

**CHAPTER 137****DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT AUTHORITY***S.F. 368*

**AN ACT** relating to the powers and duties of the department of water, air and waste management.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455B.105, subsection 3, Code 1983, is amended to read as follows:

3. Adopt, modify, or repeal rules necessary to implement the provisions of this chapter and the rules deemed necessary for the effective administration of the department. A rule adopted under this chapter to carry out a federal regulation shall not become effective if the rule is more restrictive than required by the federal regulation unless the rule is approved by enactment of the general assembly. When the commission proposes or adopts rules to implement a specific federal environmental program and the rules impose requirements more restrictive than the federal program being implemented requires, the commission shall identify in its notice of intended action or adopted rule preamble each rule that is more restrictive than the federal program requires and shall state the reasons for proposing or adopting the more restrictive requirement. In addition, the commission shall include with its reasoning a financial impact statement detailing the general impact upon the affected parties. It is the intent of the general assembly that the commission exercise strict oversight of the operations of the department. The rules shall include departmental policy relating to the disclosure of information on a violation or alleged violation of the rules, standards, permits or orders issued by the department and keeping of confidential information obtained by the department in the administration and enforcement of the provisions of this chapter. Rules adopted by the executive committee before January 1, 1981 shall remain effective until modified or rescinded by action of the commission.

Sec. 2. Section 455B.171, subsections 19, 21, and 22, Code 1983, are amended to read as follows:

19. "Public water supply system" means a system for the provision to the public of piped water for human consumption, if the system has at least twenty fifteen service connections or regularly serves at least one hundred twenty-five individuals. The term includes any source of water and any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system.

21. "Private water supply" means any water supply for human consumption which has less than twenty fifteen service connections ~~or~~ and regularly serves less than one hundred twenty-five individuals.

22. "Private sewage disposal system" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen individuals on a continuing basis, which does not discharge into the waters of the state.

Sec. 3. Section 455B.172, subsection 2, Code 1983, is amended to read as follows:

2. The department is the state agency designated to carry out the state responsibilities related to private water supplies and private sewage disposal systems for the protection of

the health of the citizens of this state. The commission shall adopt guidelines minimum standards and provide model standards for private water supplies and private sewage disposal facilities for use of the local boards of health. Each local board of health is the agency to regulate private water supplies and private sewage disposal systems. Each local board of health shall adopt standards relating to the design and construction of private water supplies and private sewage disposal facilities, which standards shall not be lower than the minimum standards adopted by the commission.

Sec. 4. Section 455B.174, subsection 4, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Approve or disapprove the plans and specifications for the construction of disposal systems or public water supply ~~distribution~~ systems except for those sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The executive director shall issue, revoke, suspend, modify or deny permits for the operation, installation, construction, addition to or modification of any disposal system or public water supply ~~distribution~~ system except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The executive director shall also issue, revoke, suspend, modify or deny permits for the discharge of any pollutant. The permits shall contain conditions and schedules of compliance as necessary to meet the requirements of this part of this division and the federal Water Pollution Control Act. A permit shall not be issued to operate or discharge from any disposal system unless the conditions of the permit assure that any discharge from the disposal system meets or will meet all applicable state and federal water quality standards and effluent standards and the issuance of the permit is not otherwise prohibited by the federal Water Pollution Control Act. All applications for discharge permits are subject to public notice and opportunity for public participation including public hearing as the commission may by rule require. The executive director shall promptly notify the applicant in writing of the executive director's action and, if the permit is denied, state the reasons for denial. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit if the applicant files notice of appeal with the executive director within thirty days of the notice of denial or issuance of the permit. The executive director shall notify the applicant within thirty days of the time and place of the hearing.

Sec. 5. Section 455B.175, unnumbered paragraph 1, Code 1983, is amended to read as follows:

If there is conclusive substantial evidence that any person has violated or is violating any provision of this part of this division, or of any rule or standard established or permit issued pursuant thereto; then:

Sec. 6. Section 455B.183, Code 1983, is amended to read as follows:

455B.183 WRITTEN PERMITS REQUIRED. It ~~shall be~~ is unlawful to carry on any of the following activities without first securing a written permit from the executive director, or from a city or county public works department if ~~such local~~ the public works department reviews the activity under this section, as required by the commission:

1. The construction, installation or modification of any disposal system or public water supply ~~distribution~~ system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section and private sewage disposal systems. A permit shall be issued for the construction, installation or modification of a public water supply distribution system or part of a system if a qualified, registered engineer certifies to the commission that the plans for the system or part of the

system meet the requirements of state and federal law or regulations. The permit shall state that approval is based only upon the engineer's certification that the system's design meets the requirements of all applicable state and federal laws and regulations.

2. The construction or use of any new point source for the discharge of any pollutant into any water of the state.

3. The operation of any waste disposal system or public water supply distribution system or any part of or extension or addition to such system. This provision ~~shall~~ does not apply to any pretreatment system the effluent of which is to be discharged directly to another disposal system for final treatment and disposal or any private sewage disposal system.

Upon adoption of standards by the commission pursuant to section 455B.173, subsections 6 to 9, plans and specifications for sewer extensions and water supply distribution system extensions covered by this section shall be submitted to the city or county public works department for approval if the local public works department employs a qualified, registered engineer who reviews the plans and specifications using the specific state standards known as the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems that have been formulated and adopted by the commission pursuant to section 455B.173, subsections 6 to 9. ~~The reviewing engineer shall be a full-time employee of the governmental subdivision and the qualifications of that engineer shall be submitted to the executive director or his designee for approval prior to issuing written permits.~~ The local agency shall issue a written permit to construct if all of the following apply:

a. The submitted plans and specifications are in substantial compliance with departmental rules and the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems.

b. The extensions primarily serve residential consumers and will not result in an increase greater than five percent of the capacity of the treatment works or serve more than two hundred fifty dwelling units or, in the case of an extension to a water supply distribution system, ~~such~~ the extension will have a capacity of less than five percent of ~~such~~ the system or will serve fewer than two hundred fifty dwelling units; ~~and~~.

c. The proposed sewer extension will not exceed the capacity of any treatment works which received a state or federal monetary grant after 1972; ~~and~~.

d. The proposed water supply distribution system extension will not exceed the production capacity of any public water supply distribution system constructed after 1972.

After issuing a permit, the city or county public works department shall notify the executive director of such issuance by forwarding a copy of the permit to the executive director. In addition, the local agency shall submit quarterly reports to the executive director including such information as capacity of local treatment plants and production capacity of public water supply distribution systems as well as other necessary information requested by the executive director for the purpose of implementing this chapter.

Plans and specifications for all other waste disposal systems and public water supply distribution systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. The construction of any such waste disposal system or public water supply distribution system shall be in accordance with standards formulated and adopted by the commission pursuant to section 455B.173, subsections 6 to 9, or otherwise approved by the department. If it is necessary or desirable to make material changes in ~~such~~ the plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit.

Prior to the adoption of statewide standards, the department may delegate the authority to review plans and specifications to those governmental subdivisions if in addition to compliance with subsection 3 ~~that the governmental subdivision agrees~~ subdivisions agree to comply with all state and federal regulations and ~~submits a plan~~ submit plans for the review of plans and specifications including a complete set of local standard specifications for such improvements.

The executive director may suspend or revoke delegation of review and permit authority after notice and hearing as set forth in chapter 17A if the executive director determines that a city or county public works department has approved extensions which do not comply with design criteria, which exceed the capacity of waste treatment plants or the production capacity of public water supply ~~distribution~~ systems or which otherwise violate state or federal requirements.

The department shall exempt any public water supply system from any requirement respecting a maximum contaminant level or any treatment technique requirement of an applicable national drinking water regulation ~~insofar as if~~ these regulations apply to contaminants which the commission determines are harmless or beneficial to the health of consumers, ~~when and if~~ the owner of a public water supply system determines that funds are not reasonably available to provide for controlling amounts of those contaminants which are harmless or beneficial to the health of consumers.

Sec. 7. Section 455B.261, subsections 1, 10, and 11, Code 1983, are amended to read as follows:

1. "Flood plains" means the area adjoining a river or stream which has been or is may be covered by flood water.

10. "Permit" means a written authorization issued by the department to a permittee which is authorizes diversion, storage, or withdrawal of water limited as to quantity, time, place, and rate of diversion, storage, or withdrawal in accordance with the policies and principles of beneficial use as specified in this part or authorizes construction, use, or maintenance of a structure, dam, obstruction, deposit, or excavation in a floodway or flood plain in accordance with the principles and policies of protecting life and property from floods as specified in this part.

11. "Permittee" means a person who obtains a permit from the department authorizing the person to take possession by diversion or otherwise and to use and apply an allotted quantity of water for a designated beneficial use, and who makes actual use of the water for that purpose or a person who obtains a permit from the department authorizing construction, use, or maintenance of a structure, dam, obstruction, deposit, or excavation in a floodway or flood plain for a designated purpose.

Sec. 8. Section 455B.261, subsection 16, Code 1983, is amended by striking the subsection.

Sec. 9. Section 455B.262, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

#### 455B.262 DECLARATION OF POLICY AND PLANNING REQUIREMENTS.

1. It is recognized that the protection of life and property from floods, the prevention of damage to lands from floods, and the orderly development, wise use, protection, and conservation of the water resources of the state by their considered and proper use is of paramount importance to the welfare and prosperity of the people of the state, and to realize these objectives, it is the policy of the state to correlate and vest the powers of the state in a single agency, the department, with the duty and authority to assess the water needs of all water users at five-year intervals for the twenty years beginning January 1, 1985, and ending December 31, 2004, utilizing a data base developed and managed by the Iowa geological survey, and prepare a general plan of water allocation in this state considering the quantity and quality of water resources available in this state designed to meet the specific needs of the

water users. The department shall also develop and the commission shall adopt no later than January 1, 1985, a plan for delineation of flood plain and floodway boundaries for selected stream reaches in the various river basins of the state. Selection of the stream reaches and assignment of priorities for mapping of the selected reaches shall be based on consideration of flooding characteristics, the type and extent of existing and anticipated flood plain development in particular stream reaches, and the needs of local governmental bodies for assistance in delineating flood plain and floodway boundaries. The plan of flood plain mapping shall be for the period from January 1, 1985, to December 31, 2004. After the commission adopts a plan of flood plain mapping, the department shall submit a progress report and proposed implementation schedule to the general assembly biennially. The commission may modify the flood plain mapping plan as needed in response to changing circumstances.

2. The general welfare of the people of the state requires that the water resources of the state be put to beneficial use to the fullest extent possible, and that the waste or unreasonable use, or unreasonable methods of use of water be prevented, and that the conservation of water resources be encouraged with the view to their reasonable and beneficial use in the interest of the people, and that the public and private funds for the promotion and expansion of the beneficial use of water resources be invested to the end that the best interests and welfare of the people are served.

3. Water occurring in a basin or watercourse, or other natural body of water of the state, is public water and public wealth of the people of the state and subject to use in accordance with this chapter, and the control and development and use of water for all beneficial purposes is vested in the state, which shall take measures to encourage full utilization and protection of the water resources of the state.

Sec. 10. Section 455B.263, subsections 1 and 7, Code 1983, are amended to read as follows:

1. a. Not later than January 15, 1985, the commission shall deliver to the secretary of the senate and the chief clerk of the house identical ~~joint resolutions enacting bills embodying~~ a general plan of water allocation priorities for this state, considering the types of water resources available in the state, the principles and policies of beneficial use, and the water needs of all types of water users in this state, with a recommendation on the most effective means of implementation of the plan. It is the intent of this subsection that the general assembly shall bring the ~~joint resolution bill~~ to a vote in either chamber under a procedure or rule permitting no amendments except those of a purely corrective nature. If by the end of the fourth week of the 1985 regular session, the ~~joint resolution bill~~ embodying the plan is not approved by a constitutional majority in both chambers, the commission shall, by the end of the sixth week of the 1985 regular session, prepare and deliver to the secretary of the senate and the chief clerk of the house identical ~~joint resolutions bills~~ embodying a second plan, taking into account the reasons cited by either the secretary of the senate or chief clerk of the house for the failure of the first plan.

b. If, proceeding under a procedure or rule permitting amendments in the same manner as other ~~joint resolutions bills~~, the ~~joint resolution bill~~ embodying the second plan is not adopted by a constitutional majority in both chambers by the end of the tenth week of the 1985 regular session, the commission shall, by the end of the eleventh week of the 1985 regular session, prepare and deliver to the secretary of the senate and the chief clerk of the house identical ~~joint resolutions bills~~ embodying a third plan, taking into account the reasons cited by either the secretary of the senate or chief clerk of the house for failure of the second plan. It is the intent of this subsection that the third ~~joint resolution bill~~ be subject to amendment in the same manner as other ~~joint resolutions bills~~, and be ~~adopted enacted~~ by the end of the 1985 Session, including any extraordinary sessions of the general assembly.

7. The commission shall procure flood control works and water resources projects from or by cooperation with any agency of the United States, by cooperation with the cities and other subdivisions of the state under the laws of the state relating to flood control and use of water resources, and by cooperation with the action of landowners in areas affected by the works or projects when the ~~commissioner~~ commission deems the projects to be necessary for the achievement of the policies of this state.

Sec. 11. Section 455B.264, Code 1983, is amended to read as follows:

**455B.264 JURISDICTION — ~~DIVERSION OF WATER AND FLOOD PLAINS.~~**

1. The commission has jurisdiction over the public and private waters in the state and the lands adjacent to the waters necessary for the purposes of carrying out this part. The commission may construct flood control works or any part of the works. In the construction of the works, in making surveys and investigations, or in formulating plans and programs relating to the water resources of the state, the commission may cooperate with an agency of another state or the United States, or with any other person.

2. Upon application by any person for permission to divert, pump, or otherwise take waters from any watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use, the executive director shall investigate the effect of the use upon the natural flow of the watercourse, the effect of the use upon the owners of any land which might be affected by the use, and whether the use is consistent with the plan of water allocation priorities for this state, ~~and shall hold a hearing.~~

3. Upon application by any person for approval of the construction or maintenance of any structure, dam, obstruction, deposit, or excavation to be erected, used, or maintained in or on the flood plains of any river or stream, the department shall investigate the effect of the construction or maintenance project on the efficiency and capacity of the floodway ~~and on the plan of water allocation priorities for this state.~~ In determining the effect of the proposal the department shall consider fully its effect on flooding of or flood control for any proposed works and adjacent lands and property, on the wise use and protection of water resources, on the quality of water, on fish, wildlife, and recreational facilities or uses, and on all other public rights and requirements.

Sec. 12. Section 455B.265, Code 1983, is amended to read as follows:

**455B.265 PERMITS FOR DIVERSION, STORAGE, AND WITHDRAWAL.** If the department determines after due investigation that the diversion, storage, or withdrawal of water will not be detrimental to the public interests, including drainage and levee districts, or to the interests of property owners with prior or superior rights who may be affected, the department shall grant a permit for the diversion, storage, or withdrawal. Permits ~~may~~ shall be granted for ~~any a~~ any period of time ~~not exceeding~~ not exceeding ten years except permits for withdrawal of water which may be granted for less than ten years if geological data on the capacity of the aquifer and the rate of its recharge are indeterminate and permits for the storage of water which may be granted for the life of the structure unless revoked by the commission. All existing storage permits are extended for the life of the structure unless withdrawn for good cause. Permits may be granted which provide for less diversion, storage, or withdrawal of waters than set forth in the application. A permit granted shall remain as an appurtenance of the land described in the permit through the date specified in the permit and any extension of the permit or until an earlier date if when the permit or any extension of the permit is ~~modified~~ modified or canceled under section 455B.271. Upon application for a permit prior to the termination date specified in the permit, a permit may be renewed by the department for ~~any a~~ any period of time ~~not to exceed~~ not to exceed ten years.

Sec. 13. Section 455B.266, Code 1983, is amended to read as follows:

455B.266 PRIORITY OF PERMITS FOR DIVERSION, STORAGE, AND WITHDRAWAL. In the consideration of applications for permits, priority in processing shall be given to persons in the order that the applications are received, except that this processing priority shall not affect the substantive priorities established under the plan of water allocation priorities for this state and except where the application of this priority system prevents the prompt approval of routine applications or where the public health, safety or welfare will be threatened by delay. The executive director or the commission on appeal shall determine the duration and frequency of withdrawal and the quantity of water for which a permit may be granted. Any person with an existing irrigation system in use prior to May 16, 1957, shall be issued a permit to continue unless its use damages some other riparian user. ~~In the consideration of applications for permits by regulated users, the plan of water allocation priorities for this state as adopted by the general assembly establishes standards for the determination of the disposition of the applications for permits.~~ If there is competition for water, the use of water for irrigation has a lower priority than other beneficial uses of water subject to conditions which the commission may establish by rule. Except as otherwise provided in this section, until the plan of water allocation priorities is enacted as provided in section 455B.263, subsection 1, the principles and policies of beneficial use shall establish the standards for the determination of the disposition of permit applications. After it is enacted as provided in section 455B.263, subsection 1, the plan of water allocation priorities shall establish the standards for determination of the disposition of permit applications. This part does not impair the vested right of any person.

Sec. 14. Section 455B.269, Code 1983, is amended to read as follows:

455B.269 TAKING WATER PROHIBITED. A person shall not take water from a natural watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use except in compliance with the sections of this part which relate to the withdrawal, diversion, or storage of water. However, existing uses may be continued during the period of the pendency of an application for a permit.

Sec. 15. Section 455B.270, Code 1983, is amended to read as follows:

455B.270 RIGHTS PRESERVED. ~~This part does~~ The sections of this part which relate to the withdrawal, diversion, or storage of water do not deprive any person of the right to use diffused waters, to drain land by use of tile, open ditch, or surface drainage, or to construct an impoundment on the person's property or across a stream that originates on the person's property if provision is made for safe construction and for a continued established average minimum flow when the flow is required to protect the rights of water users below.

Sec. 16. Section 455B.271, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Each permit issued under ~~this part~~ section 455B.265 is irrevocable for its term and for any extension of its term except as follows:

Sec. 17. Section 455B.272, Code 1983, is amended to read as follows:

455B.272 TERMINATION OF PERMIT. The right of the permittee and the permittee's successors to the use of water shall terminate when the permittee or the permittee's successors fail for three consecutive years to use it for the specific beneficial purpose authorized in the permit and, after notification by the department of intent to cancel the permit for nonuse, the permittee or the permittee's successors fail to demonstrate adequate plans to use water within a reasonable time. However, nonuse of water due to adequate rainfall does not constitute grounds for cancellation of a permit to use water for irrigation.

Sec. 18. Section 455B.275, subsections 1 and 4, Code 1983, are amended to read as follows:

1. A person shall not permit, erect, use or maintain a structure, dam, obstruction, deposit, or excavation in or on a floodway or flood plains, which will adversely affect the efficiency of or unduly restrict the capacity of the floodway, or adversely affect the control, development, protection, allocation, or utilization of the water resources of the state, and the same are declared to be public nuisances. However, this subsection does not apply to dams constructed and operated under the authority of chapter 469.

4. The department may maintain an action in equity to enjoin a person from erecting or making or permitting to be made a structure, dam, obstruction, deposit, or excavation other than a dam constructed and operated under the authority of chapter 469, for which a permit has not been granted. The department may also seek judicial abatement of any structure, dam, obstruction, deposit, or excavation erected or made without a permit required under this part. The abatement proceeding may be commenced to enforce an administrative determination of the department in a contested case proceeding that a public nuisance exists and should be abated. The costs of abatement shall be borne by the violator. Notwithstanding section 93A.11, a structure, dam, obstruction, deposit, or excavation on a floodway or flood plain in an agricultural area established under chapter 93A is not exempt from the sections of this part which relate to regulation of flood plains and floodways.

Sec. 19. Section 455B.276, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The commission may establish and enforce rules for the orderly development and wise use of the flood plains of any river or stream within the state and alter, change, or revoke the rules. The commission shall determine the characteristics of floods which reasonably may be expected to occur and may establish by order encroachment limits, protection methods, and minimum protection levels appropriate to the flooding characteristics of the stream and to reasonable use of the flood plains. The order shall fix the length of flood plains to be regulated at any practical distance, the width of the zone between the encroachment limits so as to include portions of the flood plains adjoining the channel, which with the channel, are required to carry and discharge the flood waters or flood flow of the river or stream, and the design discharge and water surface elevations for which protection shall be provided for projects outside the encroachment limits but within the limits of inundation. Plans for the protection of projects proposed for areas subject to inundation shall be reviewed as plans for flood control works within the purview of section 455B.277. An order establishing encroachment limits shall not be issued until due notice of the proposed order is given and opportunity for public hearing given for the presentation of protests against the order. In establishing the limits, the commission shall avoid to the greatest possible degree the evacuation of persons residing in the area of a floodway, the removal of residential structures occupied by the persons in the area of a floodway, and the removal of structures erected or made prior to July 4, 1965, which are located on the flood plains of a river or stream but not within the area of a floodway.

Sec. 20. Section 455B.277, unnumbered paragraph 1, Code 1983, is amended to read as follows:

All flood control works in the state, which are established and constructed after ~~July 1, 1983~~ April 16, 1949, shall be coordinated in design, construction, and operation according to sound and accepted engineering practice so as to effect the best flood control obtainable throughout the state. A person shall not construct or install works of any nature for flood control until the proposed works and the plans and specifications for the works are approved by the ~~commission~~ department. ~~The commission~~ department shall consider all the pertinent facts relating to the proposed works which will affect flood control and water resources in the state and shall

determine whether the proposed works in the plans and specifications will be in aid of and acceptable as part of, or will adversely affect and interfere with flood control in the state, adversely affect the control, development, protection, allocation, or utilization of the water resources of the state, or adversely affect or interfere with the state comprehensive plan for water resources or an approved local water resources plan. In the event of disapproval, the commission department shall set forth the objectionable features so that the proposed works and the plans and specifications for the proposed works may be corrected or adjusted to obtain approval.

Sec. 21. Section 455B.278, subsection 1, Code 1983, is amended to read as follows:

1. The commission shall adopt, modify, or repeal rules establishing procedures by which permits required under this part shall be issued, suspended, revoked, modified, or denied. The ~~procedures~~ rules shall include provisions for application, an public notice and opportunity for public hearing, contested cases, and a schedule of application fee fees sufficient to pay all or part of the administrative costs of the permit process, public notice and opportunity for public hearing, and contested cases. Public notice of a decision by the executive director to issue a permit shall be given in a manner designed to inform persons who may be adversely affected by the permitted project or activity.

Sec. 22. Section 455B.279, subsection 1, Code 1983, is amended to read as follows:

1. The commission may issue any order necessary to secure compliance with or prevent a violation of this part or the rules adopted pursuant to this part. ~~The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission department may request legal services as required from the attorney general, including any legal proceeding necessary to obtain compliance with this part and rules and orders issued under this part.~~

Sec. 23. Section 455B.441, Code 1983, is amended to read as follows:

455B.441 PURPOSE AND GUIDELINES. The purpose of this part is to protect the public health and the environment by providing a procedure for establishing appropriate sites and properly designed facilities for the treatment, storage and disposal of hazardous waste. It is the intent of the general assembly that in the implementation of this part the department of ~~environmental quality water, air and waste management~~ shall emphasize alternatives to land burial of hazardous waste whenever possible with emphasis on the following management methods in the following order: source reduction, reuse, resource recovery, incineration, and detoxification.

Sec. 24. Section 455B.442, subsection 2, Code 1983, is amended to read as follows:

2. "Hazardous waste" means a hazardous waste as defined in section 455B.411, subsection 2 and listed by the ~~environmental quality~~ commission under section 455B.412, subsection 2.

Sec. 25. Section 455B.442, subsections 3 and 4, Code 1983, are amended by striking the subsections.

Sec. 26. Section 93A.4, subsection 4, Code 1983, is amended to read as follows:

4. The state department of agriculture, office for planning and programming, department of soil conservation, state conservation commission, ~~Iowa natural resources council~~, department of ~~environmental quality water, air and waste management~~, geological survey, state agricultural extension service, and the Iowa development commission shall, upon request, provide to each county commission any pertinent land use information available to assist in the compiling of the county land use inventories.

Sec. 27. Section 93A.11, subsection 2, Code 1983, is amended to read as follows:

2. WATER PRIORITY. In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the ~~Iowa natural resources council~~ department of water, air and waste management shall give priority

to the use of water resources by a farm or farm operations, exclusive of irrigation, located in an agricultural area over all other uses except the competing uses of water for ordinary household purposes.

Sec. 28. Section 467D.6, subsection 1, Code 1983, is amended to read as follows:

1. Exercise supervision over the water resources of the conservancy district, including water in any basin, watercourse, or other body of water in the conservancy district, and have authority to adopt and repeal, with approval of the department, and enforce rules, except those rules relating to water resources under the authority of the department of environmental quality water, air and waste management, as necessary to achieve the objectives of this chapter as set forth in section 467D.1.

Sec. 29. 1982 Iowa Acts, chapter 1199, section 94, subsections 1, 2, and 4, are amended to read as follows:

1. A rule adopted, permit or order issued, or approval given under chapter 108, 109, 111, 112, 357A, 358A, 414, 427, 455A, 467A, 467C, or 467D, before the effective date of this Act and in force just prior to the effective date of this Act, by the Iowa natural resources council or its director remains effective until modified or rescinded by action of the department of environmental quality water, air and waste management or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

2. A rule adopted, permit or order issued, or approval given by the state department of health or the commissioner of public health relating to private water supply systems, private sewage disposal systems, or water wells under chapter 135, before the effective date of this Act and in force just prior to the effective date of this Act remains effective until modified or rescinded by action of the department of environmental quality water, air and waste management or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

4. A rule adopted, permit or order issued, or approval given by the environmental quality commission or the executive director of the department of environmental quality under chapter 455B, 455C, and section 427.1, subsection 32, before the effective date of this Act and in force just prior to the effective date of this Act remains effective until modified or rescinded by action of the water, air and waste management commission or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

Sec. 30. 1982 Iowa Acts, chapter 1199, section 94, is amended by adding the following new subsection:

NEW SUBSECTION. The repeal of chapter 455A of the 1981 Code does not legalize a structure, dam, obstruction, deposit, or excavation erected or made while that chapter was in effect.

Approved May 24, 1983