

If a service is being provided by the consolidated metropolitan corporation to any member city that member city shall not invoke any statutory right, power, or duty relating to the delivery of the service to its citizens.

2. A member city may apply to the metropolitan council for the purchase of any service which is being provided by the consolidated metropolitan corporation to any other member city, including the home city of the consolidated metropolitan corporation. Such an agreement to provide services shall be executed pursuant to chapter 28E and must contain provisions necessary for the lawful execution of the agreement.

Approved June 10, 1991

CHAPTER 257

DISPOSAL OF SOLID WASTE

H.F. 706

AN ACT relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty.

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

Section 1. NEW SECTION. 9B.1 REGISTRATION OF WASTE TIRE HAULERS.

1. For the purposes of this section, "waste tire hauler" means a person who transports for hire more than forty waste tires in a single load for commercial purposes.

2. A waste tire hauler shall register with, and obtain a certificate of registration from, the secretary of state before hauling waste tires in this state. Requirements for registration of a waste tire hauler shall include a provision that waste tire haulers shall pay all amounts due to any individual or group of individuals when due for damages caused by improper disposal of waste tires by the waste tire hauler or the waste tire hauler's employee while acting within the scope of employment. The waste tire hauler may apply for a certificate of registration by submitting the forms provided for that purpose and shall provide the name of the applicant and the address of the applicant's principal place of business and any additional information as deemed appropriate by the secretary of state.

3. A certificate of registration issued under this section is valid for one year from the date of issuance. A registered waste tire hauler may renew the certificate by filing a renewal application in the form prescribed by the secretary of state, accompanied by any applicable renewal fee.

4. The secretary of state shall establish a reasonable registration fee sufficient to offset expenses incurred in the administration of this section.

5. The secretary of state shall require that a waste tire hauler have on file with the secretary of state before the issuance or renewal of a registration certificate, a surety bond executed by a surety company authorized to do business in this state in the sum of a minimum of ten thousand dollars, which bond shall be continuous in nature until canceled by the surety. A surety shall provide at least thirty days' notice in writing to the waste tire hauler and to the secretary of state indicating the surety's intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon the waste tire hauler's willingness to comply with this section. The surety's liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from a waste tire hauler to the amount of the surety bond. This subsection shall not limit the recovery of damages to the amount of the surety bond. The bond

shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state.

6. The secretary of state shall adopt rules including imposition of civil penalties necessary for the implementation and administration of this chapter.

7. A person who knowingly and willfully violates a provision of this section is subject to a civil penalty in an amount not to exceed ten thousand dollars. Moneys collected from the penalties imposed shall be deposited in the waste volume reduction and recycling fund established pursuant to section 455D.15.

Sec. 2. Section 455B.310, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the tonnage fee amounts imposed under this subsection, in the year beginning July 1, 1991, the tonnage fee shall be increased by seventy-five cents per ton of solid waste. The moneys collected under this paragraph are appropriated and shall be used for the following purposes:

a. Ten cents per ton per year is appropriated to the department of natural resources to establish a program to provide competitive grants to regional coordinating councils for projects in regional economic development centers related to a by-products and waste exchange system. Grantees under this program shall coordinate activities with other available state or multistate waste exchanges, including but not limited to the by-products and waste search service at the university of northern Iowa. The department shall consult with the department of economic development and the waste reduction center at the university of northern Iowa in establishing criteria for and the awarding of grants under this program. The department of natural resources shall expend not more than thirty thousand dollars of the moneys appropriated under this paragraph to contract with the by-products and waste search service at the university of northern Iowa to provide training and other technical services to grantees under the program. If regional economic development centers cease to exist, the department shall revise the criteria and rules for this program to allow councils of governments or regional planning councils to be applicants for competitive grants.

b. Fifteen cents per ton per year is appropriated to the department of natural resources to establish three permanent household hazardous waste collection sites so that both urban and rural population are served and so that collection services are available to the public on a regular basis. An additional five cents per ton per year is appropriated to the department to be used for the payment of transportation costs related to household hazardous waste collection programs.

c. Twelve and one-half cents per ton per year is appropriated to the department to provide additional toxic cleanup days.

Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities.

d. Twenty-seven and one-half cents per ton per year is appropriated to the department to provide low or no interest loans to Iowa businesses for the manufacture or remanufacture of products from postconsumer materials or to Iowa businesses which purchase equipment to achieve source reductions. The department, in consultation with the department of economic development, shall develop rating criteria for the program including criteria which gives priority in the approval of loans to firms involved in tire recycling. The department, in cooperation with the department of economic development, shall provide technical assistance to and monitoring of the technical operations of projects funded under this section.

e. Five cents per ton per year is appropriated to the department of economic development to establish, in cooperation with the department of natural resources, a marketing initiative to assist Iowa businesses producing recycling or reclamation equipment or services, recyclable products, or products from recycled materials to expand into national markets. Efforts shall include the reuse and recycling of sawdust. For the fiscal year beginning July 1, 1991,

and ending June 30, 1992, fifty thousand dollars of the moneys appropriated under this paragraph shall be allocated for the purposes of developing advanced microbiological technologies for reduction, destruction, or disposal of wet solid waste. For the fiscal year beginning July 1, 1992, and thereafter, fifty thousand dollars of the moneys appropriated under this paragraph shall be used by the department of economic development to provide grants or loans to Iowa businesses which have participated in the waste reduction assistance program of the department of natural resources or the program provided by the waste reduction center at the university of northern Iowa, and which have identified needs for equipment or retooling to achieve waste reduction.

Sec. 3. Section 455B.310, subsection 7, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department shall grant exemptions from the fee requirements of subsection 2, unnumbered paragraph 1, for receipt of solid waste meeting all of the following criteria:

Sec. 4. Section 455B.310, subsection 7, paragraph e, Code 1991, is amended to read as follows:

e. The owner or operator of the sanitary landfill applying for exemption demonstrates to the satisfaction of the department that good faith efforts were made to renegotiate the contract notwithstanding its terms, and has been unable to agree on an amendment allowing the fee provided in subsection 2, unnumbered paragraph 1, to be added to the compensation or fee provisions of the contract.

Sec. 5. Section 455B.310, Code 1991, is amended by adding the following new subsections:
NEW SUBSECTION. 9. The department shall grant exemptions from the fee requirements of subsection 2, unnumbered paragraph 2, for receipt of solid waste meeting all of the following criteria:

a. Receipt of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and another person.

b. The contract was lawfully executed prior to January 1, 1991.

c. The contract expressly prohibits an increase in the compensation or fee payable to the owner or operator of the landfill and does not allow voluntary cancellation or renegotiation of the compensation or fee during the term of the contract.

d. The contract has not been amended at any time after January 1, 1991.

e. The owner or operator of the sanitary landfill applying for exemption demonstrates to the satisfaction of the department that good faith efforts were made to renegotiate the contract notwithstanding its terms, and has been unable to agree on an amendment allowing the fee provided in subsection 2, unnumbered paragraph 2, to be added to the compensation or fee provisions of the contract.

f. Applications for exemption must be submitted on forms provided by the department with proof of satisfaction of all criteria.

g. Notwithstanding the time specified within the contract, an exemption from payment of the fee increase requirements for a multiyear contract shall terminate by January 1, 1993.

NEW SUBSECTION. 10. Notwithstanding the tonnage fee schedule prescribed under subsection 2, foundry material that is deposited at a permitted sanitary landfill and used to replace material that would otherwise be purchased and transported from off-site for daily cover, shall be subject to the following fees:

a. For the fiscal year beginning July 1, 1991, and ending June 30, 1992, the tonnage fee is one dollar for each ton of foundry material which is not more than forty percent of the total amount of foundry material deposited at the sanitary landfill for daily cover by any one source. The amount of foundry material deposited at the sanitary landfill which is greater than forty percent of the total amount deposited by any one source is subject to the tonnage fee imposed in subsection 2 on other solid waste.

b. For the fiscal year beginning July 1, 1992, and ending June 30, 1993, the tonnage fee is one dollar and fifty cents for each ton of foundry material which is not more than forty percent of the total amount of foundry material deposited at the sanitary landfill for daily cover by

any one source. The amount of foundry material deposited at the sanitary landfill which is greater than forty percent of the total amount deposited by any one source is subject to the tonnage fee imposed in subsection 2 on other solid waste.

c. For each fiscal year beginning on or after July 1, 1993, the tonnage fee imposed is the tonnage fee imposed in subsection 2 on other solid waste.

Sec. 6. Section 455E.11, subsection 2, paragraph a, subparagraph (11), subparagraph subdivision (b), Code 1991, is amended to read as follows:

(b) Fifteen cents per ton per year shall be allocated to local agencies for use as provided by law. used as follows:

(i) If the fees are collected by a city or county or public agency, the moneys shall be retained by the city, county, or public agency. Upon receipt of the moneys, the city, county, or public agency shall return the moneys to a city, county, or public agency served by the sanitary disposal project for the purpose of implementation of the waste volume reduction and recycling requirements of the comprehensive plans filed pursuant to section 455B.306.

(ii) If the fees are collected by a private agency which provides for the final disposal of solid waste by the residents of a city or county, the moneys shall be remitted to the department. Upon receipt of the moneys, the department shall return the moneys to the city, county, or public agency served by the sanitary disposal project for the implementation of the waste volume reduction and recycling requirements of the comprehensive plans filed pursuant to section 455B.306. Notwithstanding the remittance requirement under this subparagraph subdivision part (ii), if a private agency is designated to develop and implement the comprehensive plan pursuant to section 455B.306, the fees collected under this subparagraph subdivision part (ii) shall be retained by the private agency for the purpose of implementation of the waste volume reduction and recycling requirement of the comprehensive plans filed pursuant to section 455B.306.

Each sanitary landfill owner or operator shall submit to the department a return regarding the use of the fees allocated under this subparagraph subdivision (b) concurrently with the return submitted pursuant to section 455B.310, subsection 5.

Sec. 7. Section 455D.11, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 7. The commission shall adopt rules which provide the following:

a. That a person who contracts with another person to transport more than forty waste tires, is required to contract only with a person registered as a waste tire hauler pursuant to section 9B.1.

b. That a person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.

c. A person who does not comply with this subsection is subject to the penalty imposed pursuant to section 9B.1 and the moneys allocated shall be deposited and used pursuant to section 9B.1.

Approved June 10, 1991