

MAR 24 1993

Place On Calendar

HOUSE FILE 632
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 265)

Passed House, ^(P1073) Date 4-6-93 Passed Senate, Date _____
Vote: Ayes 98 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

(P. 1139) repassed 99/1
4-8-93

A BILL FOR

1 An Act placing a moratorium on construction and operation of
2 certain commercial 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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HF 632

See Link Copy

4-6-93 Motion to R/c by Rafferty
4-8-93 Motion to R/c Prevalent
4-8-93 Senate - Energy & Energy
4-8-93 Senate Do Pass

1 Section 1. NEW SECTION. 455B.151 MORATORIUM --

2 COMMERCIAL WASTE INCINERATORS.

3 1. The department shall not grant a permit for the
4 construction or operation of a commercial waste incinerator
5 until such time as the department adopts rules which establish
6 safe emission standards for releases of toxic air emissions
7 from commercial waste incinerators.

8 2. For purposes of this section:

9 a. "Commercial waste incinerator" means an incinerator
10 which derives at least one-third of its operations,
11 expenditures, or profits from the incineration of waste. A
12 commercial waste incinerator does not include those facilities
13 that use incineration as an emission control device to comply
14 with the federal Clean Air Act Amendments of 1990 or those
15 facilities which use incineration as part of their waste
16 reduction programs for reducing wastes other than hazardous or
17 toxic wastes.

18 b. "Incinerator" means any enclosed combustion device
19 including a boiler, an industrial furnace, a waste-to-energy
20 facility, a kiln, and a cogeneration unit.

21 c. "Waste" means toxic or hazardous waste as identified
22 and included in the consolidated chemical list pursuant to
23 Title III of the federal Superfund Amendments and
24 Reauthorization Act of 1986, or substances which have been
25 treated with a toxic or hazardous waste.

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

28 EXPLANATION

29 The bill prohibits the department of natural resources from
30 granting a permit for the construction or operation of a
31 commercial waste incinerator until the department establishes
32 air toxic emission rules. The bill defines the terms
33 commercial waste incinerator, incinerator, and waste. This
34 bill is effective upon enactment.

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HOUSE FILE 632

H-3489

1 Amend House File 632 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "department" the following: "or the United States
4 environmental protection agency".

By RANTS of Woodbury

H-3489 FILED MARCH 25, 1993

Adopted 4-6-93 (1073)

HOUSE FILE 632

H-3503

1 Amend House File 632 as follows:
2 1. Page 1, line 3, by striking the word "The" and
3 inserting the following: "A commercial waste
4 incinerator shall not be constructed or operated
5 within this state and the".

By HENDERSON of Scott

H-3503 FILED MARCH 25, 1993

Lost 4-6-93 (P.1073)

HOUSE FILE 632

H-3644

1 Amend House File 632 as follows:
2 1. Page 1, line 25, by inserting after the word
3 "waste." the following: "'Waste" does not include
4 waste oil which is designated as a nonhazardous
5 substance under the federal Resource Conservation and
6 Recovery Act of 1976."

By RAFFERTY of Scott

H-3644 FILED APRIL 1, 1993

Lost 4-6-93 (P.1073)

HOUSE FILE 632

H-3786

1 Amend House File 632 as follows:
2 1. Page 1, by striking lines 9 through 11, and
3 inserting the following:
4 "a. "Commercial waste incinerator" means an
5 incinerator which burns waste, at least one-third of
6 which is waste as defined by paragraph "c", and the
7 owner or operator of the incinerator derives at least
8 one-third of its expenditures or profits from the
9 incineration of the waste as defined in paragraph "c".
10 A".
11 2. Page 1, by striking lines 15 through 17, and
12 inserting the following: "facilities which use
13 incineration only as part of their waste reduction
14 programs for reducing waste produced by that
15 facility."
16 3. Page 1, line 25, by inserting after the word
17 "waste." the following: "'Waste" does not include
18 waste oil which is burned under federal environmental
19 protection agency guidelines for purposes of volume
20 reduction, heat production, or energy co-generation."

By RAFFERTY of Scott

WITT of Black Hawk

H-3786 FILED APRIL 7, 1993

Adopted 4-8-93 (P.1138)

HOUSE FILE 632
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 265)

(As Amended and Passed by the House April 8, 1993)

Passed House, Date 4-6-93 ^(p1073) Passed Senate, Date 4/27/93 (p.1382)
Vote: Ayes 98 Nays 1 Vote: Ayes 48 Nays 0
Approved May 11, 1992
Re-passed Senate 43-5
4/30 (p.1500)

A BILL FOR

1 An Act placin: a moratorium on construction and operation of
2 certain commercial 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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6 House Amendments _____

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9 HOUSE FILE 632

10 S-3649

11 1 Amend House File 632, as amended, passed, and
12 2 reprinted by the House, as follows:
13 3 1. Page 1, by striking lines 22 and 23 and
14 4 inserting the following: "including a boiler, an
15 5 industrial furnace, and a kiln."

By EUGENE FRAISE

16 S-3649 FILED APRIL 27, 1993

17 LOST (p.1382)
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1 Section 1. NEW SECTION. 455B.151 MORATORIUM -- COMMERCIAL
2 WASTE INCINERATORS.

3 1. The department shall not grant a permit for the
4 construction or operation of a commercial waste incinerator
5 until such time as the department or the United States
6 environmental protection agency adopts rules which establish
7 safe emission standards for releases of toxic air emissions
8 from commercial waste incinerators.

9 2. For purposes of this section:

10 a. "Commercial waste incinerator" means an incinerator
11 which burns waste, at least one-third of which is waste as
12 defined by paragraph "c", and the owner or operator of the
13 incinerator derives at least one-third of its expenditures or
14 profits from the incineration of the waste as defined in
15 paragraph "c". A commercial waste incinerator does not
16 include those facilities that use incineration as an emission
17 control device to comply with the federal Clean Air Act
18 Amendments of 1990 or those facilities which use incineration
19 only as part of their waste reduction programs for reducing
20 waste produced by that facility.

21 b. "Incinerator" means any enclosed combustion device
22 including a boiler, an industrial furnace, a waste-to-energy
23 facility, a kiln, and a cogeneration unit.

24 c. "Waste" means toxic or hazardous waste as identified
25 and included in the consolidated chemical list pursuant to
26 Title III of the federal Superfund Amendments and
27 Reauthorization Act of 1986, or substances which have been
28 treated with a toxic or hazardous waste. "Waste" does not
29 include waste oil which is burned under federal environmental
30 protection agency guidelines for purposes of volume reduction,
31 heat production, or energy co-generation.

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

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HOUSE FILE 632

S-3524

1 Amend House File 632 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31, the
4 following:

5 "Sec. 100. Section 455B.331, Code 1993, is amended
6 to read as follows:

7 455B.331 DEFINITIONS.

8 As used in this part 2 of division IV, unless the
9 context otherwise requires:

10 1. "Nuclear waste disposal site" means all
11 facilities and appurtenances including all real and
12 personal property connected with such facilities,
13 which are acquired, leased, purchased, constructed,
14 reconstructed, equipped, improved, extended,
15 maintained, or operated off the site of a nuclear
16 power plant to facilitate the temporary or permanent
17 storage or the final disposition of high level
18 radioactive waste without creating a significant
19 hazard to the public health or safety, and which are
20 approved by the general assembly.

21 2. "Radiation" means any ionizing radiation
22 including, but not limited to, high-speed electrons,
23 neutrons, protons and other nuclear particles, but not
24 sound waves.

25 3. "Radioactive material" means any solid,
26 liquid, or gaseous material which emits radiation
27 spontaneously.

28 ~~3. -- "Nuclear waste disposal site" means all~~
29 ~~facilities and appurtenances including all real and~~
30 ~~personal property connected with such facilities,~~
31 ~~which are acquired, leased, purchased, constructed,~~
32 ~~reconstructed, equipped, improved, extended,~~
33 ~~maintained, or operated to facilitate the final~~
34 ~~disposition of radioactive waste without creating a~~
35 ~~significant hazard to the public health or safety, and~~
36 ~~which are approved by the director.~~

37 4. "High level radioactive waste" means any of the
38 following:

39 a. Irradiated reactor fuel.

40 b. Liquid wastes resulting from reprocessing
41 irradiated reactor fuel.

42 c. Solids into which the liquid wastes have been
43 converted.

44 d. Radioactive waste containing alpha emitting
45 transuranic elements that is not acceptable for near-
46 surface disposal as defined in 10 C.F.R. § 61.55.

47 e. Any other highly radioactive materials
48 determined by the federal nuclear regulatory
49 commission or the federal department of energy to
50 require permanent isolation.

S-3524

1 f. Any byproduct material as defined in the
2 Federal Atomic Energy Act of 1954, 42 U.S.C. §
3 2014(11e)(2).

4 Sec. 101. Section 455B.334, Code 1993, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 455B.334 NUCLEAR WASTE DISPOSAL SITE.

8 A person shall not establish or operate a nuclear
9 waste disposal site and shall not perform any testing
10 of a specific area or site related to establishment of
11 a nuclear waste disposal site in this state unless the
12 general assembly expressly authorizes the granting of
13 a permit for the site.

14 The commission shall develop criteria for the
15 evaluation of a proposal for the siting of a nuclear
16 waste disposal site including the need for a site in
17 the state, the existing physical conditions,
18 topography, soils and geology, climate,
19 transportation, and land use at a proposed site, the
20 rules, standards, and procedures for the safe
21 operation and maintenance of a proposed site, and the
22 ability of a proposed permittee to provide sufficient
23 surety bonds or financial commitment to ensure
24 perpetual maintenance and monitoring of the site.

25 If a person applies to the commission for the
26 granting of a permit under this section, the
27 commission shall evaluate the proposed nuclear waste
28 disposal site based upon the criteria established by
29 the commission and shall present the commission's
30 findings and recommendations to the general assembly
31 for review and appraisal.

32 Sec. 102. APPLICABILITY. Sections 100 and 101 of
33 this Act apply to nuclear waste disposal sites for
34 which application for a permit is made on or after the
35 effective date of this Act."

36 2. Title page, line 1, by inserting after the
37 word "Act" the following: "relating to the disposal
38 of waste including nuclear waste disposal and
39 including".

40 3. By renumbering as necessary.

By PATTY JUDGE

S-3524 FILED APRIL 20, 1993 *Adopted 4/27/93 (p. 1359)*
Senate Recedes 4/30 (p. 1500)
HOUSE FILE 632

S-3533

1 Amend House File 632, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 31, by inserting after the word
4 "co-generation" the following: ", or railroad ties".

By EUGENE FRAISE

WITHDRAWN

S-3533 FILED APRIL 20, 1993

HOUSE FILE 632

S-3542

1 Amend House File 632, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 31, by inserting after the word
4 "co-generation" the following: ", or creosote-treated
5 railroad ties".

By EUGENE FRAISE

S-3542 FILED APRIL 20, 1993 *Last 4/27/93 (p.*

HOUSE FILE 632

H-4254

1 Amend House File 632 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31, the
4 following:

5 "Sec. 100. Section 455B.331, Code 1993, is amended
6 to read as follows:

7 455B.331 DEFINITIONS.

8 As used in this part 2 of division IV, unless the
9 context otherwise requires:

10 1. "Nuclear waste disposal site" means all
11 facilities and appurtenances including all real and
12 personal property connected with such facilities,
13 which are acquired, leased, purchased, constructed,
14 reconstructed, equipped, improved, extended,
15 maintained, or operated off the site of a nuclear
16 power plant to facilitate the temporary or permanent
17 storage or the final disposition of high level
18 radioactive waste without creating a significant
19 hazard to the public health or safety, and which are
20 approved by the general assembly.

21 2. "Radiation" means any ionizing radiation
22 including, but not limited to, high-speed electrons,
23 neutrons, protons and other nuclear particles, but not
24 sound waves.

25 3. "Radioactive material" means any solid,
26 liquid, or gaseous material which emits radiation
27 spontaneously.

28 ~~3.---"Nuclear-waste-disposal-site"-means-all~~
29 ~~facilities-and-appurtenances-including-all-real-and~~
30 ~~personal-property-connected-with-such-facilities,~~
31 ~~which-are-acquired,-leased,-purchased,-constructed,~~
32 ~~reconstructed,-equipped,-improved,-extended,~~
33 ~~maintained,-or-operated-to-facilitate-the-final~~
34 ~~disposition-of-radioactive-waste-without-creating-a~~
35 ~~significant-hazard-to-the-public-health-or-safety,-and~~
36 ~~which-are-approved-by-the-director.~~

37 4. "High level radioactive waste" means any of the
38 following:

39 a. Irradiated reactor fuel.

40 b. Liquid wastes resulting from reprocessing
41 irradiated reactor fuel.

42 c. Solids into which the liquid wastes have been
43 converted.

44 d. Radioactive waste containing alpha emitting
45 transuranic elements that is not acceptable for near-
46 surface disposal as defined in 10 C.F.R. § 61.55.

47 e. Any other highly radioactive materials
48 determined by the federal nuclear regulatory
49 commission or the federal department of energy to
50 require permanent isolation.

H-4254

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H-4254

Page 2

1 f. Any byproduct material as defined in the
2 Federal Atomic Energy Act of 1954, 42 U.S.C. §
3 2014(11e)(2).

4 Sec. 101. Section 455B.334, Code 1993, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 455B.334 NUCLEAR WASTE DISPOSAL SITE.

8 A person shall not establish or operate a nuclear
9 waste disposal site and shall not perform any testing
10 of a specific area or site related to establishment of
11 a nuclear waste disposal site in this state unless the
12 general assembly expressly authorizes the granting of
13 a permit for the site.

14 The commission shall develop criteria for the
15 evaluation of a proposal for the siting of a nuclear
16 waste disposal site including the need for a site in
17 the state, the existing physical conditions,
18 topography, soils and geology, climate,
19 transportation, and land use at a proposed site, the
20 rules, standards, and procedures for the safe
21 operation and maintenance of a proposed site, and the
22 ability of a proposed permittee to provide sufficient
23 surety bonds or financial commitment to ensure
24 perpetual maintenance and monitoring of the site.

25 If a person applies to the commission for the
26 granting of a permit under this section, the
27 commission shall evaluate the proposed nuclear waste
28 disposal site based upon the criteria established by
29 the commission and shall present the commission's
30 findings and recommendations to the general assembly
31 for review and appraisal.

32 Sec. 102. APPLICABILITY. Sections 100 and 101 of
33 this Act apply to nuclear waste disposal sites for
34 which application for a permit is made on or after the
35 effective date of this Act."

36 2. Title page, line 1, by inserting after the
37 word "Act" the following: "relating to the disposal
38 of waste including nuclear waste disposal and
39 including".

40 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4254 FILED APRIL 27, 1993

*Refused to concur (p. 1860)
Senate Recedes (4/30) (p. 1500)*

Rants, chair
Henderson
Rafferty

NSB 265

ENERGY AND
ENVIRONMENTAL PROTECTION

HOUSE FILE 637
BY (PROPOSED COMMITTEE ON ENERGY
AND ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON RAFFERTY)

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

A BILL FOR

1 An Act placing a moratorium on construction and operation of
2 certain commercial waste incinerators.

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

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1 Section 1. NEW SECTION. 455B.151 MORATORIUM --

2 COMMERCIAL WASTE INCINERATORS.

3 1. The department shall not grant a permit for the
4 construction or operation of a commercial waste incinerator
5 until such time as the department adopts rules which establish
6 safe emission standards for releases of toxic air emissions
7 from commercial waste incinerators.

8 2. For purposes of this section:

9 a. "Commercial waste incinerator" means an incinerator
10 which derives at least one-third of its operations,
11 expenditures, or profits from the incineration of waste. A
12 commercial waste incinerator does not include those facilities
13 that use incineration as an emission control device to comply
14 with the federal Clean Air Act Amendments of 1990 or those
15 facilities which use incineration as part of their waste
16 reduction programs for reducing wastes other than hazardous or
17 toxic wastes.

18 b. "Incinerator" means any enclosed combustion device
19 including a boiler, an industrial furnace, a waste-to-energy
20 facility, a kiln, and a cogeneration unit.

21 c. "Waste" means toxic or hazardous waste as identified
22 and included in the consolidated chemical list pursuant to
23 Title III of the federal Superfund Amendments and
24 Reauthorization Act of 1986, or substances which have been
25 treated with a toxic or hazardous waste.

26 EXPLANATION

27 The bill prohibits the department of natural resources from
28 granting a permit for the construction or operation of a
29 commercial waste incinerator until the department establishes
30 air toxic emission rules. The bill defines the terms
31 commercial waste incinerator, incinerator, and waste.

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HOUSE FILE 632

AN ACT

PLACING A MORATORIUM ON CONSTRUCTION AND OPERATION OF CERTAIN
COMMERCIAL WASTE INCINERATORS AND PROVIDING AN EFFECTIVE
DATE.

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

Section 1. NEW SECTION. 455B.151 MORATORIUM -- COM-
MERCIAL WASTE INCINERATORS.

1. The department shall not grant a permit for the
construction or operation of a commercial waste incinerator
until such time as the department or the United States
environmental protection agency adopts rules which establish
safe emission standards for releases of toxic air emissions
from commercial waste incinerators.

2. For purposes of this section:

a. "Commercial waste incinerator" means an incinerator
which burns waste, at least one-third of which is waste as
defined by paragraph "c", and the owner or operator of the
incinerator derives at least one-third of its expenditures or
profits from the incineration of the waste as defined in
paragraph "c". A commercial waste incinerator does not
include those facilities that use incineration as an emission
control device to comply with the federal Clean Air Act
Amendments of 1990 or those facilities which use incineration
only as part of their waste reduction programs for reducing
waste produced by that facility.

b. "Incinerator" means any enclosed combustion device
including a boiler, an industrial furnace, a waste-to-energy
facility, a kiln, and a cogeneration unit.

c. "Waste" means toxic or hazardous waste as identified
and included in the consolidated chemical list pursuant to
Title III of the federal Superfund Amendments and

Reauthorization Act of 1986, or substances which have been
treated with a toxic or hazardous waste. "Waste" does not
include waste oil which is burned under federal environmental
protection agency guidelines for purposes of volume reduction,
heat production, or energy cogeneration.

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

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 632, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *May 11*, 1993

TERRY E. BRANSTAD
Governor

HF 632