

AGRICULTURE

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SENATE FILE

299

BY SEXTON

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 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to remediation of agrichemical sites, providing  
 2 fees, and making an appropriation.

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

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SF 299  
AGRICULTURE

1 Section 1. NEW SECTION. 200.8A AGRICHEMICAL REMEDIATION  
2 FEES.

3 A person licensed to sell or distribute commercial  
4 fertilizers and soil conditioners who is required to pay an  
5 inspection fee under section 200.8 shall pay an agrichemical  
6 remediation fee as required pursuant to section 455L.7.

7 Sec. 2. NEW SECTION. 206.13A AGRICHEMICAL REMEDIATION  
8 FEES.

9 A person required to register a pesticide for agricultural  
10 or horticultural use in this state under section 206.12 shall  
11 pay an agrichemical remediation fee as required pursuant to  
12 section 455L.7.

13 Sec. 3. NEW SECTION. 455L.1 TITLE.

14 This section shall be known and may be cited as the "Iowa  
15 Agrichemical Remediation Act".

16 Sec. 4. NEW SECTION. 455L.2 DEFINITIONS.

17 1. "Action level" means the level of contamination that  
18 causes a risk of adverse health effects based on sources  
19 determined to be credible by the department, including the  
20 United States environmental protection agency or current  
21 toxicological information.

22 2. "Active site cleanup" means treating, dispersing,  
23 removing, or disposing of contamination located in soil or  
24 water, including, but not limited to, excavating soil or,  
25 installing institutional or technological controls to protect  
26 water quality.

27 3. "Agrichemical" means a fertilizer or pesticide.

28 4. "Background levels" mean concentrations of a  
29 contaminant generally present in the environment in the  
30 vicinity of a site or an affected area and not the result of  
31 release.

32 5. "Board" means the agrichemical remediation  
33 reimbursement board created under section 455L.3.

34 6. "Contaminated site" means a site where contamination  
35 has been discovered.

1 7. "Contamination" means the presence of pesticide or  
2 fertilizer in soil or groundwater at levels above levels that  
3 would result from normal field application rates or above  
4 background levels.

5 8. "Department" means the department of agriculture and  
6 land stewardship.

7 9. "Fertilizer" means a fertilizer or soil conditioner as  
8 defined in section 200.3.

9 10. "Fertilizer site" means a location where one or more  
10 containers are used for the storage of fertilizer, if there is  
11 one or more nonmobile containers at the location which have a  
12 total capacity to hold more than five thousand gallons of  
13 fertilizer.

14 11. "Fund" means the agrichemical remediation fund created  
15 under section 455L.8.

16 12. "Passive cleanup" means the removal or treatment of a  
17 contaminant in soil or water through management practices or  
18 the construction of barriers, trenches, and other similar  
19 facilities for prevention of contamination, as well as the use  
20 of natural processes such as groundwater recharge, natural  
21 decay, and chemical or biological decomposition.

22 13. "Pesticide" means a pesticide as defined in section  
23 206.2.

24 14. "Pesticide site" means a location where one or more  
25 containers are used for the storage and mixing of pesticides,  
26 if all of the following apply:

27 a. The location is a site used for the storage and  
28 distribution of pesticides.

29 b. Pesticides are at the location thirty or more  
30 consecutive days.

31 c. Three hundred or more gallons of liquid pesticides or  
32 three hundred or more pounds of dry pesticides are mixed,  
33 repackaged, or transferred from one container to another  
34 container within thirty consecutive days.

35 15. "Prohibited release" means spilling, leaking, pumping,

1 pouring, emitting, emptying, discharging, injecting, escaping,  
2 leaching, dumping, or disposing an agrichemical into the  
3 environment from a site, if the spill, emission, or discharge  
4 is in an amount or manner that causes contamination.

5 16. "Protected groundwater source" means a saturated bed,  
6 formation, or group of formations which has a hydraulic  
7 conductivity of at least forty-four-hundredths meters per day  
8 and a total dissolved solids concentration of less than two  
9 thousand five hundred milligrams per liter.

10 17. "Remediation" means a process used to protect the  
11 public health and the safety or the environment from  
12 contamination, including by doing all of the following:

13 a. Controlling, containing, or stabilizing the effects  
14 caused by a prohibited release.

15 b. Investigating, identifying, or analyzing a contaminant  
16 or a contamination source; collecting samples, including soil  
17 and water samples; assessing the condition of a site;  
18 monitoring a contaminated site; providing for structural  
19 testing; or providing for engineering services.

20 c. Providing for site cleanup.

21 18. a. "Responsible person" means a person who is legally  
22 liable for the contamination or who is legally responsible for  
23 abating contamination under any applicable law, including  
24 chapters 455B and 455E, and the common law. This may include  
25 a person causing, allowing, or otherwise participating in the  
26 activities or events which cause the contamination, persons  
27 who have failed to conduct their activities so as to prevent  
28 the release of contaminants into groundwater, responsible  
29 persons who are obligated to abate a condition, or persons  
30 responsible for or successor to such persons.

31 b. "Responsible person" does not include a person who  
32 caused contamination by acting in a manner unauthorized by the  
33 responsible person of the site or the pesticide or fertilizer,  
34 including a person who trespasses upon the site.

35 19. "Site" means a fertilizer site or a pesticide site.

1 20. "Site cleanup" means measures used to contain, reduce,  
2 or eliminate contamination present at a site including by  
3 using active site cleanup or passive site cleanup measures, or  
4 complying with a correction action required or recommended by  
5 the department of natural resources or the United States  
6 environmental protection agency.

7 Sec. 5. NEW SECTION. 455L.3 AGRICHEMICAL REMEDIATION  
8 BOARD.

9 1. An agrichemical remediation board is established within  
10 the department consisting of seven members.

11 2. The members shall include all of the following:

12 a. Five voting members appointed by the secretary of  
13 agriculture. The members shall include all of the following:

14 (1) One member who is actively engaged in selling  
15 agricultural products on a retail basis, or who represents an  
16 association of members actively engaged in selling such  
17 products.

18 (2) One member who is actively engaged in producing an  
19 agricultural commodity or who represents an association of  
20 producers of an agricultural commodity.

21 (3) One member who is actively engaged in the distribution  
22 of agrichemicals or who is a representative of an association  
23 of members actively engaged in the distribution of  
24 agrichemicals.

25 (4) One person who is actively engaged in the manufacture  
26 or distribution of fertilizers or who is a representative of  
27 an association of members actively engaged in the manufacture  
28 or distribution of fertilizers.

29 (5) One person who is a pesticide registrant actively  
30 engaged in the manufacture and distribution of pesticides as  
31 provided in section 206.12 or who represents an association of  
32 members licensed as pesticide registrants.

33 b. The following two members who shall be ex officio  
34 nonvoting members of the board:

35 (1) The secretary of agriculture or the secretary's

1 designee.

2 (2) The director of the department of natural resources or  
3 the director's designee.

4 3. a. The five voting members are subject to confirmation  
5 by the senate pursuant to section 2.32.

6 b. The voting members shall serve terms of three years  
7 beginning and ending as provided in section 69.19. However,  
8 the secretary shall appoint initial members to serve for less  
9 than three years to ensure members serve staggered terms.  
10 Appointments to the board shall be based upon the training,  
11 experience and capacity of the appointees, and not upon  
12 political considerations, other than as provided in sections  
13 69.16 and 69.16A.

14 c. A vacancy on the board shall be filled in the same  
15 manner as an original appointment. A person appointed to fill  
16 a vacancy shall serve only for the unexpired portion of the  
17 term. An appointed member is eligible for reappointment.

18 d. An appointed member may be removed from office by the  
19 secretary for misfeasance, malfeasance, willful neglect of  
20 duty, or other just cause, after notice and hearing, unless  
21 the notice and hearing is expressly waived in writing.

22 5. The appointed members shall receive a per diem as  
23 specified in section 7E.6 for each day spent in performance of  
24 duties as members, and shall be reimbursed for all actual and  
25 necessary expenses incurred in the performance of duties as  
26 members.

27 6. The board shall elect a chairperson each year. The  
28 board shall meet on a regular basis and at the call of the  
29 chairperson or upon the written request to the chairperson of  
30 two or more members.

31 7. The department shall staff the board.

32 Sec. 6. NEW SECTION. 455L.4 BOARD POWERS AND DUTIES.

33 The board shall have all powers necessary to carry out the  
34 functions and duties specified for the board as provided in  
35 this chapter. The board shall do all of the following:

1 1. Review and determine the eligibility of responsible  
2 persons under section 455L.9 and claims under section 455L.10,  
3 and approve administrative costs of the department paid from  
4 the fund.

5 2. Consult with the department regarding remediation  
6 standards adopted by the department pursuant to section  
7 455L.5.

8 3. Approve rules proposed by the department for the  
9 administration of this chapter. The rules of the department  
10 shall contain the rules of the board adopted for its  
11 organization, procedures, programs, and requirements as  
12 required in this chapter. The rules shall provide for all of  
13 the following:

14 a. The board's organization and parliamentary procedures.

15 b. Standards for remediation as provided in section  
16 455L.5.

17 c. The administration of agrichemical remediation fees as  
18 provided in section 455L.7.

19 d. Procedures for paying claims as provided in section  
20 455L.10.

21 Sec. 7. NEW SECTION. 455L.5 REMEDIATION STANDARDS.

22 1. The department shall establish remediation standards  
23 after consultation with the board. The standards must provide  
24 for the protection of the public health and safety and the  
25 environment.

26 2. In establishing these standards, all of the following  
27 shall be considered:

28 a. Separate standards shall be established for  
29 contaminants in soil, in groundwater which is a protected  
30 groundwater source, and in groundwater which is not a  
31 protected groundwater source.

32 b. In groundwater which is a protected groundwater source,  
33 the standards shall be no more protective than the least  
34 restrictive of the maximum contaminant levels established  
35 pursuant to the department of natural resources' drinking

1 water standards, a standard reflecting an increased cancer  
2 risk of one in one million, or a standard reflecting a  
3 noncancer health risk of one. An affected area shall not be  
4 required to be cleaned up to concentration levels below or  
5 more restrictive than background levels.

6 c. In groundwater which is not a protected groundwater  
7 source, the standards shall be no more protective than the  
8 least restrictive of a standard reflecting an increased cancer  
9 risk of one in ten thousand or a standard reflecting a  
10 noncancer health risk of one. An affected area shall not be  
11 required to be cleaned up to levels below or more restrictive  
12 than background levels.

13 d. In soil, the standards shall be no more protective than  
14 the least restrictive of a standard reflecting an increased  
15 cancer risk of one in one million or a standard reflecting a  
16 noncancer health risk of one. An affected area shall not be  
17 required to be cleaned up to concentration levels below or  
18 more restrictive than background levels.

19 Sec. 8. NEW SECTION. 455L.6 PRIORITIZATION.

20 1. The board shall adopt rules to establish criteria for  
21 the classification and prioritization of sites upon which  
22 contamination has been discovered.

23 2. A contaminated site shall be classified as either high,  
24 medium, or low priority.

25 a. A site shall be considered high priority under any of  
26 the following conditions:

27 (1) Groundwater contamination exceeds action levels and is  
28 affecting or likely to affect groundwater used as a drinking  
29 water source.

30 (2) Contamination is affecting or likely to affect surface  
31 water bodies to a level which exceeds surface water quality  
32 standards under section 455B.173.

33 (3) Contamination is discovered in an ecologically  
34 sensitive area. An ecologically sensitive area is one which  
35 is designated by the department.



1     b. A site shall be considered medium priority if  
2 contamination of groundwater exceeds action levels, but does  
3 not meet the criteria for classification as a high priority  
4 site.

5     c. A site shall be considered low priority under any of  
6 the following conditions:

7       (1) If soil contamination exists at the site, but no  
8 groundwater contamination exists at the site.

9       (2) If soil contamination exists and groundwater  
10 contamination has been discovered, but is below action levels.

11     3. A site shall be reclassified as a site with a higher or  
12 lower classification when the site falls within a higher or  
13 lower classification as established under this section.

14     4. This section is applicable to all sites upon which  
15 contamination has been discovered, unless corrective action on  
16 a site has already been approved by the department and  
17 implemented.

18     5. An initial plan of remediation shall be developed by  
19 the responsible person and approved by the department for each  
20 site upon which contamination has been discovered. The plan  
21 of remediation shall include all of the following:

22       a. A determination as to the extent of the existing soil,  
23 groundwater, or surface water contamination.

24       b. The proximity of the contamination and the likelihood  
25 that the contamination will affect a drinking water well.

26       c. The characteristics of the site and the potential for  
27 migration of the contamination.

28       d. A recommendation as to whether the site should be  
29 classified as a high, medium, or low priority site.

30       e. If a site is classified as a high or medium priority  
31 site, further investigation shall be conducted to determine  
32 the extent of the remediation which should be conducted on the  
33 site.

34     6. The corrective action response shall be administered as  
35 follows:

1 a. For a high priority site, soils and groundwater  
2 remediation shall include active remediation where technically  
3 feasible, until such time as the groundwater contamination  
4 levels are below action levels.

5 b. For a medium priority site, the remediation shall  
6 include either monitoring or active or passive remediation as  
7 determined by the department on a site-by-site basis upon  
8 considering the findings of the plan of remediation. However,  
9 the remediation shall at least be the same remediation  
10 required if the site were classified as a low priority site.

11 c. For a low priority site, the remediation shall include  
12 active soil remediation, if remediation would be more  
13 practical and cost-effective than monitoring. If active soil  
14 remediation is undertaken, no further action shall be required  
15 on the site. If active soil remediation is not undertaken,  
16 the site shall be monitored, for a specified period of time as  
17 determined by the department.

18 7. Contaminated groundwater and soil shall be applied on  
19 land in accordance with rules adopted by the department. The  
20 application rate shall not exceed a level which precludes the  
21 resumption of normal farming practices within a two-year  
22 period.

23 8. This section does not affect the ability of the  
24 department or the United States environmental protection  
25 agency to require monitoring or remediation on sites that are  
26 placed on the national priorities list pursuant to the federal  
27 Comprehensive Environmental Response, Compensation and  
28 Liability Act.

29 Sec. 9. NEW SECTION. 455L.7 AGRICHEMICAL REMEDIATION  
30 FEES.

31 1. The department shall establish an agrichemical  
32 remediation fee. The department shall set the fee as follows:

33 a. A person required to register a pesticide for  
34 agricultural or horticultural use in this state shall pay an  
35 agrichemical remediation fee. The fee shall be paid and

1 collected in the same manner as a fee provided pursuant to  
2 section 206.12.

3 (1) For registrants required to pay the minimum fee under  
4 section 206.12, the agrichemical remediation fee shall not  
5 exceed fifteen dollars.

6 (2) For registrants who are required to pay more than the  
7 minimum fee but less than the maximum fee under section  
8 206.12, the agrichemical remediation fee shall not exceed  
9 three hundred fifty dollars.

10 (3) For registrants who are required to pay the maximum  
11 fee under section 206.12, the agrichemical remediation fee  
12 shall not exceed five thousand dollars.

13 b. A person licensed to sell or distribute commercial  
14 fertilizers and soil conditioners who is required to pay an  
15 inspection fee under section 200.8 shall pay an agrichemical  
16 remediation fee. The fee shall be paid and collected in the  
17 same manner as a fee provided pursuant to section 200.8. The  
18 amount of the fee shall not be more than seventeen cents per  
19 ton of fertilizers and soil conditioners.

20 2. a. Each year the department shall adjust the  
21 agrichemical remediation fees necessary to ensure that the  
22 unobligated and unencumbered balance of the fund, less any  
23 pending or unsettled claims, at the end of the following year  
24 is more than two million dollars but not more than six million  
25 dollars. The department shall make any adjustments in the  
26 fees by rule adopted pursuant to chapter 17A.

27 b. The board shall recommend to the department any  
28 adjustments in the agrichemical fees that are necessary to  
29 maintain the fund within the limits established under this  
30 subsection. During its review, the board shall determine the  
31 unobligated and unencumbered balance of the fund and the  
32 expected debits of and credits to the fund for the following  
33 year in which an agrichemical remediation fee is to be paid  
34 pursuant to this section, including the amount of fees  
35 expected to be collected during the following year and any

1 expected, pending, or unsettled claims. The board shall make  
2 its recommendations at least thirty days before the  
3 adjustments to the fees become effective. Adjustments in the  
4 fees shall become effective for the next filing of a statement  
5 for commercial fertilizers or soil conditioners as provided in  
6 section 200.8 and the next registration of pesticides as  
7 provided in section 206.12.

8 3. If, at the end of any three-month period, the  
9 unobligated or unencumbered balance of the fund exceeds nine  
10 million dollars, less any pending or unsettled claims, the  
11 department, after consultation with the board, shall waive the  
12 fees which shall not be assessable or owing. The department  
13 after consultation with the board shall reinstate the fees if  
14 the unobligated or unencumbered balance of the fund, less any  
15 pending or unsettled claims, is two million dollars or less.

16 Sec. 10. NEW SECTION. 455L.8 AGRICHEMICAL REMEDIATION  
17 FUND.

18 1. An agrichemical remediation fund is created within the  
19 state treasury under the control of the department.

20 2. The fund shall consist of any moneys appropriated by  
21 the general assembly for placement in the fund, and moneys  
22 available to and obtained or accepted by the department from  
23 the federal government or private sources for placement in the  
24 fund.

25 3. The fund shall be used exclusively to support  
26 agrichemical remediation as provided in this chapter,  
27 including the payment of claims under section 455L.10 and the  
28 administration of this chapter by the board and the  
29 department.

30 4. The treasurer of state shall act as custodian of the  
31 fund and disburse amounts contained in the fund as directed by  
32 the department, in consultation with the board. The treasurer  
33 of state is authorized to invest the moneys deposited in the  
34 fund. The income from such investment shall be credited to  
35 and deposited in the fund. Notwithstanding section 8.33,

1 moneys in the fund are not subject to reversion to the general  
2 fund of the state. The fund shall be administered by the  
3 department which shall make expenditures from the fund  
4 consistent with the purposes set out in this chapter. The  
5 moneys in the fund shall be disbursed upon warrants drawn by  
6 the director of revenue and finance pursuant to the order of  
7 the department. The finances of the fund shall be calculated  
8 on an accrual basis in accordance with generally accepted  
9 accounting principles. The auditor of state shall regularly  
10 perform audits of the fund.

11 Sec. 11. NEW SECTION. 455L.9 ELIGIBILITY OF RESPONSIBLE  
12 PERSONS.

13 1. A responsible person is eligible to submit a claim to  
14 the board for reimbursement from the fund, if the board  
15 determines that all of the following apply:

16 a. The responsible person is not subject to any of the  
17 following:

18 (1) A pending criminal adjudication against the  
19 responsible person relating to the contamination.

20 (2) Criminal sanctions imposed against the responsible  
21 person relating to the contamination.

22 b. Any of the following:

23 (1) The responsible person performed reasonable measures  
24 necessary for the immediate abatement of any prohibited  
25 release.

26 (2) The responsible person has complied or is in the  
27 process of complying in a timely manner with orders issued by  
28 the state or federal government for remediation of the  
29 contaminated site.

30 2. Unless the department has cause to believe that the  
31 responsible person is not eligible, the department shall  
32 provide a statement to the responsible person upon request.  
33 The statement shall be printed on forms prescribed by the  
34 board. The statement shall verify that to the extent of the  
35 department's knowledge, the responsible person is eligible

1 under this section. The board may use the statement as  
2 evidence of eligibility. The board shall provide the  
3 statement with any weight determined appropriate by the board.

4 3. The state, a state agency, a political subdivision of  
5 the state, or federal government, or an agency of the federal  
6 government, is not eligible to submit a claim to the board for  
7 reimbursement from the fund.

8 4. A responsible person shall not be eligible to receive a  
9 payment from the fund, unless the responsible person submits a  
10 remediation plan to the department which is approved by the  
11 board. The plan shall provide procedures for a remediation of  
12 the contaminated site, a schedule for providing for the  
13 remediation of the site, or the installation of passive site  
14 cleanup.

15 Sec. 12. NEW SECTION. 455L.10 PAYMENT OF CLAIMS.

16 1. The board shall approve a claim against the fund to pay  
17 for remediation of a contaminated site, if all of the  
18 following apply:

19 a. The claim is made in a manner and according to  
20 procedures established by the board.

21 b. The person filing the claim is a responsible person  
22 eligible under section 455L.9.

23 c. The claim includes all of the following:

24 (1) Evidence of the contamination, including affidavits of  
25 experts, photographs, or documentation by federal or state  
26 agencies including the department of natural resources.

27 (2) The total amount required to pay for all costs related  
28 to remediating the site as performed by a qualified person  
29 according to a business invoice. The business invoice shall  
30 be accompanied by supporting evidence.

31 (3) Information about any insurance policy required to  
32 indemnify the responsible person for costs associated with  
33 remediating the contaminated site, including a copy of the  
34 policy.

35 (4) The site has been remediated according to a plan of

1 remediation approved by the board as provided in section  
2 455L.9.

3 (5) The claim is complete and accurate, and contains no  
4 false or misleading statements.

5 (6) The approval by the department, in consultation with  
6 the board, of a comprehensive plan by the responsible person  
7 for the prevention of future contamination at the site.

8 d. The responsible person submits a remediation plan to  
9 the department which is approved by the board.

10 2. If the board approves a claim, the board shall  
11 reimburse the responsible person by doing any of the  
12 following:

13 a. Providing for the immediate payment of a claim, if the  
14 board determines that the contamination causes a clear,  
15 present, and impending danger to the public health or the  
16 natural environment.

17 b. Providing for the ordinary payment of a claim as  
18 follows:

19 (1) The board may pay the amount of the claim based on a  
20 final statement submitted by a responsible person. The  
21 department, in consultation with the board, may establish  
22 guidelines for reasonable and customary charges for specific  
23 remediation procedures. Payment shall not exceed these  
24 reasonable and customary charges without prior approval of the  
25 board.

26 (2) Upon a determination that the claim is eligible for  
27 payment, the department shall provide for payment of the claim  
28 as provided in this subsection.

29 c. The amount of the claim shall be the total amount  
30 required to remediate the site subject to all of the following  
31 deductions:

32 (1) Five thousand dollars.

33 (2) The amount of any insurance payments owed to or  
34 received by the responsible person for indemnification of  
35 remediation costs. The amount of the insurance payments shall

1 be applied first to satisfy the five thousand dollar deduction  
2 required in subparagraph (1).

3 (3) The amount of the claim shall not be more than two  
4 hundred fifty thousand dollars to pay the costs of remediating  
5 a contaminated site.

6 3. The board shall not provide payments from the fund  
7 until the board determines that the claim is reasonable and  
8 that the claimant has submitted all evidence necessary in  
9 order to support the claim and any expenditure of moneys from  
10 the fund. The board shall place conditions or requirements  
11 upon the payment of moneys from the fund in order to ensure  
12 that the moneys are used to provide remediation in compliance  
13 with a remediation plan required pursuant to section 455L.9.

14 4. If at any time the department determines that there are  
15 insufficient moneys in the fund to make payment of all claims,  
16 the department shall pay claims according to the date that the  
17 claims are received by the department. To the extent that a  
18 claim cannot be fully satisfied, the department shall order  
19 that the unpaid portion of the payment be deferred until the  
20 claim can be satisfied. However, the department shall not  
21 satisfy claims from moneys dedicated for the administration of  
22 the fund.

23 5. The department shall have a claim on behalf of the fund  
24 against any responsible person who files a claim in violation  
25 of this chapter for the amount paid for remediation. The  
26 responsible person shall be liable for damages. The moneys  
27 collected by the department under this subsection shall be  
28 deposited into the fund.

29 Sec. 13. NEW SECTION. 455L.11 REPORT.

30 The department in cooperation with the board shall submit a  
31 report to the general assembly by January 10 of each odd-  
32 numbered year. The report shall provide a summary and a  
33 detailed accounting of the fund's financial condition,  
34 including expected revenue and expenses during the following  
35 two years.



1 Sec. 14. APPROPRIATION. There is appropriated from the  
2 general fund of the state to the department of agriculture and  
3 land stewardship for the fiscal year beginning July 1, 1999,  
4 and ending June 30, 2000, the following amount, or so much  
5 thereof as is necessary, to be used for the purposes  
6 designated:

7 For deposit in the agrichemical remediation fund as created  
8 pursuant to section 455L.8:  
9 ..... \$ 1,035,000

10 EXPLANATION

11 This bill creates a new Code chapter 455L which is referred  
12 to as the "Iowa Agrichemical Remediation Act". The bill  
13 provides for the remediation of sites where there has been  
14 contamination because of a release of pesticides or  
15 fertilizers. The bill establishes an agrichemical remediation  
16 board within the department of agriculture and land  
17 stewardship. The board includes a farmer, and persons  
18 involved in the distribution and manufacture of fertilizers  
19 and pesticides. The bill provides that the board has all the  
20 powers and duties to carry out the functions and duties as  
21 specified in the bill. The bill requires the department to  
22 establish remediation standards after consultation with the  
23 board. The standards must provide for the protection of the  
24 public health and safety and the environment. The bill  
25 requires that separate standards shall be established for  
26 contaminants in soil, in groundwater which is a protected  
27 groundwater source, and in groundwater which is not a  
28 protected groundwater source.

29 The bill provides for the prioritization of sites for  
30 cleanup. The bill's provision is based closely on Code  
31 section 455B.601. The bill provides that a contaminated site  
32 must be cleaned up based on a low, medium, or high priority  
33 status. The bill requires a person to file a plan of  
34 remediation with the board and institute remediation as  
35 provided according to the site's priority.

1 The bill requires the department to establish an  
2 agrichemical remediation fee. The fee is imposed in the same  
3 way as the fee for registration of pesticides and the  
4 inspection fee on fertilizers and soil conditioners. Under  
5 the bill, a person required to register a pesticide for  
6 agricultural or horticultural use must pay a fee. The bill  
7 provides that a person licensed to sell or distribute  
8 commercial fertilizers and soil conditioners who is required  
9 to pay an inspection fee under Code section 200.8 must also  
10 pay a fee. The bill establishes an agrichemical remediation  
11 fund. The bill provides that the fund must be used  
12 exclusively to support agrichemical remediation, including the  
13 payment of claims and the administration of this chapter by  
14 the board and the department.

15 The bill provides for the payment of claims to eligible  
16 persons. A person is eligible, if the person is not subject  
17 to criminal charges, the person performed reasonable measures  
18 necessary for the immediate abatement of any prohibited  
19 release, the person is complying with administrative orders,  
20 and the person submits a remediation plan approved by the  
21 board. The bill provides procedures for the payment of  
22 claims, including emergency or ordinary payments. The bill  
23 provides limits on the amount of reimbursement, including a  
24 deductible. The bill provides that the amount of the claim  
25 shall not be more than \$250,000 to pay the costs of  
26 remediating a contaminated site.

27 The bill requires the department in cooperation with the  
28 board to submit a report to the general assembly by January 10  
29 of each odd-numbered year.

30 The bill appropriates \$1,035,000 from the general fund of  
31 the state to the agrichemical remediation fund in order to  
32 support remediation efforts.

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