



KIM REYNOLDS  
GOVERNOR

**OFFICE OF THE GOVERNOR**

ADAM GREGG  
LT GOVERNOR

April 21, 2022

The Honorable Paul Pate  
Secretary of State of Iowa  
State Capitol  
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

Senate File 2176, an Act relating to programs within the Department of Natural Resources, including specifications of procedures relating to solid waste disposal and the repeal of the State Interagency Missouri River Authority and the Mercury-Free Recycling Act.

The above Senate File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink that reads "Kim Reynolds".

Kim Reynolds  
Governor of Iowa

cc: Secretary of the Senate  
Clerk of the House



Senate File 2176

AN ACT

RELATING TO PROGRAMS WITHIN THE DEPARTMENT OF NATURAL RESOURCES, INCLUDING SPECIFICATIONS OF PROCEDURES RELATING TO SOLID WASTE DISPOSAL AND THE REPEAL OF THE STATE INTERAGENCY MISSOURI RIVER AUTHORITY AND THE MERCURY-FREE RECYCLING ACT.

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

Section 1. Section 455B.301, subsection 14, Code 2022, is amended to read as follows:

14. "*Lifetime of the project*" means the projected period of years that a sanitary landfill will receive waste, from the time of opening until closure, based on the volume of waste to be received projected at the time of submittal of the initial project plan and the calculated refuse capacity of the sanitary landfill based upon the design of the project.

Sec. 2. Section 455B.303, subsections 2 and 3, Code 2022, are amended to read as follows:

2. Local boards of health shall cooperate in the enforcement of the provisions of ~~said~~ this part and the director may seek their aid and delegate administrative duties of the department to the local boards of health in matters relating to solid waste, ~~refuse disposal plants,~~ and sanitary disposal projects.

3. The director may issue, modify, or deny ~~variances~~ waivers from the rules of the commission. The applicant may appeal the decision of the director to the commission.

Sec. 3. Section 455B.304, subsections 4, 5, 6, 7, 11, 13, and 14, Code 2022, are amended to read as follows:

4. The commission shall adopt rules requiring that each sanitary ~~disposal project~~ landfill established pursuant to section 455B.302 and permitted pursuant to section 455B.305 install and maintain a sufficient number of groundwater monitoring wells to adequately determine the quality of the groundwater and the impact the sanitary ~~disposal project~~ landfill, if any, is having on the groundwater adjacent to the sanitary ~~disposal project site~~ landfill.

5. The commission shall adopt rules requiring a schedule of monitoring of the quality of groundwater adjacent to ~~the~~ a sanitary disposal project landfill from the groundwater monitoring wells installed in accordance with this section during the period the sanitary ~~disposal project~~ landfill is in use. Schedules of monitoring may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operation characteristics, and volumes and types of wastes handled at the sanitary ~~disposal project site~~ landfill.

6. The commission shall, by rule, require continued monitoring of groundwater pursuant to this section for a period of thirty years after the sanitary disposal project is closed. The commission may prescribe a lesser period of monitoring duration and frequency in consideration of the potential or lack thereof for groundwater contamination from ~~the~~ a sanitary disposal project landfill. The commission may extend the thirty-year monitoring period on a site-specific basis by adopting rules specifically addressing additional monitoring requirements for each sanitary disposal project for which the monitoring period is to be extended.

7. The commission shall adopt rules ~~which~~ that may require the installation of shafts to relieve the accumulation of gas in a sanitary ~~disposal project~~ landfill.

11. A sanitary landfill ~~disposal project~~ operating with a permit shall have a trained, tested, and certified operator. The department shall adopt by rule a certification program.

13. Notwithstanding the provisions of this chapter regarding the requirement of the equipping of a sanitary

landfill with a leachate control system and the establishment and continuation of a postclosure account, the department shall adopt rules ~~which~~ that provide for an exemption from the requirements to equip a publicly owned sanitary landfill with a leachate control system and to establish and maintain a postclosure account if the sanitary landfill operator is a public agency, if the sanitary landfill ~~has closed or will close~~ by July 1, 1992, and ~~will~~ no longer ~~accept~~ accepted waste for disposal after that date, and if at the time of closure of the sanitary landfill monitoring of the groundwater does not reveal the presence of leachate. The department shall require postclosure groundwater monitoring and shall establish the requirements for the implementation of leachate collection and control in cases in which leachate is found during postclosure monitoring. The department shall provide for a closure completion period following the date of closure of a sanitary landfill. Notwithstanding the provisions of this ~~paragraph~~ subsection, the public agency shall retain financial responsibility for closure and postclosure requirements applicable to sanitary disposal projects.

14. The commission shall adopt rules providing for the land application of soils resulting from the remediation of ~~underground storage tank releases~~ petroleum releases and the land application of certain solid wastes including industrial sludges in the state.

Sec. 4. Section 455B.305, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. A permit shall be issued by the director or, at the director's direction, by a local board of health for each sanitary disposal project operated in this state. The permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating the project. Permits issued pursuant to this section are in addition to any other licenses, permits, or ~~variances~~ waivers authorized or required by law, including but not limited to chapter 335.

Sec. 5. Section 455B.305, subsection 3, Code 2022, is amended to read as follows:

3. The director shall not issue or renew a permit for a

sanitary landfill unless the sanitary landfill is equipped with a leachate control system.

Sec. 6. Section 455B.306, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses instead to use a municipal solid waste sanitary landfill in another planning area may choose to retain its autonomy as long as the sanitary landfill in the other planning area complies with all the requirements of this chapter, and all solid waste generated within the planning area closing its landfills is consolidated at, and transported from, a permitted transfer station. For purposes of this subsection, a planning area closing its own landfills that chooses to retain its autonomy shall not be required to join the planning area that contains the sanitary landfill it is using for final disposal of its solid waste.

Sec. 7. Section 455B.306, subsection 7, paragraph a, Code 2022, is amended to read as follows:

a. A closure and postclosure plan detailing the schedule for and the methods by which the operator will meet the conditions for proper closure and postclosure adopted by rule by the commission. The plan shall include, but is not limited to, the proposed frequency and types of actions to be implemented prior to and following closure of an operation, the proposed postclosure actions to be taken to return the area to a condition suitable for other uses, and an estimate of the costs of closure and postclosure and the proposed method of meeting these costs. The postclosure plan shall reflect the ~~thirty-year time period requirement for postclosure responsibility~~ entire applicable postclosure period.

Sec. 8. Section 455B.306, subsection 9, unnumbered paragraph 1, Code 2022, is amended to read as follows:

In addition to the comprehensive plan filed pursuant to subsection 1, a person operating, or proposing to operate, a sanitary disposal project shall provide a financial assurance instrument to the department prior to the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility ~~beginning July 1, 1988~~.

Sec. 9. Section 455B.306, subsection 9, paragraph b, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The operator of a sanitary landfill shall maintain closure and postclosure accounts, which may be combined into one account. The commission shall adopt by rule the amounts to be contributed to the accounts based upon the amount of solid waste received by the facility. The accounts established shall be specific to the facility.

Sec. 10. Section 455B.306, subsection 9, paragraph e, Code 2022, is amended to read as follows:

e. The annual financial statement submitted to the department pursuant to subsection 7, paragraph "c", shall include the current amounts established in each ~~of the accounts~~ account and the projected amounts to be deposited ~~in the accounts~~ into each account in the following year.

Sec. 11. Section 455B.310, subsection 7, Code 2022, is amended to read as follows:

7. Fees imposed by this section shall be paid to the department on a quarterly basis with payment due by no more than ninety days following the quarter during which the fees were collected. The payment shall be accompanied by a return ~~which that~~ shall identify the amount of fees to be allocated to the sanitary landfill alternative financial assistance program, the amount of fees, in terms of cents per ton, retained for meeting waste reduction and recycling goals under section 455D.3, and additional fees imposed for failure to meet the twenty-five percent waste reduction and recycling goal under section 455D.3. Sanitary landfills serving more than one planning area shall submit separate reports for each planning area.

Sec. 12. Section 455B.314, Code 2022, is amended to read as follows:

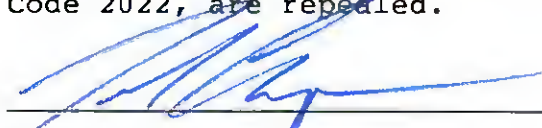
**455B.314 Incineration at sanitary disposal projects.**

~~Beginning January 1, 1990, a~~ A sanitary disposal project that includes incineration as a part of its disposal process shall separate from the materials to be incinerated recyclable and reusable materials, materials ~~which that~~ will result in uncontrolled toxic or hazardous air emissions when burned,

and hazardous or toxic materials ~~which~~ that are not rendered nonhazardous or nontoxic by incineration. The removed materials shall be recycled, reused, or treated and disposed in a manner approved by the department. Separation of waste includes magnetic separation.

Sec. 13. REPEAL. Chapter 28L, Code 2022, is repealed.

Sec. 14. REPEAL. Sections 455B.801, 455B.802, 455B.803, 455B.804, 455B.805, 455B.806, 455B.807, 455B.808, and 455B.809, Code 2022, are repealed.


  
\_\_\_\_\_  
JAKE CHAPMAN

President of the Senate

  
\_\_\_\_\_  
PAT GRASSLEY

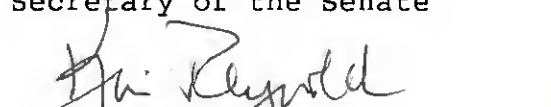
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2176, Eighty-ninth General Assembly.

  
\_\_\_\_\_  
W. CHARLES SMITHSON

Secretary of the Senate

Approved April 21<sup>st</sup>, 2022

  
\_\_\_\_\_  
KIM REYNOLDS

Governor