

*Rep. Bradley, chm.*  
*Rep. Kettering*  
*Rep. Witt*

HSB 644

ENVIRONMENTAL PROTECTION

SENATE/HOUSE FILE

SF 02417

BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

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

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to statewide standards, site-specific cleanup  
2 standards, and public participation in the Iowa land recycling  
3 and environmental remediation standards Act.

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

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1 Section 1. Section 455H.203, subsection 2, Code 2001, is  
2 amended to read as follows:

3 2. In establishing these standards, all of the following  
4 shall be considered:

5 a. Separate standards shall be established for hazardous  
6 substances in soil, in groundwater which is a protected  
7 groundwater source, and in groundwater which is not a  
8 protected groundwater source.

9 b. In groundwater which is a protected groundwater source,  
10 the standards shall be ~~no more protective than the least~~  
11 ~~restrictive of~~ the maximum contaminant levels established  
12 pursuant to the department's drinking water standards, ~~a~~  
13 ~~standard reflecting an increased cancer risk of one in one~~  
14 ~~million, or a standard reflecting a noncancer health risk of~~  
15 one or, for contaminants that do not have established drinking  
16 water standards, the standards shall be derived in a manner  
17 comparable to that used for establishment of drinking water  
18 standards. An affected area shall not be required to be  
19 cleaned up to concentration levels below or more restrictive  
20 than background levels.

21 c. In groundwater which is not a protected groundwater  
22 source, the standards shall be no more protective than the  
23 ~~least restrictive of~~ a standard reflecting an increased cancer  
24 risk of one in ten thousand from exposure to contaminants that  
25 are known or probable human carcinogens; a standard reflecting  
26 a noncancer health risk of one-tenth from exposure to  
27 contaminants that are possible human carcinogens; or a  
28 standard reflecting a noncancer health risk of one from  
29 exposure to contaminants that are not known, probable, or  
30 possible human carcinogens. An affected area shall not be  
31 required to be cleaned up to levels below or more restrictive  
32 than background levels.

33 d. In soil, the standards shall be no more protective than  
34 ~~the least restrictive of~~ a standard reflecting an increased  
35 cancer risk of one five in one million from exposure to

1 contaminants that are known or probable human carcinogens; a  
 2 standard reflecting a noncancer health risk of one-tenth from  
 3 exposure to contaminants that are possible human carcinogens;  
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 7 required to be cleaned up to concentration levels below or  
 8 more restrictive than background levels.

9 e. Statewide standards specified in paragraphs "b", "c",  
 10 and "d" assume exposure to individual contaminants in  
 11 groundwater or soil. If more than one contaminant exists in a  
 12 medium or exposure to contaminants can occur from more than  
 13 one medium, standards shall be adjusted to reflect a  
 14 cumulative increased cancer risk that is no less protective  
 15 than one in ten thousand and a cumulative noncancer health  
 16 risk to the same target human organ that is no less protective  
 17 than one. Risks associated with background levels of  
 18 contaminants shall not be included in the cumulative risk  
 19 determination.

20 Sec. 2. Section 455H.204, subsection 2, paragraph f, Code  
 21 2001, is amended to read as follows:

22 f. Cleanup shall not be required in an affected area that  
 23 does not present any of the following:

24 (1) An increased cancer risk from a single contaminant at  
 25 the point of exposure of one five in one million for  
 26 residential areas or one in ten thousand for nonresidential  
 27 areas.

28 (2) An increased noncancer-health-risk-at-the-point-of  
 29 exposure-of-greater-than-one cancer risk from multiple  
 30 contaminants or multiple routes of exposure greater than one  
 31 in ten thousand.

32 (3) An increased noncancer health risk from a single  
 33 contaminant at the point of exposure of greater than one, or  
 34 greater than one-tenth for possible carcinogens.

35 (4) An increased noncancer risk to the same target human

1 organ from multiple contaminants or multiple routes of  
2 exposure greater than one.

3 Sec. 3. NEW SECTION. 455H.208 PUBLIC PARTICIPATION.

4 Public participation shall be a required component of the  
5 process for participants for all sites enrolled in the land  
6 recycling program. The required level of public participation  
7 shall vary depending on the conditions existing at a site. At  
8 a minimum, the department shall notify all adjacent property  
9 owners, occupants of adjacent property, and the city or county  
10 in which the property is located of a site's enrollment in the  
11 land recycling program and of the scope of work described in  
12 the participation agreement; and give the notified parties the  
13 opportunity to obtain updates regarding the status of  
14 activities relating to the enrolled site in the land recycling  
15 program. If contaminants from the enrolled site have migrated  
16 off the enrolled site or are likely to migrate off the  
17 enrolled site, as determined by the department, the department  
18 shall notify by direct mailing all potentially affected  
19 parties, including the city or county in which the potentially  
20 affected property is located, and officials of any potentially  
21 impacted public water supply and the notified parties shall be  
22 given opportunity to comment on proposed response actions.  
23 The department may require the participant of an enrolled site  
24 to publish public notice in a local newspaper if widespread  
25 interest in the site exists or is likely to exist as  
26 determined by the department. The department shall consider  
27 reasonable comments from potentially affected parties in  
28 determining whether to approve or disapprove a proposed  
29 response action or site closure.

30 EXPLANATION

31 This bill amends the Iowa land recycling and environmental  
32 remediation standards Act in Code chapter 455H by amending the  
33 considerations for establishing the statewide standards, site-  
34 specific standards, amending the considerations for  
35 establishing site-specific cleanup standards and appropriate

1 response actions, and adding a public participation component  
2 for all sites in the program.

3 The bill amends the criteria which must be considered when  
4 establishing statewide standards. The bill provides that, in  
5 groundwater which is a protected groundwater source, the  
6 standards shall be the maximum contaminant levels established  
7 pursuant to the department's drinking water standards or, for  
8 contaminants that do not have established drinking water  
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20 possible human carcinogens. The bill provides that, in soil,  
21 the standards shall be no more protective than a standard  
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29 The bill provides that the amended statewide standards  
30 assume exposure to individual contaminants in groundwater or  
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32 exist in a medium or exposure to contaminants can occur from  
33 more than one medium, standards shall be adjusted to reflect a  
34 cumulative increased cancer risk that is no less protective  
35 than one in 10,000 and a cumulative noncancer health risk to

1 the same target human organ that is no less protective than  
2 one. The bill provides that risks associated with background  
3 levels of contaminants shall not be included in the cumulative  
4 risk determination.

5 The bill amends the criteria that must be considered in  
6 establishing site-specific standards and appropriate response  
7 actions. The bill provides that cleanup shall not be required  
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11 nonresidential areas, an increased cancer risk from multiple  
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16 increased noncancer risk to the same target human organ from  
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19 The bill adds a required public participation component for  
20 participants for all sites enrolled in the land recycling  
21 program. The bill provides that the level of participation  
22 shall vary depending on the conditions existing at the site  
23 and shall range from notification provisions to public notice  
24 in local newspapers. The bill provides that the department  
25 shall consider reasonable comments from potentially affected  
26 parties in determining whether to approve or disapprove a  
27 proposed response action or site closure.

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# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
JEFFREY R. VONK, DIRECTOR

To: General Assembly  
From: Jeffrey R. Vonk, Director  
Iowa Department of Natural Resources  
Date: January 7, 2001  
Re: Land Recycling

This bill request is to amend the Iowa land recycling and environmental standards Act in Code chapter 455H, by amending the considerations for establishing statewide standards, amending the considerations for establishing site-specific standards, and adding a public participation component for all sites in the program. The purpose of these amendments is to make the Iowa land recycling program more consistent with the federal Superfund program. These amendments are necessary for the department to reach an agreement with the U.S. Environmental Protection Agency not to take action at sites that have completed or are enrolled in the Iowa land recycling program.

The bill amends criteria for establishing statewide standards in groundwater. The bill provides that statewide standards in a protected groundwater source be consistent with drinking water standards.

The bill provides that statewide standards for a nonprotected groundwater source and for soil be based on whether the contaminant is a known or probable human carcinogen; is a possible human carcinogen; or is not a known, probable, or possible human carcinogen. The original code did not specify such a distinction. The bill provides a new criterion for establishing standards for contaminants that are possible human carcinogens by incorporating a tenfold factor of safety with the standard based on noncancer health risk, which is consistent with how drinking water standards are established. The resulting standards for contaminants that are possible human carcinogens will be ten times smaller than what was required in the original code.

The bill changes the most protective cancer risk from one in a million to five in a million to be more consistent with the cancer risks associated with drinking water standards. Standards based on a five in a million cancer risk will be five times larger than standards based on a one in a million cancer risk.

The bill provides for adjustments to statewide standards and site-specific standards when more than one contaminant or route of exposure to contaminants exists. The bill provides that the summation of cancer risks from multiple contaminants or multiple routes of exposure (e.g., drinking and breathing) shall not exceed a cancer risk of one in ten thousand. The bill also provides that the summation of noncancer risks to the same target organ (e.g., liver) from multiple contaminants and multiple routes of exposure shall not exceed a noncancer risk of one. These adjustments will ensure a minimum level of protection at sites where many contaminants exist.

ASB 644

The bill adds a required public participation component for all sites enrolled in the land recycling program. The bill provides that the level of participation shall vary depending on the conditions at the site and shall range from notification provisions to public notice in local newspapers. The bill provides that the department shall consider reasonable comments from potentially affected parties in determining whether to approve or disapprove a proposed response action or site closure.



REPRINTED

FEB 19 2002  
Place On Calendar

HOUSE FILE 2417  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 644)

Passed House, Date <sup>(P.634)</sup> 3-6-02 Passed Senate, Date <sup>(P.647)</sup> 3/18/02  
Vote: Ayes 93 Nays 0 Vote: Ayes 42 Nays 3  
Approved April 8, 2002

A BILL FOR

1 An Act relating to statewide standards, site-specific cleanup  
2 standards, and public participation in the Iowa land recycling  
3 and environmental remediation standards Act.

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

HOUSE FILE 2417

H-8088

1 Amend House File 2417 as follows:  
2 1. Page 3, line 15, by inserting after the word  
3 "program." the following: "The notification shall not  
4 be required before the participant has had the  
5 opportunity to collect basic information  
6 characterizing the nature and extent of the  
7 contamination but the notification shall be required  
8 in a timely manner allowing appropriate parties to  
9 have input in the formulation of the response action."

By BRADLEY of Clinton

H-8088 FILED FEBRUARY 25, 2002

3-6-02 (P.633)

HF 2417

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2 amended to read as follows:

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9 b. In groundwater which is a protected groundwater source,  
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EXPLANATION

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5-3/6/02 *Res.*  
5-3/1/02 *Do Pass*

HOUSE FILE 2417  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 644)

(As Amended and Passed by the House March 6, 2002)

Passed House, Date \_\_\_\_\_ Passed Senate, <sup>(P. 647)</sup> Date 3/18/02  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 42 Nays 3  
Approved April 8, 2002

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

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HOUSE FILE 2417

AN ACT

RELATING TO STATEWIDE STANDARDS, SITE-SPECIFIC CLEANUP STANDARDS,  
AND PUBLIC PARTICIPATION IN THE IOWA LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION STANDARDS ACT.

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

Section 1. Section 455H.203, subsection 2, Code 2001, is amended to read as follows:

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

a. Separate standards shall be established for hazardous substances in soil, in groundwater which is a protected groundwater source, and in groundwater which is not a protected groundwater source.

b. In groundwater which is a protected groundwater source, the standards shall be ~~no more protective than the least restrictive of~~ the maximum contaminant levels established pursuant to the department's drinking water standards, ~~a standard reflecting an increased cancer risk of one in one million, or a standard reflecting a noncancer health risk of one or, for contaminants that do not have established drinking water standards, the standards shall be derived in a manner comparable to that used for establishment of drinking water standards.~~ An affected area shall not be required to be cleaned up to concentration levels below or more restrictive than background levels.

c. In groundwater which is not a protected groundwater source, the standards shall be ~~no more protective than the least restrictive of~~ a standard reflecting an increased cancer risk of one in ten thousand from exposure to contaminants that are known or probable human carcinogens; a standard reflecting a noncancer health risk of one-tenth from exposure to

contaminants that are possible human carcinogens; or a standard reflecting a noncancer health risk of one from exposure to contaminants that are not known, probable, or possible human carcinogens. An affected area shall not be required to be cleaned up to levels below or more restrictive than background levels.

d. In soil, the standards shall be no more protective than ~~the least restrictive of~~ a standard reflecting an increased cancer risk of one five in one million from exposure to contaminants that are known or probable human carcinogens; a standard reflecting a noncancer health risk of one-tenth from exposure to contaminants that are possible human carcinogens; or a standard reflecting a noncancer health risk of one from exposure to contaminants that are not known, probable, or possible human carcinogens. An affected area shall not be required to be cleaned up to concentration levels below or more restrictive than background levels.

e. Statewide standards specified in paragraphs "b", "c", and "d" assume exposure to individual contaminants in groundwater or soil. If more than one contaminant exists in a medium or exposure to contaminants can occur from more than one medium, standards shall be adjusted to reflect a cumulative increased cancer risk that is no less protective than one in ten thousand and a cumulative noncancer health risk to the same target human organ that is no less protective than one. Risks associated with background levels of contaminants shall not be included in the cumulative risk determination.

Sec. 2. Section 455H.204, subsection 2, paragraph f, Code 2001, is amended to read as follows:

f. Cleanup shall not be required in an affected area that does not present any of the following:

(1) An increased cancer risk from a single contaminant at the point of exposure of one five in one million for residential areas or one in ten thousand for nonresidential areas.

(2) An increased noncancer-health-risk-at-the-point-of exposure-of-greater-than-one cancer risk from multiple contaminants or multiple routes of exposure greater than one in ten thousand.

(3) An increased noncancer health risk from a single contaminant at the point of exposure of greater than one, or greater than one-tenth for possible carcinogens.

(4) An increased noncancer risk to the same target human organ from multiple contaminants or multiple routes of exposure greater than one.

Sec. 3. NEW SECTION. 455H.208 PUBLIC PARTICIPATION.

Public participation shall be a required component of the process for participants for all sites enrolled in the land recycling program. The required level of public participation shall vary depending on the conditions existing at a site. At a minimum, the department shall notify all adjacent property owners, occupants of adjacent property, and the city or county in which the property is located of a site's enrollment in the land recycling program and of the scope of work described in the participation agreement; and give the notified parties the opportunity to obtain updates regarding the status of activities relating to the enrolled site in the land recycling program. The notification shall not be required before the participant has had the opportunity to collect basic information characterizing the nature and extent of the contamination but the notification shall be required in a timely manner allowing appropriate parties to have input in the formulation of the response action. If contaminants from the enrolled site have migrated off the enrolled site or are likely to migrate off the enrolled site, as determined by the department, the department shall notify by direct mailing all potentially affected parties, including the city or county in which the potentially affected property is located, and officials of any potentially impacted public water supply and the notified parties shall be given opportunity to comment on

proposed response actions. The department may require the participant of an enrolled site to publish public notice in a local newspaper if widespread interest in the site exists or is likely to exist as determined by the department. The department shall consider reasonable comments from potentially affected parties in determining whether to approve or disapprove a proposed response action or site closure.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2417, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved 4/8, 2002

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THOMAS J. VILSACK  
Governor