

MAR 9 2005  
Place On Calendar

HOUSE FILE 669  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 158)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to environmental regulations regarding water  
2 treatment, sewer systems, and household hazardous waste.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 669

**H-1144**

- 1 Amend House File 669 as follows:
- 2 1. Page 2, line 24, by inserting after the word
- 3 "selling" the following: "appliances containing".
- 4 2. Page 2, line 26, by inserting after the word
- 5 "for" the following: "appliances containing".

By ANDERSON of Page

**H-1144** FILED MARCH 22, 2005

HF 669

1 Section 1. Section 455B.173, subsection 8, Code 2005, is  
2 amended to read as follows:

3 8. Formulate and adopt specific and detailed statewide  
4 standards pursuant to chapter 17A for review of plans and  
5 specifications and the construction of sewer systems and water  
6 supply distribution systems and extensions to such systems not  
7 later than October 1, 1977. The standards shall be based on  
8 criteria contained in the "Recommended Standards for Sewage  
9 Works" and "Recommended Standards for Water Works" (Ten States  
10 Standards) as adopted by the Great Lakes-Upper Mississippi  
11 River board of state sanitary engineers, design manuals  
12 published by the department, applicable federal guidelines and  
13 standards, standard textbooks, current technical literature,  
14 and applicable safety standards. ~~The material standards for~~  
15 ~~polyvinyl-chloride-pipe-shall-not-exceed-the-specifications~~  
16 ~~for-polyvinyl-chloride-pipe-in-designations-D-1784-697-D-~~  
17 ~~2241-737-D-2564-767-D-2672-767-D-3036-737-and-D-3139-73-of~~  
18 ~~ASTM-(American-society-for-testing-and-materials)~~  
19 ~~international.~~ The rules adopted which directly pertain to  
20 the construction of sewer systems and water supply  
21 distribution systems and the review of plans and  
22 specifications for such construction shall be known  
23 respectively as the Iowa Standards for Sewer Systems and the  
24 Iowa Standards for Water Supply Distribution Systems and shall  
25 be applicable in each governmental subdivision of the state.  
26 Exceptions shall be made to the standards so formulated only  
27 upon special request to and receipt of permission from the  
28 department. The department shall publish the standards and  
29 make copies of such standards available to governmental  
30 subdivisions and to the public.

31 Sec. 2. Section 455F.1, subsection 4, Code 2005, is  
32 amended to read as follows:

33 4. "Household hazardous material" means a product used for  
34 residential purposes and designated by rule of the department  
35 of natural resources and may include any hazardous substance

1 as defined in section 455B.411, subsection 2; and any  
2 hazardous waste as defined in section 455B.411, subsection 3;  
3 and shall include but is not limited to the following  
4 materials: motor oils, motor oil filters, gasoline and diesel  
5 additives, degreasers, waxes, polishes, pure solvents,  
6 lacquers, thinners, caustic household cleaners, spot and stain  
7 remover with petroleum base, petroleum-based fertilizers,  
8 color cathode ray tubes, and paints with the exception of  
9 latex-based paints. However, "household hazardous material"  
10 does not include noncaustic household cleaners, laundry  
11 detergents or soaps, dishwashing compounds, chlorine bleach,  
12 personal care products, personal care soaps, cosmetics, and  
13 medications.

14 Sec. 3. Section 455F.7, subsection 1, Code 2005, is  
15 amended to read as follows:

16 1. A retailer offering for sale or selling a household  
17 hazardous material shall have a valid permit for each place of  
18 business owned or operated by the retailer for this activity.  
19 All permits provided for in this division shall expire on June  
20 30 of each year. Every retailer shall submit an annual  
21 application by July 1 of each year and a fee of twenty-five  
22 dollars to the department of revenue for a permit upon a form  
23 prescribed by the director of revenue. A retailer offering  
24 for sale or selling color cathode ray tubes is exempt from  
25 paying a permit fee under this subsection, unless the retailer  
26 has annual gross retail sales for color cathode ray tubes of  
27 ten thousand dollars or more. Permits are nonrefundable, are  
28 based upon an annual operating period, and are not prorated.  
29 A person in violation of this section shall be subject to  
30 permit revocation upon notice and hearing. The department  
31 shall remit the fees collected to the household hazardous  
32 waste account of the groundwater protection fund. A person  
33 distributing general use pesticides labeled for agricultural  
34 or lawn and garden use with gross annual pesticide sales of  
35 less than ten thousand dollars is subject to the requirements

1 and fee payment prescribed by this section.

2 Sec. 4. Section 455B.220, Code 2005, is repealed.

3 EXPLANATION

4 This bill relates to environmental regulations regarding  
5 water treatment, sewer systems, and household hazardous waste.

6 The bill eliminates certain material standards for  
7 polyvinyl chloride pipe for purposes of planning and  
8 specifications for the construction of sewer systems and water  
9 supply distribution systems and extensions to such systems.

10 The bill adds color cathode ray tubes to the definition of  
11 "household hazardous material". As a result, retailers  
12 selling color cathode ray tubes will need to meet permitting  
13 and fee requirements. The bill exempts retailers from paying  
14 a permit fee if annual gross retail sales for color cathode  
15 ray tubes are less than \$10,000.

16 The bill repeals Code section 455B.220 relating to the  
17 requirements for certification without examination of  
18 operators of water treatment plants and water distribution  
19 systems. As a result, all operators will be required to take  
20 an examination for certification.

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*Andersons Chair  
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HSB 158  
ENVIRONMENTAL PROTECTION

SUC. SUB.  
SENATE/HOUSE FILE            ~~138~~ 669  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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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 25, 2005

**Re:** Environmental Protection Code Change Requests

**The Department proposes to amend three Code sections to update existing language and to bring the department into alignment with federal standards.**

**The proposed bill has two rescissions of the Iowa Code: 455B.220 Certificate without examination; and, 455B.173 paragraph 8, third sentence that designates specific PVC pipe standards.**

**The Certificate without examination provision was written in the early 1970s to allow "grandfathering" of existing drinking water operators into the certification system and to allow the issuance of a certification to a water distribution system operator without examination under certain conditions, classified as a 1R certificate. This section now directly conflicts with a federal 1999 U.S. EPA operator certification requirement that 1) all certified operators successfully pass an examination, and 2) that they take continuing education courses to maintain that certification. The operators who were certified for a specific water treatment plant or water distribution system under this section and who are still working, were "grandfathered" in under the new requirements in 2002. There were less than 10 operators with a 1R certification in Iowa at that time, out of the more than 2,250 operators certified in water treatment or water distribution. All new operators are now required by rule to successfully complete an examination and to take continuing education courses every 2 years to maintain their certification, thus meeting the federal Safe Drinking Water Act primacy requirements.**

**The PVC pipe standards listed in the Iowa Code were adopted in 1969–1976, but significantly more current standards are now in place. Polyvinyl chloride (PVC) pipe is now commonly used in the drinking water industry, whereas it was a relatively new product when these specifications were adopted. These are very outdated standards, developed over 30 years ago. Current PVC pipe standards require different composition and other specifications. Pipe is no longer manufactured to these old standard specifications, because improvements have been made over the years. The current standards for PVC pipe are listed in paragraph 567—IAC 43.3(2)"a", and because they change over time as advancements are made, it's more appropriate to have standards in rule. The benefit of this legislation is to remove this outdated standard specification.**

**The third change is proposing to add color cathode ray tubes to the list of household hazardous wastes.**

**The Environmental Protection Agency (EPA) has determined that color cathode ray tubes fail the Toxicity Characteristic Leaching Procedure for lead (see Federal Register Volume**

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**67, Number 113, dated June 12, 2002) and are therefore a hazardous waste when disposed. Currently color cathode ray tubes are not listed as a household hazardous waste in Iowa Code 455F and thus Iowa Code does not accurately reflect Federal law. By adding color cathode ray tubes to 455F, retailers who sell color cathode ray tubes would be required to purchase the HHM Retailers Permit each year and make information available to their customers as to where they can properly dispose of hazardous materials.**

**The benefits of aligning Iowa Code with the new Federal law for color cathode ray tubes is that it would reduce landfill disposal of hazardous waste and increased public awareness on the proper management of this hazardous waste stream.**