

# Senate Study Bill 3165

SENATE/HOUSE FILE \_\_\_\_\_  
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 eliminating certain duties of the department of natural  
2 resources.

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

4 TLSB 5449DP 81

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1 1 Section 1. Section 72.5, subsection 2, Code 2005, is  
1 2 amended to read as follows:

1 3 2. ~~In connection with development of a statewide building~~  
~~1 4 energy efficiency rating system, pursuant to section 473.40,~~  
~~1 5 the~~ The director of the department of natural resources in  
1 6 consultation with the department of management, state building  
1 7 code commissioner, and state fire marshal, shall develop  
1 8 standards and methods to evaluate design development documents  
1 9 and construction documents based upon ~~the energy efficiency~~  
~~1 10 rating system for public buildings, and other life cycle cost~~  
1 11 factors, to facilitate fair and uniform comparisons between  
1 12 design proposals and informed decision making by public  
1 13 bodies.

1 14 Sec. 2. Section 455B.304, subsection 17, Code 2005, is  
1 15 amended to read as follows:

1 16 17. The commission shall adopt rules to establish a  
1 17 special waste authorization program. For purposes of this  
1 18 subsection, "special waste" means any industrial process  
1 19 waste, pollution control waste, or toxic waste which presents  
1 20 a threat to human health or the environment or a waste with  
1 21 inherent properties which make the disposal of the waste in a  
1 22 sanitary landfill difficult to manage. Special waste does not  
1 23 include domestic, office, commercial, medical, or industrial  
1 24 waste that does not require special handling or limitations on  
1 25 its disposal. Special waste does not include hazardous wastes  
1 26 which are regulated under the federal Resource Conservation  
1 27 and Recovery Act, 42 U.S.C. } 6921==6934, or hazardous wastes  
1 28 as defined in section 455B.411, subsection 3, ~~or hazardous~~  
~~1 29 wastes included in the list compiled in accordance with~~  
~~1 30 section 455B.464.~~

1 31 Sec. 3. Section 455B.335, subsection 2, Code 2005, is  
1 32 amended by striking the subsection.

1 33 Sec. 4. Section 455B.412, subsection 1, Code 2005, is  
1 34 amended by striking the subsection.

1 35 Sec. 5. Section 455B.461, subsection 2, Code 2005, is  
2 1 amended to read as follows:

2 2 2. "Hazardous waste" means hazardous waste as defined in  
2 3 section 455B.411, subsection 3, ~~and section 455B.464.~~

2 4 Sec. 6. Section 455B.482, subsection 3, Code 2005, is  
2 5 amended to read as follows:

2 6 3. "Hazardous waste" means hazardous waste as defined in  
2 7 section 455B.411, subsection 3, ~~and under section 455B.464.~~

2 8 Sec. 7. Section 455B.484, subsection 11, Code 2005, is  
2 9 amended by striking the subsection.

2 10 Sec. 8. Section 558.69, unnumbered paragraph 1, Code 2005,  
2 11 is amended to read as follows:

2 12 With each declaration of value submitted to the county  
2 13 recorder under chapter 428A, there shall also be submitted a  
2 14 statement regarding whether any known private burial site is  
2 15 situated on the property, and if a known private burial site  
2 16 is situated on the property, the statement shall state the  
2 17 approximate location of the site. The statement shall also

2 18 state that no known wells are situated on the property, or if  
2 19 known wells are situated on the property, the statement must  
2 20 state the approximate location of each known well and its  
2 21 status with respect to section 455B.190 or 460.302. The  
2 22 statement shall also state that no known disposal site for  
2 23 solid waste, as defined in section 455B.301, which has been  
2 24 deemed to be potentially hazardous by the department of  
2 25 natural resources, exists on the property, or if such a known  
2 26 disposal site does exist, the location of the site on the  
2 27 property. The statement shall additionally state that no  
2 28 known underground storage tank, as defined in section  
2 29 455B.471, subsection 11, exists on the property, or if a known  
2 30 underground storage tank does exist, the type and size of the  
2 31 tank, and any known substance in the tank. The statement  
2 32 shall also state that no known hazardous waste as defined in  
2 33 section 455B.411, subsection 3, or listed by the department  
2 34 pursuant to section 455B.412, subsection 2, ~~or section~~  
~~2 35 455B.464~~, exists on the property, or if known hazardous waste  
3 1 does exist, that the waste is being managed in accordance with  
3 2 rules adopted by the department of natural resources. The  
3 3 statement shall be signed by at least one of the sellers or  
3 4 their agents. The county recorder shall refuse to record any  
3 5 deed, instrument, or writing for which a declaration of value  
3 6 is required under chapter 428A unless the statement required  
3 7 by this section has been submitted to the county recorder. A  
3 8 buyer of property shall be provided with a copy of the  
3 9 statement submitted, and, following the fulfillment of this  
3 10 provision, if the statement submitted reveals no private  
3 11 burial site, well, disposal site, underground storage tank, or  
3 12 hazardous waste on the property, the county recorder may  
3 13 destroy the statement. The land application of sludges or  
3 14 soils resulting from the remediation of underground storage  
3 15 tank releases accomplished in compliance with department of  
3 16 natural resources rules without a permit is not required to be  
3 17 reported as the disposal of solid waste or hazardous waste.  
3 18 Sec. 9. Sections 455B.332, 455B.333, 455B.464, and 473.40,  
3 19 Code 2005, are repealed.

3 20 EXPLANATION

3 21 This bill eliminates certain duties of the department of  
3 22 natural resources.

3 23 The bill eliminates the department's duty to develop  
3 24 comprehensive plans and programs for the state for the  
3 25 management of hazardous waste. The bill eliminates the  
3 26 department director's duty to compile, annually, a list of  
3 27 certain hazardous wastes for adoption by the environmental  
3 28 protection commission. The bill eliminates the department's  
3 29 duty to develop and implement programs which result in  
3 30 widespread adoption of waste minimization programs by  
3 31 hazardous waste generators.

3 32 The bill eliminates the department's duty to establish a  
3 33 statewide building energy efficiency rating system.

3 34 The bill eliminates the department's duty to establish  
3 35 policy for, provide for the proper methods for, and issue  
4 1 permits for the transportation, storage, handling, and  
4 2 disposal of radioactive material for the purpose of protecting  
4 3 the public health and safety.

4 4 The bill makes conforming amendments.

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