

FEB 24 2006
Place On Calendar

HOUSE FILE 2541
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 586)

Passed House, Date 3-7-06 Passed Senate, Date 3-13-06
Vote: Ayes 97 Nays 0 Vote: Ayes 50 Nays 0
Approved March 29, 2006

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:

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HF 2541

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

3 ~~2. In-connection-with-development-of-a-statewide-building~~
4 ~~energy-efficiency-rating-system,-pursuant-to-section-473-40,~~
5 ~~the~~ The director of the department of natural resources in
6 consultation with the department of management, state building
7 code commissioner, and state fire marshal, shall develop
8 standards and methods to evaluate design development documents
9 and construction documents based upon ~~the-energy-efficiency~~
10 ~~rating-system-for-public-buildings,-and-other~~ life cycle cost
11 factors, to facilitate fair and uniform comparisons between
12 design proposals and informed decision making by public
13 bodies.

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

16 8. Formulate and adopt specific and detailed statewide
17 standards pursuant to chapter 17A for review of plans and
18 specifications and the construction of sewer systems and water
19 supply distribution systems and extensions to such systems not
20 later than October 1, 1977. The standards shall be based on
21 criteria contained in the "Recommended Standards for Sewage
22 Works" and "Recommended Standards for Water Works" (Ten States
23 Standards) as adopted by the Great Lakes-Upper Mississippi
24 River board of state sanitary engineers, design manuals
25 published by the department, applicable federal guidelines and
26 standards, standard textbooks, current technical literature,
27 and applicable safety standards. ~~The-material-standards-for~~
28 ~~polyvinyl-chloride-pipe-shall-not-exceed-the-specifications~~
29 ~~for-polyvinyl-chloride-pipe-in-designations-D-1784-69,-D-~~
30 ~~2241-73,-D-2564-76,-D-2672-76,-D-3036-73,-and-D-3139-73-of~~
31 ~~ASTM-(American-society-for-testing-and-materials)~~
32 ~~international.~~ The rules adopted which directly pertain to
33 the construction of sewer systems and water supply
34 distribution systems and the review of plans and
35 specifications for such construction shall be known

1 respectively as the Iowa Standards for Sewer Systems and the
2 Iowa Standards for Water Supply Distribution Systems and shall
3 be applicable in each governmental subdivision of the state.
4 Exceptions shall be made to the standards so formulated only
5 upon special request to and receipt of permission from the
6 department. The department shall publish the standards and
7 make copies of such standards available to governmental
8 subdivisions and to the public.

9 Sec. 3. Section 455B.304, subsection 17, Code 2005, is
10 amended to read as follows:

11 17. The commission shall adopt rules to establish a
12 special waste authorization program. For purposes of this
13 subsection, "special waste" means any industrial process
14 waste, pollution control waste, or toxic waste which presents
15 a threat to human health or the environment or a waste with
16 inherent properties which make the disposal of the waste in a
17 sanitary landfill difficult to manage. Special waste does not
18 include domestic, office, commercial, medical, or industrial
19 waste that does not require special handling or limitations on
20 its disposal. Special waste does not include hazardous wastes
21 which are regulated under the federal Resource Conservation
22 and Recovery Act, 42 U.S.C. § 6921--6934, or hazardous wastes
23 as defined in section 455B.411, subsection ~~37-or-hazardous~~
24 ~~wastes-included-in-the-list-compiled-in-accordance-with~~
25 ~~section-455B-464~~.

26 Sec. 4. Section 455B.335, subsection 2, Code 2005, is
27 amended by striking the subsection.

28 Sec. 5. Section 455B.412, subsection 1, Code 2005, is
29 amended by striking the subsection.

30 Sec. 6. Section 455B.461, subsection 2, Code 2005, is
31 amended to read as follows:

32 2. "Hazardous waste" means hazardous waste as defined in
33 section 455B.411, subsection ~~37-and-section-455B-464~~.

34 Sec. 7. Section 455B.482, subsection 3, Code 2005, is
35 amended to read as follows:

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

3 Sec. 8. Section 455B.484, subsection 11, Code 2005, is
4 amended by striking the subsection.

5 Sec. 9. Section 558.69, unnumbered paragraph 1, Code 2005,
6 is amended to read as follows:

7 With each declaration of value submitted to the county
8 recorder under chapter 428A, there shall also be submitted a
9 statement regarding whether any known private burial site is
10 situated on the property, and if a known private burial site
11 is situated on the property, the statement shall state the
12 approximate location of the site. The statement shall also
13 state that no known wells are situated on the property, or if
14 known wells are situated on the property, the statement must
15 state the approximate location of each known well and its
16 status with respect to section 455B.190 or 460.302. The
17 statement shall also state that no known disposal site for
18 solid waste, as defined in section 455B.301, which has been
19 deemed to be potentially hazardous by the department of
20 natural resources, exists on the property, or if such a known
21 disposal site does exist, the location of the site on the
22 property. The statement shall additionally state that no
23 known underground storage tank, as defined in section
24 455B.471, subsection 11, exists on the property, or if a known
25 underground storage tank does exist, the type and size of the
26 tank, and any known substance in the tank. The statement
27 shall also state that no known hazardous waste as defined in
28 section 455B.411, subsection 3, or listed by the department
29 pursuant to section 455B.412, subsection 2~~7-or-section~~
30 ~~455B-464~~, exists on the property, or if known hazardous waste
31 does exist, that the waste is being managed in accordance with
32 rules adopted by the department of natural resources. The
33 statement shall be signed by at least one of the sellers or
34 their agents. The county recorder shall refuse to record any
35 deed, instrument, or writing for which a declaration of value

1 is required under chapter 428A unless the statement required
2 by this section has been submitted to the county recorder. A
3 buyer of property shall be provided with a copy of the
4 statement submitted, and, following the fulfillment of this
5 provision, if the statement submitted reveals no private
6 burial site, well, disposal site, underground storage tank, or
7 hazardous waste on the property, the county recorder may
8 destroy the statement. The land application of sludges or
9 soils resulting from the remediation of underground storage
10 tank releases accomplished in compliance with department of
11 natural resources rules without a permit is not required to be
12 reported as the disposal of solid waste or hazardous waste.

13 Sec. 10. Sections 455B.220, 455B.332, 455B.333, 455B.464,
14 and 473.40, Code 2005, are repealed.

15 EXPLANATION

16 This bill eliminates certain duties of the department of
17 natural resources.

18 The bill eliminates certain material standards for
19 polyvinyl chloride pipe for purposes of planning and
20 specifications for the construction of sewer systems and water
21 supply distribution systems and extensions to such systems.

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

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

33 The bill eliminates the department's duty to establish
34 policy for, provide for the proper methods for, and issue
35 permits for the transportation, storage, handling, and

1 disposal of radioactive material for the purpose of protecting
2 the public health and safety.

3 The bill repeals Code section 455B.220 relating to the
4 requirements for certification without examination of
5 operators of water treatment plants and water distribution
6 systems. As a result, all operators will be required to take
7 an examination for certification.

8 The bill makes conforming amendments.

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Steve Olson Chair
Tom Sande
Monroe Olson

HSB 586

ENVIRONMENTAL PROTECTION
SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Rede 24
HF 2541

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
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2 amended to read as follows:

3 2. ~~In-connection-with-development-of-a-statewide-building~~
4 ~~energy-efficiency-rating-system,-pursuant-to-section-473-40,~~
5 ~~the~~ The director of the department of natural resources in
6 consultation with the department of management, state building
7 code commissioner, and state fire marshal, shall develop
8 standards and methods to evaluate design development documents
9 and construction documents based upon ~~the-energy-efficiency~~
10 ~~rating-system-for-public-buildings,-and-other~~ life cycle cost
11 factors, to facilitate fair and uniform comparisons between
12 design proposals and informed decision making by public
13 bodies.

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

16 17. The commission shall adopt rules to establish a
17 special waste authorization program. For purposes of this
18 subsection, "special waste" means any industrial process
19 waste, pollution control waste, or toxic waste which presents
20 a threat to human health or the environment or a waste with
21 inherent properties which make the disposal of the waste in a
22 sanitary landfill difficult to manage. Special waste does not
23 include domestic, office, commercial, medical, or industrial
24 waste that does not require special handling or limitations on
25 its disposal. Special waste does not include hazardous wastes
26 which are regulated under the federal Resource Conservation
27 and Recovery Act, 42 U.S.C. § 6921--6934, or hazardous wastes
28 as defined in section 455B.411, subsection 3~~7~~-~~or-hazardous~~
29 ~~wastes-included-in-the-list-compiled-in-accordance-with~~
30 ~~section-455B-464.~~

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

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

35 Sec. 5. Section 455B.461, subsection 2, Code 2005, is

1 amended to read as follows:

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

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

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

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

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

12 With each declaration of value submitted to the county
13 recorder under chapter 428A, there shall also be submitted a
14 statement regarding whether any known private burial site is
15 situated on the property, and if a known private burial site
16 is situated on the property, the statement shall state the
17 approximate location of the site. The statement shall also
18 state that no known wells are situated on the property, or if
19 known wells are situated on the property, the statement must
20 state the approximate location of each known well and its
21 status with respect to section 455B.190 or 460.302. The
22 statement shall also state that no known disposal site for
23 solid waste, as defined in section 455B.301, which has been
24 deemed to be potentially hazardous by the department of
25 natural resources, exists on the property, or if such a known
26 disposal site does exist, the location of the site on the
27 property. The statement shall additionally state that no
28 known underground storage tank, as defined in section
29 455B.471, subsection 11, exists on the property, or if a known
30 underground storage tank does exist, the type and size of the
31 tank, and any known substance in the tank. The statement
32 shall also state that no known hazardous waste as defined in
33 section 455B.411, subsection 3, or listed by the department
34 pursuant to section 455B.412, subsection 2~~7~~-or-section
35 455B-464, exists on the property, or if known hazardous waste

1 does exist, that the waste is being managed in accordance with
2 rules adopted by the department of natural resources. The
3 statement shall be signed by at least one of the sellers or
4 their agents. The county recorder shall refuse to record any
5 deed, instrument, or writing for which a declaration of value
6 is required under chapter 428A unless the statement required
7 by this section has been submitted to the county recorder. A
8 buyer of property shall be provided with a copy of the
9 statement submitted, and, following the fulfillment of this
10 provision, if the statement submitted reveals no private
11 burial site, well, disposal site, underground storage tank, or
12 hazardous waste on the property, the county recorder may
13 destroy the statement. The land application of sludges or
14 soils resulting from the remediation of underground storage
15 tank releases accomplished in compliance with department of
16 natural resources rules without a permit is not required to be
17 reported as the disposal of solid waste or hazardous waste.
18 Sec. 9. Sections 455B.332, 455B.333, 455B.464, and 473.40,
19 Code 2005, are repealed.

20

EXPLANATION

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

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

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

34 The bill eliminates the department's duty to establish
35 policy for, provide for the proper methods for, and issue

1 permits for the transportation, storage, handling, and
2 disposal of radioactive material for the purpose of protecting
3 the public health and safety.

4 The bill makes conforming amendments.

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STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

MEMO

TO: General Assembly
From: Jeffrey R. Vonk, Director
Date: January 12, 2006
RE: Technical Code Changes

The Iowa Department of Natural Resources (DNR) proposes to rescind 445B.412(1), 455B.464 and 455B.484(11) which outline several requirements in the Code related to the development of plans and management of the RCRA (Resource Conservation and Recovery Act) Subtitle C (hazardous waste) program. Since this is a U.S. Environmental Protection Agency managed program that has not been delegated to the state of Iowa, the federal government has responsibility for these requirements.

The DNR also proposes to rescind 473.40 related to the establishment of statewide energy efficiency rating systems. The DNR received federal funding and adopted a Home Energy Rating System (HERS) for residential buildings in 1999. HERS is a voluntary inspection that any homeowner has the opportunity to purchase if they choose. Builders constructing new homes in Iowa today commonly use the ENERGY STAR Builders Option Package (BOP) rating system.

In 1999, the DNR worked with an advisory committee to investigate the viability of developing rating systems for commercial and industrial buildings. The advisory committee determined that it was not feasible to develop rating systems for these sectors due to the variability of building types and uses. Today, Iowa is a member of the US Green Building Council, a national nonprofit organization that rates and certifies buildings using the Leadership in Energy and Environmental Design (LEED) criteria. In addition, environmental management systems are being used by industrial facilities to benchmark their environmental performance based on their own potential for improvement, including energy efficiency.

Finally, the DNR proposes to rescind sections of 455B, Division IV, Solid Waste Disposal, Part 2, Radioactive Waste. The Iowa Department of Public Health and the Iowa Department of Transportation have the authority over the use and transportation of radioactive material/waste in Iowa. This authority is granted to the Iowa Department of Public Health in Code of Iowa Chapter 136C and Section 274 of the Atomic Energy Act of 1954. The Iowa Department of Transportation adopts federal hazardous materials regulations by reference in 761 IAC 520(321) [40CFR 100, 107, 171, 172, 173, 177, 178, 180]. The Iowa Department of Public Health is the lead agency for responding to spills involving radiological substances in Iowa.

The DNR currently delegates its authority to the Iowa Department of Public Health through a 28E agreement. Once the sections are deleted, the 28E agreement will no longer be necessary. This legislation will not rescind the code sections pertaining to the Department of Natural Resources' authority related to siting of radioactive disposal sites.

HOUSE FILE 2541

AN ACT

ELIMINATING CERTAIN DUTIES OF THE DEPARTMENT OF NATURAL
RESOURCES.

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

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

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

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

8. Formulate and adopt specific and detailed statewide standards pursuant to chapter 17A for review of plans and specifications and the construction of sewer systems and water supply distribution systems and extensions to such systems not later than October 1, 1977. The standards shall be based on criteria contained in the "Recommended Standards for Sewage Works" and "Recommended Standards for Water Works" (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River board of state sanitary engineers, design manuals published by the department, applicable federal guidelines and standards, standard textbooks, current technical literature, and applicable safety standards. ~~The material standards for polyvinyl chloride pipe shall not exceed the specifications for polyvinyl chloride pipe in designations B-1784-69, B-2241-73, B-2564-76, B-2672-76, B-3036-73, and B-3139-73 of ASTM (American Society for Testing and Materials) international.~~ The rules adopted which directly pertain to the construction of sewer systems and water supply distribution systems and the review of plans and specifications for such construction shall be known respectively as the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems and shall be applicable in each governmental subdivision of the state. Exceptions shall be made to the standards so formulated only upon special request to and receipt of permission from the department. The department shall publish the standards and make copies of such standards available to governmental subdivisions and to the public.

Sec. 3. Section 455B.304, subsection 17, Code 2005, is amended to read as follows:

17. The commission shall adopt rules to establish a special waste authorization program. For purposes of this subsection, "special waste" means any industrial process waste, pollution control waste, or toxic waste which presents

a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous wastes which are regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921--6934, or hazardous wastes as defined in section 455B.411, subsection 3~~7-or-hazardous wastes-included-in-the-list-compiled-in-accordance-with section-455B-464.~~

Sec. 4. Section 455B.335, subsection 2, Code 2005, is amended by striking the subsection.

Sec. 5. Section 455B.412, subsection 1, Code 2005, is amended by striking the subsection.

Sec. 6. Section 455B.461, subsection 2, Code 2005, is amended to read as follows:

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

Sec. 7. Section 455B.482, subsection 3, Code 2005, is amended to read as follows:

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

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

Sec. 9. Section 558.69, unnumbered paragraph 1, Code 2005, is amended to read as follows:

With each declaration of value submitted to the county recorder under chapter 428A, there shall also be submitted a statement regarding whether any known private burial site is situated on the property, and if a known private burial site is situated on the property, the statement shall state the approximate location of the site. The statement shall also state that no known wells are situated on the property, or if

known wells are situated on the property, the statement must state the approximate location of each known well and its status with respect to section 455B.190 or 460.302. The statement shall also state that no known disposal site for solid waste, as defined in section 455B.301, which has been deemed to be potentially hazardous by the department of natural resources, exists on the property, or if such a known disposal site does exist, the location of the site on the property. The statement shall additionally state that no known underground storage tank, as defined in section 455B.471, subsection 11, exists on the property, or if a known underground storage tank does exist, the type and size of the tank, and any known substance in the tank. The statement shall also state that no known hazardous waste as defined in section 455B.411, subsection 3, or listed by the department pursuant to section 455B.412, subsection 2~~7-or-section 455B-464,~~ exists on the property, or if known hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources. The statement shall be signed by at least one of the sellers or their agents. The county recorder shall refuse to record any deed, instrument, or writing for which a declaration of value is required under chapter 428A unless the statement required by this section has been submitted to the county recorder. A buyer of property shall be provided with a copy of the statement submitted, and, following the fulfillment of this provision, if the statement submitted reveals no private burial site, well, disposal site, underground storage tank, or hazardous waste on the property, the county recorder may destroy the statement. The land application of sludges or soils resulting from the remediation of underground storage tank releases accomplished in compliance with department of natural resources rules without a permit is not required to be reported as the disposal of solid waste or hazardous waste.

Sec. 10. Sections 455B.220, 455B.332, 455B.333, 455B.464, and 473.40, Code 2005, are repealed.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2541, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor