

House 3/29/93 Emergent
House 4-6-93 Amended/As Pass
w/H-3745

SENATE FILE 290
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB.116.1)

Passed Senate, Date ^(p.815) 3/23/93 Passed House, ^(p.1773) Date 4/28/93
Vote: Ayes 49 Nays 0 Vote: Ayes 99 Nays 0
Approved May 5, 1993

Vote 49-0
4.29-93 (p.1448) A BILL FOR

1 An Act relating to the moratorium on the granting of permits for
2 the construction or operation of infectious waste treatment or
3 disposal facilities.

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

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SF 290

1 Section 1. 1990 Iowa Acts, chapter 1191, section 5,
2 unnumbered paragraph 1, as amended by 1991 Iowa Acts, chapter
3 242, section 7, to be subsection 1, and as further amended by
4 1992 Iowa Acts, chapter 1182, section 6, is amended to read as
5 follows:

6 1. The department of natural resources shall not grant a
7 permit for the construction or operation of a commercial
8 infectious waste treatment or disposal facility until such
9 time as the department adopts rules for operating permits for
10 these facilities and in any event not earlier than July 1,
11 1993 1994. The department shall adopt rules no later than
12 January 15, 1994. The moratorium does not apply to an
13 infectious waste treatment or disposal facility constructed or
14 operated by a hospital licensed pursuant to chapter 135B, or
15 by two or more hospitals licensed pursuant to chapter 135B
16 that jointly construct or operate an infectious waste
17 treatment or disposal facility, which in addition to its own
18 waste only accepts infectious waste from other infectious
19 waste generators, including but not limited to hospitals,
20 health care facilities licensed pursuant to chapter 135C,
21 physicians' offices or clinics, homemaker-home health
22 agencies, hospice programs, public health and educational
23 institutions, nurses' offices, veterinary clinics, and any
24 other institutional health service-related-entities facility
25 as defined in section 135.61, subsection 14, in this state or
26 within the service area of the hospital or hospitals operating
27 the facility. The service area shall not extend more than
28 seventy-five miles from the state border. Owners and
29 operators of small quantity generators of infectious medical
30 waste who do not treat or dispose of the waste generated by
31 the small quantity generator shall take precautions to ensure
32 the safety and well-being of the public and especially persons
33 directly exposed to the waste in the course of disposal. The
34 precautions shall include but are not limited to securing all
35 sharps; separating and securing infectious waste apart from

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

9 EXPLANATION

10 This bill extends the moratorium on the granting of a
11 permit for the construction or operation of a commercial
12 infectious waste treatment or disposal facility from July 1,
13 1993, until July 1, 1994. The bill also expands the
14 categories of infectious waste generators who are eligible to
15 utilize the services of hospitals exempt from the moratorium
16 which operate infectious waste treatment or disposal
17 facilities if the generators are within the service area of
18 the hospital which cannot extend more than 75 miles from the
19 state border. The bill requires that the department of
20 natural resources adopt rules for operating permits for
21 commercial infectious waste treatment or disposal facilities
22 no later than January 15, 1994.

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SENATE FILE 290

H-3745

1 Amend Senate File 290 as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 455B.503, Code 1993, is
6 amended to read as follows:

7 455B.503 INFECTIOUS WASTE TREATMENT AND DISPOSAL
8 FACILITIES -- PERMITS REQUIRED -- RULES.

9 The commission shall adopt rules which require a
10 person who owns or operates an infectious waste
11 treatment or disposal facility to obtain an operating
12 permit before initial operation of the facility. The
13 rules shall specify the information required to be
14 submitted with the application for a permit and the
15 conditions under which a permit may be issued,
16 suspended, modified, revoked, or renewed. The rules
17 shall address but are not limited to the areas of
18 operator safety, recordkeeping and tracking
19 procedures, best available appropriate technologies,
20 emergency response and remedial action procedures,
21 waste minimization procedures, and long-term
22 liability. The department shall submit proposed rules
23 to the commission and notify the general assembly of
24 the submission of the proposed rules pursuant to
25 section 7A.11 by ~~January 15, 1993~~ and the commission
26 shall adopt rules by January 15, 1994. The department
27 shall not grant permits for the construction or
28 operation of a commercial infectious waste treatment
29 or disposal facility until the commission has adopted
30 the required rules, and in no event earlier than July
31 1, ~~1993~~ 1994."

32 2. Page 1, line 3, by inserting after the word
33 and figure "subsection 1" the following: "and
34 subsection 3, paragraph a".

35 3. Page 1, line 13, by striking the words
36 "constructed or" and inserting the following:
37 "exclusively constructed or exclusively owned and".

38 4. Page 1, line 16, by inserting after the word
39 "jointly" the following: "and exclusively".

40 5. Page 1, line 16, by inserting after the word
41 "or" the following: "jointly and exclusively own
42 and".

43 6. Page 2, by inserting after line 8, the
44 following:

45 "a. An existing infectious waste treatment or
46 disposal facility shall comply with the standards and
47 limitations adopted by July 1, ~~1994~~ 1995, or as
48 federal standards and limitations become final,
49 whichever is earlier."

50 7. Title page, line 3, by inserting after the

H-3745

-1-

H-3745

Page 2

1 word "facilities" the following: "and providing for
2 exemptions".

3 8. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
RAFFERTY of Scott, Chairperson

H-3745 FILED APRIL 6, 1993

4-28-93 adopted

(P1772)

HOUSE AMENDMENT TO
SENATE FILE 290

S-3670

1 Amend Senate File 290 as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 455B.503, Code 1993, is
6 amended to read as follows:

7 455B.503. INFECTIOUS WASTE TREATMENT AND DISPOSAL
8 FACILITIES -- PERMITS REQUIRED -- RULES.

9 The commission shall adopt rules which require a
10 person who owns or operates an infectious waste
11 treatment or disposal facility to obtain an operating
12 permit before initial operation of the facility. The
13 rules shall specify the information required to be
14 submitted with the application for a permit and the
15 conditions under which a permit may be issued,
16 suspended, modified, revoked, or renewed. The rules
17 shall address but are not limited to the areas of
18 operator safety, recordkeeping and tracking
19 procedures, best available appropriate technologies,
20 emergency response and remedial action procedures,
21 waste minimization procedures, and long-term
22 liability. The department shall submit proposed rules
23 to the commission and notify the general assembly of
24 the submission of the proposed rules pursuant to
25 section 7A.11 by ~~January 15, 1993~~ and the commission
26 shall adopt rules by January 15, 1994. The department
27 shall not grant permits for the construction or
28 operation of a commercial infectious waste treatment
29 or disposal facility until the commission has adopted
30 the required rules, and in no event earlier than July
31 1, ~~1993~~ 1994."

32 2. Page 1, line 3, by inserting after the word
33 and figure "subsection 1" the following: "and
34 subsection 3, paragraph a".

35 3. Page 1, line 13, by striking the words
36 "constructed or" and inserting the following:
37 "exclusively constructed or exclusively owned and".

38 4. Page 1, line 16, by inserting after the word
39 "jointly" the following: "and exclusively".

40 5. Page 1, line 16, by inserting after the word
41 "or" the following: "jointly and exclusively own
42 and".

43 6. Page 2, by inserting after line 8, the
44 following:

45 "a. An existing infectious waste treatment or
46 disposal facility shall comply with the standards and
47 limitations adopted by July 1, ~~1994~~ 1995, or as
48 federal standards and limitations become final,
49 whichever is earlier."

50 7. Title page, line 3, by inserting after the

S-3670

S-3670

Page 2

1 word "facilities" the following: "and providing for
2 exemptions".

3 8. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3670 FILED APRIL 28, 1993

Senate Concurred
4-29-93
(P. 1448)

BRONSTAL, CH
ROSENBERG
BORLAUG

SSB 116
ENVIRONMENT + ENERGY
UTILITIES

SENATE FILE 290
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL BY CHAIR-
PERSON ROSENBERG)

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

A BILL FOR

1 An Act relating to the moratorium on the granting of permits for
2 the construction or operation of infectious waste treatment or
3 disposal facilities.

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

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1 Section 1. 1990 Iowa Acts, chapter 1191, section 5,
2 subsection 1, as amended by 1991 Iowa Acts, chapter 243,
3 section 7, is amended to read as follows:

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

6 1. The department of natural resources shall not grant a
7 permit for the construction or operation of a commercial
8 infectious waste treatment or disposal facility until such
9 time as the department adopts rules for operating permits for
10 these facilities and in any event not earlier than July 1,
11 ~~1992~~ 1993. The moratorium does not apply to an infectious
12 waste treatment or disposal facility constructed or operated
13 by a hospital licensed pursuant to chapter 135B~~7~~-or-by-two-or
14 ~~more-hospitals-licensed-pursuant-to-chapter-135B-that-jointly~~
15 ~~construct-or-operate-an-infectious-waste-treatment-or-disposal~~
16 ~~facility,which-in-addition-to-its-own-waste-only-accepts~~
17 ~~infectious-waste-form-other-infectious-waste-generators,~~
18 ~~including-but-not-limited-to-hospitals,health-care-facilities~~
19 ~~licensed-pursuant-to-chapter-135C,physicians'offices-or~~
20 ~~clinics,-and-other-health-service-related-entities-in-this~~
21 ~~state-or-within-the-service-areas-of-the-hospital-or-hospitals~~
22 ~~operating-the-facility.~~ Owners and operators of small
23 quantity generators of infectious medical waste who do not
24 treat or dispose of the waste generated by the small quantity
25 generator shall take precautions to ensure the safety and
26 well-being of the public and especially persons directly
27 exposed to the waste in the course of disposal. The
28 precautions shall include but are not limited to securing all
29 sharps; separating and securing infectious waste apart from
30 general waste; clearly marking the waste to indicate that the
31 waste is infectious; and ensuring that the waste is stored,
32 transported, treated, and disposed of in a safe and secure
33 manner. The department, in cooperation with the Iowa
34 department of public health, shall adopt rules defining small
35 quantity generators of infectious waste subject to the

1 provisions of this subsection and which establish criteria for
2 fulfilling the precautionary requirements established.

3

EXPLANATION

4 This bill extends the moratorium on the granting of a
5 permit for the construction or operation of a commercial
6 infectious waste treatment or disposal facility from July 1,
7 1992, until July 1, 1993. The bill also limits the exemption
8 from the moratorium to single hospitals and removes the
9 exemption for two or more hospitals which together construct
10 or operate an infectious waste treatment or disposal facility.

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CRONSTADT, CH.
ROSENBERG
BORLAUG

SSB 116.1
ENVIRONMENT & ENERGY
UTILITIES

SENATE FILE 290
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL BY CHAIR-
PERSON ROSENBERG)

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

A BILL FOR

1 An Act relating to the moratorium on the granting of permits for
2 the construction or operation of infectious waste treatment or
3 disposal facilities.

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

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1 Section 1. 1990 Iowa Acts, chapter 1191, section 5,
2 unnumbered paragraph 1, as amended by 1991 Iowa Acts, chapter
3 242, section 7, to be subsection 1, and as further amended by
4 1992 Iowa Acts, chapter 1182, section 6, is amended to read as
5 follows:

6 1. The department of natural resources shall not grant a
7 permit for the construction or operation of a commercial
8 infectious waste treatment or disposal facility until such
9 time as the department adopts rules for operating permits for
10 these facilities and in any event not earlier than July 1,
11 1993 1994. The department shall adopt rules no later than
12 January 15, 1994. The moratorium does not apply to an
13 infectious waste treatment or disposal facility constructed or
14 operated by a hospital licensed pursuant to chapter 135B, or
15 by two or more hospitals licensed pursuant to chapter 135B
16 that jointly construct or operate an infectious waste
17 treatment or disposal facility, which in addition to its own
18 waste only accepts infectious waste from other infectious
19 waste generators, including but not limited to hospitals,
20 health care facilities licensed pursuant to chapter 135C,
21 physicians' offices or clinics, homemaker-home health
22 agencies, hospice programs, public health and educational
23 institutions, nurses' offices, veterinary clinics, and any
24 other institutional health service-related-entities facility
25 as defined in section 135.61, subsection 14, in this state or
26 within the service area of the hospital or hospitals operating
27 the facility. The service area shall not extend more than
28 seventy-five miles from the state border. Owners and
29 operators of small quantity generators of infectious medical
30 waste who do not treat or dispose of the waste generated by
31 the small quantity generator shall take precautions to ensure
32 the safety and well-being of the public and especially persons
33 directly exposed to the waste in the course of disposal. The
34 precautions shall include but are not limited to securing all
35 sharps; separating and securing infectious waste apart from

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

9 EXPLANATION

10 This bill extends the moratorium on the granting of a
11 permit for the construction or operation of a commercial
12 infectious waste treatment or disposal facility from July 1,
13 1993, until July 1, 1994. The bill also expands the
14 categories of infectious waste generators who are eligible to
15 utilize the services of hospitals exempt from the moratorium
16 which operate infectious waste treatment or disposal
17 facilities if the generators are within the service area of
18 the hospital which cannot extend more than 75 miles from the
19 state border. The bill requires that the department of
20 natural resources adopt rules for operating permits for
21 commercial infectious waste treatment or disposal facilities
22 no later than January 15, 1994.

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SENATE FILE 290

AN ACT

RELATING TO THE MORATORIUM ON THE GRANTING OF PERMITS FOR
THE CONSTRUCTION OR OPERATION OF INFECTIOUS WASTE TREATMENT
OR DISPOSAL FACILITIES AND PROVIDING FOR EXEMPTIONS.

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

Section 1. Section 455B.503, Code 1993, 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 7A.11 by
January 15, 1993 and the commission shall adopt rules by
January 15, 1994. 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 1994.

Sec. 2. 1990 Iowa Acts, chapter 1191, section 5,
unnumbered paragraph 1, as amended by 1991 Iowa Acts, chapter

242, section 7, to be subsection 1 and subsection 3, paragraph
a, and as further amended by 1992 Iowa Acts, chapter 1182,
section 6, is 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,
1993 1994. The department shall adopt rules no later than
January 15, 1994. The moratorium does not apply to an
infectious waste treatment or disposal facility exclusively
constructed or exclusively owned and operated by a hospital
licensed pursuant to chapter 135B, or by two or more hospitals
licensed pursuant to chapter 135B that jointly and exclusively
construct or jointly and exclusively own and 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, homemaker-home
health agencies, hospice programs, public health and
educational institutions, nurses' offices, veterinary clinics,
and any other institutional health service-related-entities
facility as defined in section 135.61, subsection 14, in this
state or within the service area of the hospital or hospitals
operating the facility. The service area shall not extend
more than seventy-five miles from the state border. 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, ~~1994~~ 1995, or as federal standards and limitations become final, whichever is earlier.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 290, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *Amys*, 1993

TERRY E. BRANSTAD
Governor