 Iowa acts, chapter 242, section 7, are amended to read as  
12 follows:

13 1. The department of natural resources shall not grant a  
14 permit for the construction or operation of a commercial  
15 infectious waste treatment or disposal facility until such  
16 time as the department adopts rules for operating permits for  
17 these facilities and in any event not earlier than July 1,  
18 1992 1993. The moratorium does not apply to an infectious  
19 waste treatment or disposal facility constructed or operated  
20 by a hospital licensed pursuant to chapter 135B, or by two or  
21 more hospitals licensed pursuant to chapter 135B that jointly  
22 construct or operate an infectious waste treatment or disposal  
23 facility, which in addition to its own waste only accepts  
24 infectious waste from other infectious waste generators,  
25 including but not limited to hospitals, health care facilities  
26 licensed pursuant to chapter 135C, physicians' offices or  
27 clinics, and other health service-related entities in this  
28 state or within the service area of the hospital or hospitals  
29 operating the facility. Owners and operators of small  
30 quantity generators of infectious medical waste who do not  
31 treat or dispose of the waste generated by the small quantity  
32 generator shall take precautions to ensure the safety and  
33 well-being of the public and especially persons directly  
34 exposed to the waste in the course of disposal. The  
35 precautions shall include but are not limited to securing all

1 sharps; separating and securing infectious waste apart from  
2 general waste; clearly marking the waste to indicate that the  
3 waste is infectious; and ensuring that the waste is stored,  
4 transported, treated, and disposed of in a safe and secure  
5 manner. The department, in cooperation with the Iowa  
6 department of public health, shall adopt rules defining small  
7 quantity generators of infectious waste subject to the  
8 provisions of this subsection and which establish criteria for  
9 fulfilling the precautionary requirements established.

10 a. An existing infectious waste treatment or disposal  
11 facility shall comply with the standards and limitations  
12 adopted by July 1, 1993 1994, or as federal standards and  
13 limitations become final, whichever is earlier.

14 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
15 immediate importance, takes effect upon enactment.

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HOUSE FILE 2256  
FISCAL NOTE

REQ. BY SENATOR KERSTEN

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A fiscal note for Amendment S-5614 to HF 2256 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Amendment S-5614 to House File 2256 requires the development of an economic impact statement prior to the issuance of a permit for the siting of a composting facility. The economic impact statement shall estimate the fiscal impact of the facility on surrounding property values.

Fiscal Effect:

An economic impact statement would cost up to \$5,000 per site. The majority of that cost would involve expenses associated with land appraisal. Currently, the Department of Natural Resources issues permits for very few composting facilities. However, the number of facilities operating in the State is expected to increase in future years.

Source:  
Department of Natural Resources  
Iowa League of Municipalities  
Realtors Association

(LSB 5409hv.3, JWR)

FILED APRIL 9, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 2256

S-5393

1 Amend House File 2256, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by inserting after line 20 the fol-  
 4 lowing:  
 5 "Sec. \_\_\_\_ . Section 455B.311, Code 1991, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 6. Grants awarded under this  
 8 section shall not be awarded for any of the following:  
 9 a. Projects that result in the stockpiling of end  
 10 products or residues.  
 11 b. Feasibility studies, unless the study is a  
 12 component of a project and the study proposed is  
 13 accompanied by a plan for project implementation and a  
 14 statement of the estimated costs of implementation.  
 15 c. Projects which are unduly or clearly  
 16 competitive, as deemed by the director, with a  
 17 facility which currently provides the same service or  
 18 product."  
 19 2. Title page, line 1, by inserting after the  
 20 word "to" the following: "solid waste including".

By COMMITTEE ON ENVIRONMENT AND  
 ENERGY UTILITIES  
 RALPH ROSENBERG, Chairperson

S-5393 FILED MARCH 26, 1992

W/D 4/2/92 (p. 1316)

## HOUSE FILE 2256

S-5614

1 Amend House File 2256, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by inserting after line 8, the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 455D.9, subsection 3, Code  
 6 1991, is amended to read as follows:  
 7 3. The department shall develop rules which define  
 8 yard waste and provide for the safe and proper method  
 9 of composting. The rules adopted for a composting  
 10 facility shall require that prior to the issuance of a  
 11 permit for a composting facility, the facility shall  
 12 submit an economic impact statement to the department.  
 13 For the purpose of this subsection, "economic impact  
 14 statement" means an estimate of the economic impact of  
 15 the siting of a composting facility at a specific  
 16 location on affected property owners."  
 17 2. By renumbering as necessary.

By JIM RIORDAN  
 BERL E. PRIEBE

S-5614 FILED APRIL 9, 1992

DEFERRED

W/D 4/10 (p. 1245)



S-5517

1 Amend House File 2256, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 11, by inserting after the word  
 4 "landfill," the following: "compost facility,".  
 5 2. Page 1, line 20, by inserting after the word  
 6 "landfill," the following: "compost facility,".  
 7 3. Page 1, line 21, by inserting after the word  
 8 "incinerator." the following: "If the proposed new  
 9 site is located in an area which is within two miles  
 10 of an adjoining city or county and will have an  
 11 environmental impact on the area as demonstrated in  
 12 the environmental impact statement prepared pursuant  
 13 to subsection 2, the city council or county board of  
 14 supervisors which governs the adjoining city or county  
 15 shall participate in the siting procedures prescribed  
 16 under this section."  
 17 4. Page 2, by inserting after line 20 the  
 18 following:  
 19 "Sec. \_\_\_\_ . Section 455B.305A, subsection 2, Code  
 20 1991, is amended by adding the following new  
 21 paragraph:  
 22 NEW PARAGRAPH. h. The project will not result in  
 23 a negative environmental impact on the area, as  
 24 demonstrated by an environmental impact statement.  
 25 The environmental impact statement shall address, but  
 26 is not limited to, a review of the impact on  
 27 groundwater and surface water including any risk of  
 28 contamination."

By JIM RIORDAN  
 BEVERLY A. HANNON

S-5517 FILED APRIL 2, 1992

*W/O 4/2/92 (p. 1316)*

## HOUSE FILE 2256

S-5522

1 Amend House File 2256 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 2, line 14, by striking the word "ten"  
 4 and inserting the following: "twenty".  
 By BEVERLY A. HANNON ALVIN V. MILLER  
 EUGENE S. PRAISE BERL E. PRIEBE  
 JOHN E. SOORHOLTZ RICHARD VANDE HOEF  
 JOHN W. JENSEN

S-5522 FILED APRIL 2, 1992

*Adopted 4/2 (p. 1316)*

## HOUSE FILE 2256

S-5616

1 Amend House File 2256, as amended, passed, and re-  
 2 printed by the House as follows:  
 3 1. Page 1, line 18, by inserting after the word  
 4 "located." the following: "The requirements of this  
 5 section do not apply to the expansion of an existing  
 6 sanitary landfill owned by a private agency which  
 7 disposes of waste which the agency generates on  
 8 property owned by the agency."

By BEVERLY A. HANNON

S-5616 FILED APRIL 9, 1992

*Adopted 4/10 (p. 1345)*

HOUSE FILE 2256

S-5626

1 Amend House File 2256, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 8, the  
4 following:

5 "Sec. \_\_\_\_ . Section 455D.9, subsection 3, Code  
6 1991, is amended to read as follows:

7 3. The department shall develop rules which define  
8 yard waste and provide for the safe and proper method  
9 of composting. The rules adopted for a composting  
10 facility to be located on property owned by an  
11 applicant for a permit prior to July 1, 1992, when the  
12 property is located within twenty miles of a  
13 metropolitan area of two hundred fifty thousand or  
14 more, shall require that prior to the issuance of a  
15 permit for a composting facility, the applicant shall  
16 submit an economic impact statement to the department.  
17 For the purpose of this subsection, "economic impact  
18 statement" means an estimate of the economic impact of  
19 the siting of a composting facility at a specific  
20 location on affected property owners."

21 2. By renumbering as necessary.

By JIM RIORDAN

S-5626 FILED APRIL 10, 1992

ADOPTED (p.1345)

SENATE AMENDMENT TO HOUSE FILE 2256

H-5866

1 Amend House File 2256, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 18, by inserting after the word  
4 "located." the following: "The requirements of this  
5 section do not apply to the expansion of an existing  
6 sanitary landfill owned by a private agency which  
7 disposes of waste which the agency generates on  
8 property owned by the agency."

9 2. Page 2, line 14, by striking the word "ten"  
10 and inserting the following: "twenty".

11 3. Page 3, by inserting after line 8, the  
12 following:

13 "Sec. \_\_\_\_ . Section 455D.9, subsection 3, Code  
14 1991, is amended to read as follows:

15 3. The department shall develop rules which define  
16 yard waste and provide for the safe and proper method  
17 of composting. The rules adopted for a composting  
18 facility to be located on property owned by an  
19 applicant for a permit prior to July 1, 1992, when the  
20 property is located within twenty miles of a  
21 metropolitan area of two hundred fifty thousand or  
22 more, shall require that prior to the issuance of a  
23 permit for a composting facility, the applicant shall  
24 submit an economic impact statement to the department.  
25 For the purpose of this subsection, "economic impact  
26 statement" means an estimate of the economic impact of  
27 the siting of a composting facility at a specific  
28 location on affected property owners."

29 4. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5866 FILED APRIL 13, 1992

*Concurred. 4/17 (p. 1593)*

HSB 516

ENERGY AND ENVIRONMENTAL PROTECTION

*New*

HOUSE FILE

*2256*

BY (PROPOSED COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION BILL BY CHAIRPERSON OSTERBERG)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the local siting and appeal procedures for new  
2 sanitary landfills and waste incinerators and providing an  
3 effective date.

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

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1 Section 1. Section 455B.305A, subsection 1 and subsection  
2 2, unnumbered paragraph 1, Code 1991, are amended to read as  
3 follows:

4 1. Prior to the siting of a proposed, new sanitary  
5 landfill or infectious-waste incinerator, a city, county, or  
6 private agency, ~~with-the-exception-of-a-private-agency~~  
7 ~~disposing-of-waste-which-the-agency-generates-on-property~~  
8 ~~owned-by-the-agency-as-of-January-17-1990,~~ including a private  
9 agency disposing of waste which the agency generates on  
10 property owned by the agency, shall submit a request for local  
11 siting approval to the city council or county board of  
12 supervisors which governs the city or county in which the  
13 proposed site is to be located. The city council or county  
14 board of supervisors shall approve or disapprove the site for  
15 each sanitary landfill or infectious waste incinerator.

16 An applicant for siting approval shall submit information  
17 to the city council or county board of supervisors to  
18 demonstrate compliance with the requirements prescribed by  
19 this chapter regarding a sanitary landfill or infectious-waste  
20 incinerator. Siting approval shall be granted only if the  
21 proposed project meets all of the following criteria:

22 Sec. 2. NEW SECTION. 455B.305B APPEAL FROM DECISION.

23 1. If the city council or the county board of supervisors  
24 does not approve a siting request under section 455B.305A, the  
25 applicant, within sixty days of notice of the decision, may  
26 petition for a hearing before the commission or the  
27 commission's designee to contest the decision. The city  
28 council or the county board of supervisors shall appear as  
29 respondent in the hearing. At the hearing, the burden of  
30 proof shall be on the petitioner. In making its orders and  
31 determinations under this section, the commission or the  
32 commission's designee shall consider the written decision and  
33 reasons for the decision of the city council or the county  
34 board of supervisors and the transcribed record of the hearing  
35 held pursuant to section 455B.305A. The commission or the

1 commission's designee shall transmit a copy of its decision to  
2 the office of the city council or the county board of  
3 supervisors where it shall be available for public inspection  
4 and copied upon payment of the actual cost of reproduction.  
5 Final action by the commission or the commission's designee  
6 shall be taken within one hundred twenty days.

7     2. If the city council or the county board of supervisors  
8 grants approval under section 455B.305A, a third party other  
9 than the applicant who participated in the public hearing  
10 conducted by the city council or the county board of  
11 supervisors may petition the commission or the commission's  
12 designee within sixty days of filing of the written decision  
13 at the office of the city council or county board of  
14 supervisors for a hearing to contest the approval. Unless the  
15 commission or the commission's designee determines that the  
16 petition is duplicitous or frivolous, the commission or the  
17 commission's designee shall hear the petition in accordance  
18 with the procedures of subsection 1. The burden of proof  
19 shall be on the petitioner, and the city council or the county  
20 board of supervisors and the applicant shall be named as  
21 correspondents.

22     The commission or the commission's designee shall transmit  
23 a copy of its decision to the office of the city council or  
24 the county board of supervisors where it shall be available  
25 for public inspection and may be copied upon payment of the  
26 actual cost of reproduction.

27     3. Any person who files a petition to contest a decision  
28 of the city council or the county board of supervisors shall  
29 pay a reasonable filing fee.

30     4. Judicial review may be sought of actions of the  
31 commission or the commission's designee in accordance with  
32 chapter 17A.

33     Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
34 immediate importance, takes effect upon enactment.

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EXPLANATION

1 This bill provides that local siting procedures are  
2 applicable to sanitary landfills and all incinerators,  
3 including landfills of private agencies which generate waste  
4 on the property owned by the private agency.

5 The bill also provides local siting appeal procedures for  
6 these sanitary landfills and incinerators. The bill is  
7 effective upon enactment. This bill may create a state  
8 mandate under chapter 25B.

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HOUSE FILE 2256

AN ACT

RELATING TO THE LOCAL SITING FOR NEW SANITARY LANDFILLS AND  
WASTE INCINERATORS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 455B.301, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "Incinerator" means any enclosed device using controlled flame combustion that does not meet the criteria for classification as a boiler and is not listed as an industrial furnace. "Incinerator" does not include thermal oxidizers used for the treatment of gas emissions.

Sec. 2. Section 455B.305A, subsection 1, Code 1991, is amended to read as follows:

1. Prior to the siting of a proposed, new sanitary landfill, incinerator, or infectious medical waste incinerator, a city, county, or private agency, ~~with the exception of a private agency disposing of waste which the agency generates on property owned by the agency as of January 1, 1997~~ shall submit a request for local siting approval to the city council or county board of supervisors which governs the city or county in which the proposed site is to be located. The requirements of this section do not apply to the expansion of an existing sanitary landfill owned by a private agency which disposes of waste which the agency generates on property owned by the agency. The city council or county board of supervisors shall approve or disapprove the site for each sanitary landfill, or incinerator, or infectious medical waste incinerator.

Sec. 3. Section 455B.305A, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Prior to the siting of a proposed new sanitary landfill or incinerator by a private agency disposing of waste which the agency generates on property owned by the agency which is located outside of the city limits and for which no county zoning ordinance exists, the private agency shall cause written notice of the proposal, including the nature of the proposed facility, and the right of the owner to submit a petition for formal siting of the proposed site, to be served either in person or by mail on the owners and residents of all property within two miles in each direction of the proposed local site area. The owners shall be identified based upon the authentic tax records of the county in which the proposed site is to be located. The private agency shall notify the county board of supervisors which governs the county in which the site is to be located of the proposed siting, and certify that notices have been mailed to owners and residents of the impacted area. Written notice shall be published in the official newspaper, as selected by the county board of supervisors pursuant to section 349.1, of the county in which the site is located. The notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, and a description of the right of persons to comment on the request. If two hundred fifty or a minimum of twenty percent, whichever is less, of the owners and residents of property notified submit a petition for formal review to the county board of supervisors or if the county board of supervisors, on the board's own motion, requires formal review of the proposed siting, the private agency proposal is subject to the formal siting procedures established pursuant to this section.

Sec. 4. Section 455B.503, Code Supplement 1991, is amended to read as follows:



455B.503 INFECTIOUS WASTE TREATMENT AND DISPOSAL  
FACILITIES -- PERMITS REQUIRED -- RULES.

The commission shall adopt rules which require a person who owns or operates an infectious waste treatment or disposal facility to obtain an operating permit before initial operation of the facility. The rules shall specify the information required to be submitted with the application for a permit and the conditions under which a permit may be issued, suspended, modified, revoked, or renewed. The rules shall address but are not limited to the areas of operator safety, recordkeeping and tracking procedures, best available appropriate technologies, emergency response and remedial action procedures, waste minimization procedures, and long-term liability. The department shall submit proposed rules to the commission and notify the general assembly of the submission of the proposed rules pursuant to section 17.11 by January 15, 1992 1993. The department shall not grant permits for the construction or operation of a commercial infectious waste treatment or disposal facility until the commission has adopted the required rules, and in no event earlier than July 1, 1993.

Sec. 5. Section 455D.9, subsection 3, Code 1991, is amended to read as follows:

3. The department shall develop rules which define yard waste and provide for the safe and proper method of composting. The rules adopted for a composting facility to be located on property owned by an applicant for a permit prior to July 1, 1992, when the property is located within twenty miles of a metropolitan area of two hundred fifty thousand or more, shall require that prior to the issuance of a permit for a composting facility, the applicant shall submit an economic impact statement to the department. For the purpose of this subsection, "economic impact statement" means an estimate of the economic impact of the siting of a composting facility at a specific location on affected property owners.

Sec. 6. 1990 Iowa Acts, chapter 1191, section 5, subsection 1 and subsection 3, paragraph a, as amended by 1991 Iowa Acts, chapter 242, section 7, are amended to read as follows:

1. The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste treatment or disposal facility until such time as the department adopts rules for operating permits for these facilities and in any event not earlier than July 1, 1992 1993. The moratorium does not apply to an infectious waste treatment or disposal facility constructed or operated by a hospital licensed pursuant to chapter 135B, or by two or more hospitals licensed pursuant to chapter 135B that jointly construct or operate an infectious waste treatment or disposal facility, which in addition to its own waste only accepts infectious waste from other infectious waste generators, including but not limited to hospitals, health care facilities licensed pursuant to chapter 135C, physicians' offices or clinics, and other health service-related entities in this state or within the service area of the hospital or hospitals operating the facility. Owners and operators of small quantity generators of infectious medical waste who do not treat or dispose of the waste generated by the small quantity generator shall take precautions to ensure the safety and well-being of the public and especially persons directly exposed to the waste in the course of disposal. The precautions shall include but are not limited to securing all sharps; separating and securing infectious waste apart from general waste; clearly marking the waste to indicate that the waste is infectious; and ensuring that the waste is stored, transported, treated, and disposed of in a safe and secure manner. The department, in cooperation with the Iowa department of public health, shall adopt rules defining small quantity generators of infectious waste subject to the provisions of this subsection and which establish criteria for fulfilling the precautionary requirements established.

a. An existing infectious waste treatment or disposal facility shall comply with the standards and limitations adopted by July 1, ~~1993~~ 1994, or as federal standards and limitations become final, whichever is earlier.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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ROBERT C. ARNOULD  
Speaker of the House

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MICHAEL E. GRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2256, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 29, 1992

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TERRY E. BRANSTAD  
Governor

**HF 2256**