

Reprinted

FEB 20 1991

HOUSE FILE 302
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

Place On Calendar

(SUCCESSOR TO HF 44)

Passed House, Date 3/1/91 (S. 522) Passed Senate, Date 3/1/91 (S. 522)
Vote: Ayes 95 Nays 0 Vote: Ayes Nays
Approved _____

A BILL FOR

1 An Act relating to infectious and radioactive waste treatment and
2 disposal facilities by extending the moratorium on
3 construction and operation, requiring operating permits for
4 treatment and disposal facilities and collection and
5 transportation operations, providing for emission limitations
6 and standards, and providing an effective date.

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

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

HF 302

1 Section 1. Section 455B.133, subsection 4, unnumbered
2 paragraph 1, Code 1991, is amended to read as follows:

3 Adopt, amend, or repeal emission limitations or standards
4 relating to the maximum quantities of air contaminants that
5 may be emitted from any air contaminant source. The standards
6 or limitations adopted under this section shall not exceed the
7 standards or limitations promulgated by the administrator of
8 the United States environmental protection agency or the
9 requirements of the federal Clean Air Act as amended to
10 January 1, 1979. This does not prohibit the commission from
11 adopting a standard for a source or class of sources for which
12 the United States environmental protection agency has not
13 promulgated a standard. This also does not prohibit the
14 commission from adopting an emission standard or limitation
15 for infectious medical waste treatment or disposal facilities
16 which exceeds the standards or limitations promulgated by the
17 administrator of the United States environmental protection
18 agency or the requirements of the federal Clear Air Act as
19 amended to January 1, 1991.

20 Sec. 2. NEW SECTION. 455B.335A PATHOLOGICAL INCINERATION
21 -- REQUIREMENTS.

22 1. The director shall require that a person who operates a
23 waste incinerator which provides for the incineration of
24 radioactive materials conduct dispersion modeling for
25 radiological isotopes under the direction of the center for
26 health effects of environmental contamination. The director
27 shall allow a three-month period during which the operator
28 shall conduct the required dispersion modeling. In order to
29 continue such incineration, the results of the modeling shall
30 provide that the public health is protected at a level greater
31 than or equal to one death in the dispersion area with a
32 population of one million.

33 2. The department shall conduct a public hearing following
34 submission to the director of the results of the dispersion
35 modeling conducted by an operator of a waste incinerator which

1 provides for the incineration of radioactive materials.

2 3. If the dispersion modeling results do not meet the
3 public health risk level prescribed under subsection 1, the
4 director shall require that the person who operates the waste
5 incinerator which provides for the incineration of radioactive
6 materials employ the best available control technology.
7 Following employment of the best available control technology,
8 if the residual health risk remains greater than one death in
9 the dispersion area with a population of one million, the
10 operator's permit for incineration of radioactive materials
11 shall be revoked.

12 Sec. 3. NEW SECTION. 455B.502 INFECTIOUS WASTE TREATMENT
13 AND DISPOSAL FACILITIES -- OPERATING PERMITS REQUIRED.

14 The commission shall adopt rules which require a person who
15 owns or operates an infectious waste treatment or disposal
16 facility to obtain an operating permit before initial
17 operation of the facility. The rules shall specify the
18 information required to be submitted with the application for
19 a permit and the conditions under which a permit may be
20 issued, suspended, modified, revoked, or renewed. The rules
21 shall address but are not limited to the areas of operator
22 safety, recordkeeping and tracking procedures, best available
23 appropriate technologies, emergency response and remedial
24 action procedures, waste minimization procedures, and long-
25 term liability.

26 Sec. 4. NEW SECTION. 455B.503 COLLECTION AND
27 TRANSPORTATION OF INFECTIOUS MEDICAL WASTE -- RULES.

28 The commission shall adopt rules which require a person who
29 owns or operates an infectious medical waste collection or
30 transportation operation to obtain an operating permit prior
31 to initial operation. The rules shall address but are not
32 limited to the areas of operator safety, recordkeeping and
33 tracking procedures, best available appropriate technologies,
34 emergency response and remedial action procedures, waste
35 minimization procedures, and long-term liability.

1 Sec. 5. 1990 Iowa Acts, chapter 1191, section 5, is
2 amended to read as follows:

3/29 3 SEC. 5. MORATORIUM -- COMMERCIAL INFECTIOUS WASTE
4 ~~INCINERATORS~~ TREATMENT AND DISPOSAL FACILITIES. The
5 department of natural resources shall not grant a permit for
6 the construction or operation of a commercial infectious waste
7 ~~incinerator-prior-to-July-17-1991~~ treatment or disposal
8 facility until such time as the department adopts rules for
9 operating permits for these facilities and in any event not
10 earlier than April 1, 1992. The moratorium does not apply to
11 a hospital, or a group of hospitals which jointly constructs
12 or operates a facility, licensed pursuant to chapter 135B
13 which accepts waste from other infectious waste generators if
14 the total amount of infectious waste accepted from other
15 generators is less than sixty-six percent of the infectious
16 waste incinerated.

17 Sec. 6. EFFECTIVE DATE. Section 5 of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill authorizes the environmental protection
21 commission to adopt, amend, or repeal emission limitations or
22 standards relating to the maximum quantities of air
23 contaminants that may be emitted from an infectious medical
24 waste treatment or disposal facility which exceed the
25 standards or limitations promulgated by the United States
26 environmental protection agency or the requirements of the
27 federal Clean Air Act.

28 This bill also authorizes the environmental protection
29 commission to adopt rules to require owners or operators of
30 infectious waste treatment or disposal facilities and
31 infectious medical waste collection and transportation
32 operations to obtain operating permits, and establishes
33 certain requirements for persons who operate waste
34 incinerators which provide for the incineration of radioactive
35 materials.

1 This bill also extends the current moratorium on the
2 construction or operation of commercial infectious waste
3 incinerators to be applicable to all commercial infectious
4 waste treatment or disposal facilities and also extends the
5 period of the moratorium to at least April 1, 1992, or until
6 such time as the department of natural resources adopts rules
7 for operational permits for these facilities. The moratorium
8 is effective upon enactment.

9 This bill may establish a state mandate pursuant to chapter
10 25B.

- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

HOUSE FILE 302

H-3081

- 1 Amend House File 302 as follows:
- 2 1. Page 1, line 20, by striking the word
- 3 "PATHOLOGICAL" and inserting the following:
- 4 "RADIOACTIVE MATERIALS --".

By DVORSKY of Johnson

H-3081 FILED FEBRUARY 21, 1991

Adopted as amended by 3/30 3/1

HOUSE FILE 302

H-3083

- 1 Amend House File 302 as follows:
- 2 1. Page 1, by striking lines 1 through 19.
- 3 2. By renumbering as necessary.

By BANKS of Plymouth

H-3083 FILED FEBRUARY 25, 1991

Adopted 3/1

HOUSE FILE 302

H-3098

- 1 Amend the amendment H-3083, to House File 302 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3, and
- 4 inserting the following:
- 5 "____. Page 1, line 19, by inserting after the
- 6 figure "1991." the following: "The commission shall
- 7 not adopt an emission standard or limitation for
- 8 infectious medical waste treatment or disposal
- 9 facilities prior to January 1, 1995, which exceeds the
- 10 standards or limitations promulgated by the
- 11 administrator of the United States environmental
- 12 protection agency or the requirements of the federal
- 13 Clean Air Act, as amended to January 1, 1991, for a
- 14 hospital, or a group of hospitals licensed under
- 15 chapter 135B which has been operating prior to January
- 16 1, 1991, an infectious medical waste treatment or
- 17 disposal facility which accepts waste from other
- 18 generators of infectious waste if the total amount of
- 19 infectious waste accepted from other generators is
- 20 less than sixty-six percent of the infectious waste
- 21 incinerated."

By KREMER of Buchanan
KISTLER of Jefferson

H-3098 FILED FEBRUARY 27, 1991

w/ 3/1

HOUSE FILE 302

H-3099

- 1 Amend House File 302 as follows:
- 2 1. Page 1, line 18, by striking the word "Clear"
- 3 and inserting the following: "Clean".

By JESSE of Jasper

H-3099 FILED FEBRUARY 27, 1991

Adopted 3/1

H-3129

1 Amend House File 302 as follows:

2 1. Page 3, by striking lines 5 through 16, and
 3 inserting the following: "department of natural
 4 resources shall not grant a permit for the
 5 construction or operation of a commercial infectious
 6 ~~waste incinerator prior to July 17, 1991~~ treatment or
 7 disposal facility until such time as the department
 8 adopts rules for operating permits for these
 9 facilities and in any event not earlier than April 1,
 10 1993. The moratorium does not apply to an infectious
 11 waste treatment or disposal facility constructed or
 12 operated by a hospital licensed pursuant to chapter
 13 135B, or by two or more hospitals licensed pursuant to
 14 chapter 135B that jointly construct or operate an
 15 infectious waste treatment or disposal facility, which
 16 only accepts infectious waste from other infectious
 17 waste generators if the total amount of infectious
 18 waste accepted from other generators is less than
 19 sixty-six percent of the infectious waste incinerated,
 20 including but not limited to hospitals, health care-
 21 facilities licensed pursuant to chapter 135C,
 22 physicians' offices or clinics, and other health
 23 service-related entities within the service area of
 24 the hospital or hospitals operating the facility.
 25 Owners and operators of small quantity generators of
 26 infectious medical waste who do not treat or dispose
 27 of the waste generated by the small quantity generator
 28 shall take precautions to ensure the safety and well-
 29 being of the public and especially persons directly
 30 exposed to the waste in the course of disposal. The
 31 precautions shall include but are not limited to
 32 securing all sharps; separating and securing
 33 infectious waste apart from general waste; clearly
 34 marking the waste to indicate that the waste is
 35 infectious; and ensuring that the waste is stored,
 36 transported, treated, and disposed of in a safe and
 37 secure manner."

By JESSE of Jasper

H-3129 FILED FEBRUARY 28, 1991

(Adopted 3/1 (p. 521))

HOUSE FILE 302

H-3126

1 Amend the amendment H-3083, to House File 302 as
2 follows:
3 1. Page 1, by striking lines 2 and 3, and
4 inserting the following:
5 "____. Page 1, line 19, by inserting after the
6 figure "1991." the following: "The commission shall
7 not adopt an emission standard or limitation for
8 infectious medical waste treatment or disposal
9 facilities prior to January 1, 1995, which exceeds the
10 standards or limitations promulgated by the
11 administrator of the United States environmental
12 protection agency or the requirements of the federal
13 Clean Air Act, as amended to January 1, 1991, for a
14 hospital, or a group of hospitals licensed under
15 chapter 135B which has been operating an infectious
16 medical waste treatment or disposal facility prior to
17 January 1, 1991."

By KREMER of Buchanan
KISTLER of Jefferson
JESSE of Jasper

H-3126 FILED FEBRUARY 28, 1991

Adopted 3/1

H-3030

1 Amend the amendment, H-3081 to House File 302, as
2 follows:

3 1. Page 1, by striking lines 2 through 4, and
4 inserting the following:

5 " Page 1, line 20, by striking the word
6 "INCINERATION" and inserting the following: "WASTE
7 INCINERATION FACILITIES -- RADIOACTIVE MATERIALS".

8 Page 1, by striking lines 22 through 32, and
9 inserting the following:

10 "1. The director shall require that a person who
11 operates or proposes to operate a waste incinerator
12 which provides for the incineration of pathological
13 radioactive materials conduct dispersion modeling,
14 under the direction of the Iowa department of public
15 health, for radiological isotopes to measure the
16 emission levels of alpha and gamma rays. The director
17 shall allow a three-month period during which time the
18 operator or person proposing operation of such an
19 incinerator shall conduct the required dispersion
20 modeling. In order to initiate or continue such
21 incineration, the results of the modeling shall
22 provide that the existing incinerator meets or the
23 proposed incinerator will meet the emission standards
24 established by the United States environmental
25 protection agency for a selected isotope."

26 Page 1, line 35, by inserting after the word
27 "operator" the following: "or person proposing
28 operation".

29 Page 2, by striking line 1 and inserting the
30 following: "provides for or will provide for the
31 incineration of pathological radioactive materials."

32 Page 2, by striking lines 2 through 11, and
33 inserting the following:

34 "2. If the dispersion modeling results do not meet
35 the standards for emission limitations prescribed
36 under subsection 1, the director shall require the
37 operator or the person who proposes to operate a waste
38 incinerator which provides for the incineration of
39 pathological radioactive materials to employ or
40 conduct an additional dispersion modeling test
41 employing the best available control technology,
42 following employment of the best available control
43 technology or the conducting of the additional
44 dispersion modeling. If the incinerator or proposed
45 incinerator does not or will not meet the standards
46 prescribed under subsection 2, the operator's permit
47 for incineration of pathological radioactive materials
48 shall be revoked or the permit for such proposed
49 incineration shall be denied.

50 Sec. _____, NEW SECTION, 455B.501A INFECTIOUS

H-3130

Page 2

1 MEDICAL WASTE INCINERATORS -- REGENTS' UNIVERSITIES --
2 REQUIREMENTS.

3 1. The director shall require that a regents'
4 university which operates an infectious medical waste
5 incinerator shall conduct continuous monitoring, under
6 the direction of the Iowa department of public health,
7 and as required by the department of natural
8 resources, to measure compliance with the emission
9 limitations standards for toxic air pollutants adopted
10 by rule of the department of natural resources. In
11 order to continue incineration, the existing
12 incinerator shall continue to meet the emission
13 limitations standards for toxic air pollutants adopted
14 by rule of the department of natural resources.

15 2. If monitoring results do not meet the emission
16 limitations standards established, the director of the
17 department of natural resources shall require that the
18 university employ the best available control
19 technology for toxics as defined by rule of the
20 department of natural resources. Following employment
21 of the best available control technology for toxics,
22 if the incinerator does not meet the standards
23 established, the permit for operation of the
24 infectious medical waste incinerator shall be
25 revoked."

26 _____, By renumbering as necessary."

By DVORSKY of Johnson

JESSE of Jasper

OSTERBERG of Linn

HATCH of Polk

H-3130 FILED MARCH 1, 1991

ADOPTED

HOUSE FILE 302
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HF 44)

(As Amended and Passed by the House March 1, 1991)

per Senate (4010) amended (4035)
Passed House, Date 5/2/91 (p. 2051) Passed Senate, Date 5/1/91 (p. 1571)
Vote: Ayes 99 Nays 0 Vote: Ayes 46 Nays 2
Approved June 5, 1991

Referred Senate as further amended
5/10/91 (p. 1769)
49-0

A BILL FOR

1 An Act relating to infectious and radioactive waste treatment and
2 disposal facilities by extending the moratorium on
3 construction and operation, requiring operating permits for
4 treatment and disposal facilities and collection and
5 transportation operations, providing for emission limitations
6 and standards, and providing an effective date.

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

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

House Amendments _____

1 Section 1. Section 455B.133, subsection 4, unnumbered
2 paragraph 1, Code 1991, is amended to read as follows:

3 Adopt, amend, or repeal emission limitations or standards
4 relating to the maximum quantities of air contaminants that
5 may be emitted from any air contaminant source. The standards
6 or limitations adopted under this section shall not exceed the
7 standards or limitations promulgated by the administrator of
8 the United States environmental protection agency or the
9 requirements of the federal Clean Air Act as amended to
10 January 1, 1979. This does not prohibit the commission from
11 adopting a standard for a source or class of sources for which
12 the United States environmental protection agency has not
13 promulgated a standard. This also does not prohibit the
14 commission from adopting an emission standard or limitation
15 for infectious medical waste treatment or disposal facilities
16 which exceeds the standards or limitations promulgated by the
17 administrator of the United States environmental protection
18 agency or the requirements of the federal Clean Air Act as
19 amended to January 1, 1991. The commission shall not adopt an
20 emission standard or limitation for infectious medical waste
21 treatment or disposal facilities prior to January 1, 1995,
22 which exceeds the standards or limitations promulgated by the
23 administrator of the United States environmental protection
24 agency or the requirements of the federal Clean Air Act, as
25 amended to January 1, 1991, for a hospital, or a group of
26 hospitals licensed under chapter 135B which has been operating
27 an infectious medical waste treatment or disposal facility
28 prior to January 1, 1991.

29 Sec. 2. NEW SECTION. 455B.335A PATHOLOGICAL WASTE
30 INCINERATION FACILITIES -- RADIOACTIVE MATERIALS --
31 REQUIREMENTS.

32 1. The director shall require that a person who operates
33 or proposes to operate a waste incinerator which provides for
34 the incineration of pathological radioactive materials conduct
35 dispersion modeling, under the direction of the Iowa

1 department of public health, for radiological isotopes to
2 measure the emission levels of alpha and gamma rays. The
3 director shall allow a three-month period during which time
4 the operator or person proposing operation of such an
5 incinerator shall conduct the required dispersion modeling.
6 In order to initiate or continue such incineration, the
7 results of the modeling shall provide that the existing
8 incinerator meets or the proposed incinerator will meet the
9 emission standards established by the United States
10 environmental protection agency for a selected isotope.

11 2. The department shall conduct a public hearing following
12 submission to the director of the results of the dispersion
13 modeling conducted by an operator or person proposing
14 operation of a waste incinerator which provides for or will
15 provide for the incineration of pathological radioactive
16 materials.

17 3. If the dispersion modeling results do not meet the
18 standards for emission limitations prescribed under subsection
19 1, the director shall require the operator or the person who
20 proposes to operate a waste incinerator which provides for the
21 incineration of pathological radioactive materials to employ
22 or conduct an additional dispersion modeling test employing
23 the best available control technology. Following employment
24 of the best available control technology or the conducting of
25 the additional dispersion modeling, if the incinerator or
26 proposed incinerator does not or will not meet the standards
27 prescribed under subsection 2, the operator's permit for
28 incineration of pathological radioactive materials shall be
29 revoked or the permit for such proposed incineration shall be
30 denied.

31 Sec. 3. NEW SECTION. 455B.501A INFECTIOUS MEDICAL WASTE
32 INCINERATORS -- REGENTS' UNIVERSITIES -- REQUIREMENTS.

33 1. The director shall require that a regents' university
34 which operates an infectious medical waste incinerator shall
35 conduct continuous monitoring, under the direction of the Iowa

1 department of public health, and as required by the department
2 of natural resources, to measure compliance with the emission
3 limitations standards for toxic air pollutants adopted by rule
4 of the department of natural resources. In order to continue
5 incineration, the existing incinerator shall continue to meet
6 the emission limitations standards for toxic air pollutants
7 adopted by rule of the department of natural resources.

8 2. If monitoring results do not meet the emission
9 limitations standards established, the director of the
10 department of natural resources shall require that the
11 university employ the best available control technology for
12 toxics as defined by rule of the department of natural
13 resources. Following employment of the best available control
14 technology for toxics, if the incinerator does not meet the
15 standards established, the permit for operation of the
16 infectious medical waste incinerator shall be revoked.

17 Sec. 4. NEW SECTION. 455B.502 INFECTIOUS WASTE TREATMENT
18 AND DISPOSAL FACILITIES -- OPERATING PERMITS REQUIRED.

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

31 Sec. 5. NEW SECTION. 455B.503 COLLECTION AND
32 TRANSPORTATION OF INFECTIOUS MEDICAL WASTE -- RULES.

33 The commission shall adopt rules which require a person who
34 owns or operates an infectious medical waste collection or
35 transportation operation to obtain an operating permit prior

1 to initial operation. The rules shall address but are not
 2 limited to the areas of operator safety, recordkeeping and
 3 tracking procedures, best available appropriate technologies,
 4 emergency response and remedial action procedures, waste
 5 minimization procedures, and long-term liability.

3549
 6 Sec. 6. 1990 Iowa Acts, chapter 1191, section 5, is
 7 amended to read as follows:

33148 SEC. 5. MORATORIUM -- COMMERCIAL INFECTIOUS WASTE
 9 INCINERATORS TREATMENT AND DISPOSAL FACILITIES. The
 10 department of natural resources shall not grant a permit for
 11 the construction or operation of a commercial infectious waste
 12 incinerator-prior-to-July-17-1991 treatment or disposal
 13 facility until such time as the department adopts rules for
 14 operating permits for these facilities and in any event not
 15 earlier than April 1, 1993. The moratorium does not apply to
 16 an infectious waste treatment or disposal facility constructed
 17 or operated by a hospital licensed pursuant to chapter 135B,
 18 or by two or more hospitals licensed pursuant to chapter 135B
 19 that jointly construct or operate an infectious waste
 20 treatment or disposal facility, which only accepts infectious
 21 waste from other infectious waste generators if-the-total
 22 amount-of-infectious-waste-accepted-from-other-generators-is
 23 less-than-sixty-six-percent-of-the-infectious-waste
 24 incinerated, including but not limited to hospitals, health
 25 care facilities licensed pursuant to chapter 135C, physicians'
 26 offices or clinics, and other health service-related entities
 27 within the service area of the hospital or hospitals operating
 28 the facility. Owners and operators of small quantity
 29 generators of infectious medical waste who do not treat or
 30 dispose of the waste generated by the small quantity generator
 31 shall take precautions to ensure the safety and well-being of
 32 the public and especially persons directly exposed to the
 33 waste in the course of disposal. The precautions shall
 34 include but are not limited to securing all sharps; separating
 35 and securing infectious waste apart from general waste;

1 clearly marking the waste to indicate that the waste is
2 infectious; and ensuring that the waste is stored,
3 transported, treated, and disposed of in a safe and secure
3314 >4 manner.

5 Sec. 7. EFFECTIVE DATE. Section 5 of this Act, being
6 deemed of immediate importance, takes effect upon enactment.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 302

S-3314

1 Amend House File 302 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 35, by striking the word
4 "continuous" and inserting the following: "periodic".

5 2. Page 4, line 15, by striking the word and
6 figures "April 1, 1993" and inserting the following:
7 "July 1, 1992".

8 3. Page 4, line 20, by inserting after the word
9 "which" the following: "in addition to its own
10 waste".

11 4. Page 4, line 26, by inserting after the word
12 "entities" the following: "in this state or".

13 5. Page 5, line 4, by inserting after the word
14 "manner." the following: "The department, in
15 cooperation with the Iowa department of public health,
16 shall adopt rules defining small quantity generators
17 of infectious waste subject to the provisions of this
18 subsection and which establish criteria for fulfilling
19 the precautionary requirements established."

By COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES AMENDMENT
RALPH ROSENBERG, Chairperson

S-3314 FILED APRIL 4, 1991

Adopted 5/1/91 (p. 1590)

HOUSE FILE 302

S-3451

1 Amend House File 302, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 10, by striking the figure "1979"
4 and inserting the following: "1979 1990".

By MICHAEL E. GRONSTAL
MIKE CONNOLLY

S-3451 FILED APRIL 17, 1991

Adopted 5/1/91 (p. 1590)

HOUSE FILE 302

S-3549

1 Amend House File 302, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . NEW SECTION. 455B.504 INFECTIOUS
6 WASTE TREATMENT AND DISPOSAL FACILITIES -- NATIONAL
7 REGISTER OF HISTORIC PLACES.

8 The department of natural resources shall not grant
9 a permit for the construction or operation of a
10 commercial infectious waste treatment or disposal
11 facility within one mile of a site or building which
12 has been placed on the national register of historic
13 places. This section does not apply to hospitals,
14 health care facilities licensed pursuant to chapter
15 135C, physicians' offices or clinics, and other health
16 service-related entities."

17 2. By renumbering as necessary.

By DON E. GETTINGS
JOHN A. PETERSON
JOHN P. KIBBIE
LEONARD L. BOSWELL
MICHAEL W. CONNOLLY
DONALD V. DOYLE
EUGENE S. FRAISE
EMIL J. HUSAK

WALLY E. HORN
H. KAY HEDGE
WILMER RENSINK
JACK W. HESTER
BERL E. PRIEBE
MICHAEL E. GRONSTAL
RALPH ROSENBERG

S-3549 FILED APRIL 23, 1991

Adopted 5/1/91 (p. 1540)

HOUSE FILE 302

S-3667

1 Amend House File 302, as amended, passed, and
2 reprinted by the House, as follows:

DIV. 3 1. Page 3, line 30, by inserting after the word
A 4 "liability." the following: "The department shall
5 submit proposed rules to the commission by January 15,
6 1992."
7 2. Page 4, line 9, by inserting after the word
8 "FACILITIES." the following:
9 "1."

DIV. 10 3. Page 4, line 28, by inserting after the word
B 11 "facility." the following: "The moratorium also does
12 not apply to an infectious waste autoclave facility
13 which has received a permit from the department prior
14 to July 1, 1991, to construct the facility."

DIV. 15 4. Page 5, by inserting after line 4, the
A 16 following:
17 "2. An infectious waste treatment or disposal
18 facility shall not be constructed or operated unless
19 the facility meets all of the following conditions, if
20 applicable:
21 a. The facility is designed to accept only medical
22 waste generated in the state and communities within
23 seventy-five miles of the state borders.
24 b. The facility is subject to monitoring and stack
25 testing at least every three years.
26 c. The facility incorporates the best available
27 control technology to ensure that the emissions from
28 the facility approach the goal of zero emissions.
29 d. The facility complies with standards and
30 limitations which are not less stringent, and may be
31 more stringent, than those promulgated by the
32 administrator of the United States environmental
33 protection agency.
34 e. The facility pays an operating fee as
35 established by the commission.
36 f. The facility requires large generators for
37 which the facility provides treatment or disposal to
38 certify that the generator submitted a comprehensive
39 plan to the department to provide for reduction or
40 recycling of infectious waste at the source. If the
41 generator is a small quantity generator, however, the
42 facility shall only require that the small quantity
43 generator, or a representative of the small quantity
44 generators, for which the facility provides treatment
45 or disposal, has participated in the development of
46 the comprehensive plan submitted by the city, county,
47 or public agency, pursuant to section 455B.302.
48 Comprehensive plans developed under this subsection
49 shall preferably be developed in conjunction with the
50 city, county, or public agency developing the plan

S-3667

Page 2

DIV.
A

1 pursuant to section 455B.302.

2 g. The facility has applied for and has qualified
3 for all requisite federal, state, and local permits
4 for construction and operation of the facility.

5 h. The facility is in compliance with rules,
6 following adoption, pursuant to sections 455B.502 and
7 455B.503.

8 i. The facility has established a means of
9 treating or disposing of any residue or ash which
10 remains following treatment of the waste.

11 The commission shall give priority in the issuance
12 of permits to facilities which present the least
13 multimedia environmental threat.

14 3. The conditions imposed under subsection 2 shall
15 apply as follows:

16 a. An existing infectious waste treatment or dis-
17 posal facility shall comply with the standards and
18 limitations adopted by July 1, 1993, or as federal
19 standards and limitations become final, whichever is
20 earlier.

21 b. An infectious waste treatment or disposal
22 facility which is established or becomes operational
23 on or after May 1, 1991, shall comply with standards
24 and limitations as they are adopted.

25 4. The department, in cooperation with the Iowa
26 department of public health, shall adopt rules
27 defining small quantity generators of infectious waste
28 subject to the provisions of this section.

29 Sec. . SEVERABILITY CLAUSE. If any provision
30 of this Act or any application thereof to any person
31 is invalid, the invalidity shall not affect the
32 provisions or application of this Act which can be
33 given effect without the invalid provisions or
34 application, and to this end, the provisions of this
35 Act are severable."

36 5. Title page, line 6, by inserting after the
37 word "standards," the following: "providing a
38 severability clause,".

By MICHAEL E. GRONSTAL
RALPH ROSENBERG

S-3667 FILED MAY 1, 1991

DIVISION A-ADOPTED, DIVISION B - ADOPTED (pp. 1590-1591)

SENATE AMENDMENT TO HOUSE FILE 302

H-4010

- 1 Amend House File 302 as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the figure "1979"
4 and inserting the following: "~~1979~~ 1990".
- 5 2. Page 2, line 35, by striking the word
6 "continuous" and inserting the following: "periodic".
- 7 3. Page 3, line 30, by inserting after the word
8 "liability." the following: "The department shall
9 submit proposed rules to the commission by January 15,
10 1992."
- 11 4. Page 4, by inserting after line 5, the
12 following:
- 13 "Sec. ____ . NEW SECTION. 455B.504 INFECTIOUS
14 WASTE TREATMENT AND DISPOSAL FACILITIES -- NATIONAL
15 REGISTER OF HISTORIC PLACES.
16 The department of natural resources shall not grant
17 a permit for the construction or operation of a
18 commercial infectious waste treatment or disposal
19 facility within one mile of a site or building which
20 has been placed on the national register of historic
21 places. This section does not apply to hospitals,
22 health care facilities licensed pursuant to chapter
23 135C, physicians' offices or clinics, and other health
24 service-related entities."
- 25 5. Page 4, line 9, by inserting after the word
26 "FACILITIES." the following:
27 "1."
- 28 6. Page 4, line 15, by striking the word and
29 figures "April 1, 1993" and inserting the following:
30 "July 1, 1992".
- 31 7. Page 4, line 20, by inserting after the word
32 "which" the following: "in addition to its own
33 waste".
- 34 8. Page 4, line 26, by inserting after the word
35 "entities" the following: "in this state or".
- 36 9. Page 4, line 28, by inserting after the word
37 "facility." the following: "The moratorium also does
38 not apply to an infectious waste autoclave facility
39 which has received a permit from the department prior
40 to July 1, 1991, to construct the facility."
- 41 10. Page 5, line 4, by inserting after the word
42 "manner." the following: "The department, in
43 cooperation with the Iowa department of public health,
44 shall adopt rules defining small quantity generators
45 of infectious waste subject to the provisions of this
46 subsection and which establish criteria for fulfilling
47 the precautionary requirements established."
- 48 11. Page 5, by inserting after line 4, the
49 following:
- 50 "2. An infectious waste treatment or disposal

H-4010

Page 2

1 facility shall not be constructed or operated unless
2 the facility meets all of the following conditions, if
3 applicable:

4 a. The facility is designed to accept only medical
5 waste generated in the state and communities within
6 seventy-five miles of the state borders.

7 b. The facility is subject to monitoring and stack
8 testing at least every three years.

9 c. The facility incorporates the best available
10 control technology to ensure that the emissions from
11 the facility approach the goal of zero emissions.

12 d. The facility complies with standards and
13 limitations which are not less stringent, and may be
14 more stringent, than those promulgated by the
15 administrator of the United States environmental
16 protection agency.

17 e. The facility pays an operating fee as
18 established by the commission.

19 f. The facility requires large generators for
20 which the facility provides treatment or disposal to
21 certify that the generator submitted a comprehensive
22 plan to the department to provide for reduction or
23 recycling of infectious waste at the source. If the
24 generator is a small quantity generator, however, the
25 facility shall only require that the small quantity
26 generator, or a representative of the small quantity
27 generators, for which the facility provides treatment
28 or disposal, has participated in the development of
29 the comprehensive plan submitted by the city, county,
30 or public agency, pursuant to section 455B.302.

31 Comprehensive plans developed under this subsection
32 shall preferably be developed in conjunction with the
33 city, county, or public agency developing the plan
34 pursuant to section 455B.302.

35 g. The facility has applied for and has qualified
36 for all requisite federal, state, and local permits
37 for construction and operation of the facility.

38 h. The facility is in compliance with rules,
39 following adoption, pursuant to sections 455B.502 and
40 455B.503.

41 i. The facility has established a means of
42 treating or disposing of any residue or ash which
43 remains following treatment of the waste.

44 The commission shall give priority in the issuance
45 of permits to facilities which present the least
46 multimedia environmental threat.

47 3. The conditions imposed under subsection 2 shall
48 apply as follows:

49 a. An existing infectious waste treatment or dis-
50 posal facility shall comply with the standards and

H-4010

Page 3

1 limitations adopted by July 1, 1993, or as federal
 2 standards and limitations become final, whichever is
 3 earlier.

4 b. An infectious waste treatment or disposal
 5 facility which is established or becomes operational
 6 on or after May 1, 1991, shall comply with standards
 7 and limitations as they are adopted.

8 4. The department, in cooperation with the Iowa
 9 department of public health, shall adopt rules
 10 defining small quantity generators of infectious waste
 11 subject to the provisions of this section.

12 Sec. ____ . SEVERABILITY CLAUSE. If any provision
 13 of this Act or any application thereof to any person
 14 is invalid, the invalidity shall not affect the
 15 provisions or application of this Act which can be
 16 given effect without the invalid provisions or
 17 application, and to this end, the provisions of this
 18 Act are severable."

19 12. Title page, line 6, by inserting after the
 20 word "standards," the following: "providing a
 21 severability clause,".

22 13. By renumbering, relettering, or redesignating
 23 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4010 FILED MAY 1, 1991

House amended (4035), concurred 5/2/91 (p. 2051)

HOUSE FILE 302

H-4035

1 Amend the Senate amendment, H-4010, to House File
 2 302, as amended, passed, and reprinted by the House
 3 as follows:

- 4 1. Page 1, by striking lines 36 through 40.
- 5 2. By renumbering as necessary.

By JESSE of Jasper
 BROWN of Lucas

H-4035 FILED MAY 2, 1991

ADOPTED (p. 2050)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 302

S-3694

- 1 Amend the Senate amendment, H-4010, to House File
- 2 302, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 36 through 40.
- 5 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3694 FILED MAY 3, 1991

Senate Concurred 5/10/91 (p. 1769)

HOUSE FILE 302

AN ACT

RELATING TO INFECTIOUS AND RADIOACTIVE WASTE TREATMENT AND DISPOSAL FACILITIES BY EXTENDING THE MORATORIUM ON CONSTRUCTION AND OPERATION, REQUIRING OPERATING PERMITS FOR TREATMENT AND DISPOSAL FACILITIES AND COLLECTION AND TRANSPORTATION OPERATIONS, PROVIDING FOR EMISSION LIMITATIONS AND STANDARDS, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 455B.133, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Adopt, amend, or repeal emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. The standards or limitations adopted under this section shall not exceed the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended to January 1, 1979 1990. This does not prohibit the commission from adopting a standard for a source or class of sources for which the United States environmental protection agency has

not promulgated a standard. This also does not prohibit the commission from adopting an emission standard or limitation for infectious medical waste treatment or disposal facilities which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended to January 1, 1991. The commission shall not adopt an emission standard or limitation for infectious medical waste treatment or disposal facilities prior to January 1, 1995, which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act, as amended to January 1, 1991, for a hospital, or a group of hospitals licensed under chapter 139B which has been operating an infectious medical waste treatment or disposal facility prior to January 1, 1991.

Sec. 2. NEW SECTION. 455B.335A PATHOLOGICAL WASTE INCINERATION FACILITIES -- RADIOACTIVE MATERIALS -- REQUIREMENTS.

1. The director shall require that a person who operates or proposes to operate a waste incinerator which provides for the incineration of pathological radioactive materials conduct dispersion modeling, under the direction of the Iowa department of public health, for radiological isotopes to measure the emission levels of alpha and gamma rays. The director shall allow a three-month period during which time the operator or person proposing operation of such an incinerator shall conduct the required dispersion modeling. In order to initiate or continue such incineration, the results of the modeling shall provide that the existing incinerator meets or the proposed incinerator will meet the emission standards established by the United States environmental protection agency for a selected isotope.

2. The department shall conduct a public hearing following submission to the director of the results of the dispersion

modeling conducted by an operator or person proposing operation of a waste incinerator which provides for or will provide for the incineration of pathological radioactive materials.

1. If the dispersion modeling results do not meet the standards for emission limitations prescribed under subsection 1, the director shall require the operator or the person who proposes to operate a waste incinerator which provides for the incineration of pathological radioactive materials to employ or conduct an additional dispersion modeling test employing the best available control technology. Following employment of the best available control technology or the conducting of the additional dispersion modeling, if the incinerator or proposed incinerator does not or will not meet the standards prescribed under subsection 2, the operator's permit for incineration of pathological radioactive materials shall be revoked or the permit for such proposed incineration shall be denied.

Sec. 3. NEW SECTION. 455B.501A INFECTIOUS MEDICAL WASTE INCINERATORS -- REGENTS' UNIVERSITIES -- REQUIREMENTS.

1. The director shall require that a regents' university which operates an infectious medical waste incinerator shall conduct periodic monitoring, under the direction of the Iowa department of public health, and as required by the department of natural resources, to measure compliance with the emission limitations standards for toxic air pollutants adopted by rule of the department of natural resources. In order to continue incineration, the existing incinerator shall continue to meet the emission limitations standards for toxic air pollutants adopted by rule of the department of natural resources.

2. If monitoring results do not meet the emission limitations standards established, the director of the department of natural resources shall require that the university employ the best available control technology for toxics as defined by rule of the department of natural

resources. Following employment of the best available control technology for toxics, if the incinerator does not meet the standards established, the permit for operation of the infectious medical waste incinerator shall be revoked.

Sec. 4. NEW SECTION. 455B.502 INFECTIOUS WASTE TREATMENT AND DISPOSAL FACILITIES -- OPERATING PERMITS REQUIRED.

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 by January 15, 1992.

Sec. 5. NEW SECTION. 455B.503 COLLECTION AND TRANSPORTATION OF INFECTIOUS MEDICAL WASTE -- RULES.

The commission shall adopt rules which require a person who owns or operates an infectious medical waste collection or transportation operation to obtain an operating permit prior to initial operation. 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.

Sec. 6. NEW SECTION. 455B.504 INFECTIOUS WASTE TREATMENT AND DISPOSAL FACILITIES -- NATIONAL REGISTER OF HISTORIC PLACES.

The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste treatment or disposal facility within one

file of a site or building which has been placed on the national register of historic places. This section does not apply to hospitals, health care facilities licensed pursuant to chapter 135C, physicians' offices or clinics, and other health service-related entities.

Sec. 7. 1990 Iowa Acts, chapter 1191, section 5, is amended to read as follows:

SEC. 5. MORATORIUM -- COMMERCIAL INFECTIOUS WASTE INCINERATORS TREATMENT AND DISPOSAL FACILITIES.

1. The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste incinerator ~~prior to July 17, 1992~~ 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. The moratorium does not apply to an infectious waste treatment or disposal facility constructed or operated by a hospital licensed pursuant to chapter 135A, 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 if the total amount of infectious waste accepted from other generators is less than sixty-six percent of the infectious waste incinerated, 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.

2. An infectious waste treatment or disposal facility shall not be constructed or operated unless the facility meets all of the following conditions, if applicable:

a. The facility is designed to accept only medical waste generated in the state and communities within seventy-five miles of the state borders.

b. The facility is subject to monitoring and stack testing at least every three years.

c. The facility incorporates the best available control technology to ensure that the emissions from the facility approach the goal of zero emissions.

d. The facility complies with standards and limitations which are not less stringent, and may be more stringent, than those promulgated by the administrator of the United States environmental protection agency.

e. The facility pays an operating fee as established by the commission.

f. The facility requires large generators for which the facility provides treatment or disposal to certify that the generator submitted a comprehensive plan to the department to provide for reduction or recycling of infectious waste at the source. If the generator is a small quantity generator, however, the facility shall only require that the small quantity generator, or a representative of the small quantity generators, for which the facility provides treatment or disposal, has participated in the development of the

comprehensive plan submitted by the city, county, or public agency, pursuant to section 455B.302.

Comprehensive plans developed under this subsection shall preferably be developed in conjunction with the city, county, or public agency developing the plan pursuant to section 455B.302.

g. The facility has applied for and has qualified for all requisite federal, state, and local permits for construction and operation of the facility.

h. The facility is in compliance with rules, following adoption, pursuant to sections 455B.502 and 455B.503.

i. The facility has established a means of treating or disposing of any residue or ash which remains following treatment of the waste.

The commission shall give priority in the issuance of permits to facilities which present the least multimedia environmental threat.

3. The conditions imposed under subsection 2 shall apply as follows:

a. An existing infectious waste treatment or disposal facility shall comply with the standards and limitations adopted by July 1, 1990, or as federal standards and limitations become final, whichever is earlier.

b. An infectious waste treatment or disposal facility which is established or becomes operational on or after May 1, 1991, shall comply with standards and limitations as they are adopted.

4. 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 section.

Sec. 8. SEVERABILITY CLAUSE. If any provision of this Act or any application thereof to any person is invalid, the invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid

provisions or application, and to this end, the provisions of this Act are severable.

Sec. 9. EFFECTIVE DATE. Section 5 of this Act, being deemed of immediate importance, takes effect upon enactment.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this Bill originated in the House and is known as House File 302, Seventy-fourth General Assembly.

Approved June 5, 1991

JOSEPH O'BERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor