

House Study Bill 594 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to pollution prevention and waste management
2 assistance.

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

1 Section 1. Section 455B.481, subsections 1 through 3, Code
2 2011, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and
4 ~~safe storage, treatment, and disposal~~ management of solid,
5 hazardous, and low-level radioactive wastes in Iowa. The
6 ~~management of these wastes generated within Iowa is the~~
7 ~~responsibility of Iowans. It is the intent of the general~~
8 ~~assembly that Iowans assume this responsibility to the extent~~
9 ~~consistent with the protection of public health, safety, and~~
10 ~~the environment, and that Iowans insure that waste management~~
11 ~~practices, as alternatives to land disposal, including source~~
12 ~~reduction, recycling, compaction, incineration, and other forms~~
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~
15 ~~comprehensive waste management plan be established by the~~
16 ~~department which includes: the determination of need and~~
17 ~~adequate regulatory controls prior to the initiation of site~~
18 ~~selection; the process for selecting a superior site determined~~
19 ~~to be necessary; the establishment of a process for a site~~
20 ~~community to submit or present data, views, or arguments~~
21 ~~regarding the selection of the operator and the technology~~
22 ~~that best ensures proper facility operation; the prohibition~~
23 ~~of shallow land burial of hazardous and low-level radioactive~~
24 ~~wastes; the establishment of a regulatory framework for a~~
25 ~~facility; and the establishment of provisions for the safe~~
26 ~~and orderly development, operation, closure, postclosure, and~~
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. ~~In order to meet capacity assurance requirements~~
29 ~~of section 104k of the federal Superfund Amendments and~~
30 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
31 ~~the objectives of waste minimization, the The department,~~
32 ~~in cooperation with the small business assistance center at~~
33 ~~the university of northern Iowa, shall work with generators~~
34 ~~of hazardous wastes in the state to develop and implement~~
35 ~~aggressive waste minimization programs. The goal of these~~

1 ~~programs is to reduce the volume of hazardous waste generated~~
2 ~~in the state as a whole by twenty five percent of the amount~~
3 ~~generated as of January 1, 1987, as reported in the biennial~~
4 ~~reports collected by the United States environmental protection~~
5 ~~agency. The twenty five percent reduction goal shall be~~
6 ~~reached as expeditiously as possible and no later than July~~
7 ~~1, 1994. In meeting the reduction goal, elements "a" through~~
8 ~~"d" of the hazardous waste management hierarchy shall be~~
9 ~~utilized. The department, in cooperation with the small~~
10 ~~business assistance center, shall reassess the twenty five~~
11 ~~percent reduction goal in 1994. The department shall promote~~
12 ~~research and development, provide and promote educational~~
13 ~~and informational programs, promote and encourage provide~~
14 confidential, voluntary technical assistance to hazardous waste
15 generators, promote assistance by the small business assistance
16 center, and promote other activities by the public and private
17 sectors that support this goal. In the promotion of the goal,
18 the following hazardous waste management pollution prevention
19 hierarchy, in descending order of preference, is established
20 by the department:

- 21 a. Source reduction for waste elimination.
- 22 b. Reuse.
- 23 c. On-site recycling.
- 24 e. d. Off-site recycling.
- 25 d. e. Waste treatment.
- 26 e. f. Incineration Combustion with energy recovery.
- 27 f. g. Land disposal.

28 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2011,
29 are amended by striking the subsections.

30 Sec. 3. Section 455B.482, Code 2011, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 7A. "Pollution prevention" means employment
33 of a practice that reduces the industrial use of toxic
34 substances or reduces the environmental and health hazards
35 associated with an environmental waste without diluting or

1 concentrating the waste before the release, handling, storage,
2 transport, treatment, or disposal of the waste.

3 Sec. 4. Section 455B.484, Code 2011, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 1A. Implement the waste management policy
6 provided in section 455B.481.

7 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
8 10, Code 2011, are amended by striking the subsections.

9 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
10 2011, is amended to read as follows:

11 *c.* "*Assistance program*" means the ~~waste reduction assistance~~
12 pollution prevention program of the department or of the Iowa
13 waste reduction center for safe and economic management of
14 solid waste and hazardous substances conducted pursuant to
15 section 268.4.

16 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2011,
17 are amended by striking the subsections.

18 Sec. 8. Section 455B.486, subsection 1, Code 2011, is
19 amended by striking the subsection.

20 Sec. 9. Section 455B.487, unnumbered paragraph 1, Code
21 2011, is amended to read as follows:

22 The commission shall adopt rules establishing criteria for
23 the identification of land areas or sites which are suitable
24 for the operation of facilities for the management of ~~hazardous~~
25 ~~and~~ low-level radioactive wastes. Upon request, the department
26 shall assist in locating suitable sites for the location of
27 a facility. The commission may purchase or condemn land to
28 be leased or used for the operation of a facility subject to
29 chapter 6A. Consideration for a contract for purchase of land
30 shall not be in excess of funds appropriated by the general
31 assembly for that purpose. The commission may lease land
32 purchased under this section to any person including the state
33 or a state agency. This section authorizes the state to own or
34 operate ~~hazardous waste facilities and~~ low-level radioactive
35 waste facilities, subject to the approval of the general

1 assembly.

2 Sec. 10. Section 455B.487, unnumbered paragraph 11, Code
3 2011, is amended by striking the unnumbered paragraph.

4 Sec. 11. Section 455B.487, subsections 1 through 3, Code
5 2011, are amended by striking the subsections.

6 Sec. 12. Section 455D.1, Code 2011, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
9 any of the following practices employed by the user of a toxic
10 substance:

11 a. Input substitution, which is the replacement of a toxic
12 substance or raw material used in a production process with a
13 nontoxic or less toxic substance.

14 b. Product reformulation, which is the substitution of an
15 end product which is nontoxic or less toxic upon use or release
16 for an existing end product.

17 c. Production process redesign or modification, which is
18 the development and use of production processes of a different
19 design other than those currently in use.

20 d. Production process modernization, which is the upgrading
21 or replacing of existing production process equipment or
22 methods with other equipment or methods based on the same
23 production process.

24 e. Improved operation and maintenance of existing production
25 process equipment and methods, which is the modification or
26 addition to existing equipment or methods, including but not
27 limited to such techniques as improved housekeeping practices,
28 system adjustments, product and process inspections, and
29 production process control equipment or methods.

30 f. Recycling, reuse, or extended use of toxic substances by
31 using equipment or methods that become an integral part of the
32 production process.

33 Sec. 13. Section 455D.7, subsection 1, Code 2011, is amended
34 to read as follows:

35 1. Unless otherwise specified in this chapter, adopt rules

1 necessary to implement this chapter pursuant to chapter 17A.

2 ~~Initial rules shall be adopted no later than April 1, 1992.~~

3 Sec. 14. Section 455D.7, subsection 4, Code 2011, is amended
4 by striking the subsection.

5 Sec. 15. Section 455D.15, subsection 2, Code Supplement
6 2011, is amended by striking the subsections and inserting in
7 lieu thereof the following:

8 2. The fund shall be utilized by the department for
9 providing technical assistance to Iowa businesses in developing
10 and implementing pollution prevention techniques.

11 Sec. 16. Section 455D.15, subsection 3, Code Supplement
12 2011, is amended by striking the subsection.

13 Sec. 17. Section 455E.8, subsections 2 and 3, Code 2011, are
14 amended by striking the subsections.

15 Sec. 18. REPEAL. Sections 455B.516, 455B.517, and
16 455B.518, Code 2011, are repealed.

17 EXPLANATION

18 This bill relates to pollution prevention and waste
19 management assistance.

20 The bill amends the waste management assistance provisions
21 of Code chapter 455B by updating the waste management policy.
22 The bill includes reuse and combustion with energy recovery in
23 the pollution prevention hierarchy and removes incineration
24 from the hierarchy.

25 The bill includes a new definition for "pollution
26 prevention" and uses the term to replace "hazardous waste
27 management" and "waste reduction assistance". The bill
28 eliminates references to hazardous waste throughout Code
29 chapter 455B, division IV, part 9, including duties of the
30 department and the environmental protection commission relating
31 to hazardous waste and the location, acquisition, and operation
32 of hazardous waste management facilities.

33 The bill eliminates many of the duties of the department in
34 relation to waste management and includes a new general duty to
35 implement the waste management policy.

1 The bill eliminates two duties of the environmental
2 protection commission in relation to waste management policy.
3 The duties relate to budget requests and approval of certain
4 contracts and agreements.

5 The bill eliminates a duty of the commission to recommend
6 to the general assembly, annually, the imposition of waste
7 abatement fees, rebates, and deposits.

8 The bill amends provisions related to the waste volume
9 reduction and recycling fund. The bill eliminates a
10 requirement that grants from the fund be awarded based on the
11 solid waste management hierarchy. The bill provides that the
12 fund shall be utilized for purposes of providing technical
13 assistance to Iowa businesses in developing and implementing
14 pollution prevention techniques.

15 The bill eliminates two duties of the director of the
16 department relating to groundwater reporting requirements.

17 The bill repeals Code sections 455B.516, 455B.517, and
18 455B.518, which relate to the toxics pollution prevention
19 program.