

FEB 27 2004
Place On Calendar

HOUSE FILE 2392
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 572)

(SUCCESSOR TO HF 83)

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

A BILL FOR

1 An Act relating to controlled burns of demolished buildings
2 conducted by certain cities.

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

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HF 2392

1 Section 1. Section 455B.133, subsection 10, Code 2003, is
2 amended to read as follows:

3 10. Adopt rules allowing a city to conduct a controlled
4 burn of a demolished building subject to the ~~same-restrictions~~
5 as requirements that are in effect for fire-fighting-training
6 fires the proper removal of all asbestos containing materials
7 prior to demolition and burning. The rules shall include a
8 provision provisions that a city-may-undertake-no-more-than
9 three-controlled-burns-in-every-overlapping-six-tenths-of-a-
10 mile-radius-circle-every-three-years burn site have controlled
11 access, that a burn site be supervised by representatives of
12 the city at all times, and that the burning be conducted only
13 when weather conditions are favorable with respect to
14 surrounding property. For a burn site located outside of a
15 city, the rules shall include a provision that a city may
16 undertake not more than one such controlled burn per day and
17 that a burn site be limited to an area located at least six-
18 tenths of a mile from any inhabited building. For burn sites
19 located within a city, the rules shall include a provision
20 that a city may undertake not more than one such controlled
21 burn in every six-tenths-of-a-mile-radius circle in each
22 calendar year. The rules shall prohibit a controlled burn of
23 a demolished building in Cedar Rapids, Marion, Hiawatha,
24 Council Bluffs, Carter Lake, Des Moines, West Des Moines,
25 Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo,
26 Davenport, Mason City, or any other area where area-specific
27 state implementation plans require the control of particulate
28 matter.

29 EXPLANATION

30 This bill relates to controlled burns of demolished
31 buildings conducted by certain cities.

32 Currently, the environmental protection commission is
33 required to adopt rules allowing a city to conduct a
34 controlled burn of a demolished building subject to the same
35 restrictions as are in effect for fire fighting training

1 fires. Also under current law, the rules are required to
2 include a provision that a city may undertake no more than
3 three controlled burns in every overlapping six-tenths-of-a-
4 mile-radius circle every three years.

5 The bill eliminates the requirement that controlled burns
6 of demolished buildings are subject to the same restrictions
7 as are in effect for fire fighting training fires and provides
8 that such burns are subject to the requirements that are in
9 effect for the proper removal of all asbestos-containing

10 materials prior to demolition and burning. The bill
11 eliminates the current restrictions on the number of
12 controlled burns and provides both of the following:

13 1. That for a burn site located outside a city the rules
14 shall include a provision that a city may undertake not more
15 than one controlled burn per day and that a burn site shall be
16 limited to an area located at least six-tenths of a mile from
17 any inhabited building.

18 2. That for a burn site located within a city the rules
19 shall include a provision that a city may undertake not more
20 than one controlled burn in every six-tenths-of-a-mile-radius
21 circle in each calendar year.

22 The bill provides that burn sites shall have controlled
23 access, be supervised by representatives of the city at all
24 times, and be conducted only when weather conditions are
25 favorable with respect to surrounding property.

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HOUSE FILE 2392

H-8151

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 12, by striking the words "and
- 3 that" and inserting the following: "that".
- 4 2. Page 1, line 14, by inserting after the word
- 5 "property" the following: ", and that approval of the
- 6 local board of health, as defined in section 137.2,
- 7 must be received prior to any burn taking place".

By D. OLSON of Boone HEDDENS of Story
GREIMANN of Story HOGG of Linn
FALLON of Polk KUHN of Floyd
FORD of Polk SHOULTZ of Black Hawk
GASKILL of Wapello

H-8151 FILED MARCH 2, 2004

HOUSE FILE 2392

H-8177

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "building" the following: ", public use area,
- 4 educational institution, religious institution, or
- 5 commercial enterprise".

By D. OLSON of Boone
KUHN of Floyd

H-8177 FILED MARCH 8, 2004

HOUSE FILE 2392

AN ACT

RELATING TO CONTROLLED BURNS OF DEMOLISHED BUILDINGS CONDUCTED
BY CERTAIN CITIES.

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

Section 1. Section 455B.133, subsection 10, Code 2003, is amended to read as follows:

10. Adopt rules allowing a city to conduct a controlled burn of a demolished building subject to the ~~same restrictions as requirements that~~ are in effect for fire-fighting-training fires the proper removal of all asbestos containing materials prior to demolition and burning. The rules shall include a ~~provision provisions~~ that a city may undertake no more than three controlled burns in every overlapping six-tenths-of-a-mile-radius-circle-every-three-years burn site have controlled access, that a burn site be supervised by representatives of the city at all times, and that the burning be conducted only when weather conditions are favorable with respect to surrounding property. For a burn site located outside of a city, the rules shall include a provision that a city may undertake not more than one such controlled burn per day and that a burn site be limited to an area located at least six-tenths of a mile from any inhabited building. For burn sites located within a city, the rules shall include a provision that a city may undertake not more than one such controlled burn in every six-tenths-of-a-mile-radius circle in each calendar year. The rules shall prohibit a controlled burn of a demolished building in Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo,

Davenport, Mason City, or any other area where area-specific state implementation plans require the control of particulate matter.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2392, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor