

## CHAPTER 12

### POLLUTION PREVENTION AND WASTE MANAGEMENT ASSISTANCE

H.F. 225

**AN ACT** relating to pollution prevention and waste management assistance.

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

Section 1. Section 455B.481, subsections 1 through 3, Code 2013, are amended to read as follows:

1. The purpose of this part is to promote the proper and safe storage, treatment, and disposal management of solid, hazardous, and low-level radioactive wastes in Iowa. The management of these wastes generated within Iowa is the responsibility of Iowans. It is the intent of the general assembly that Iowans assume this responsibility to the extent consistent with the protection of public health, safety, and the environment, and that Iowans insure that waste management practices, as alternatives to land disposal, including source reduction, recycling, compaction, incineration, and other forms of waste reduction, are employed.

2. It is also the intent of the general assembly that a comprehensive waste management plan be established by the department which includes: the determination of need and adequate regulatory controls prior to the initiation of site selection; the process for selecting a superior site determined to be necessary; the establishment of a process for a site community to submit or present data, views, or arguments regarding the selection of the operator and the technology that best ensures proper facility operation; the prohibition of shallow land burial of hazardous and low-level radioactive wastes; the establishment of a regulatory framework for a facility; and the establishment of provisions for the safe and orderly development, operation, closure, postclosure, and long-term monitoring and maintenance of the facility.

3. 2. In order to meet capacity assurance requirements of section 104k of the federal Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, and further the objectives of waste minimization, the The department, in cooperation with the small business assistance center at the university of northern Iowa Iowa waste reduction center for safe and economic management of solid waste and hazardous substances established in section 268.4, shall work with generators of hazardous wastes in the state to develop and implement aggressive waste minimization programs. The goal of these programs is to reduce the volume of hazardous waste generated in the state as a whole by twenty-five percent of the amount generated as of January 1, 1987, as reported in the biennial reports collected by the United States environmental protection agency. The twenty-five percent reduction goal shall be reached as expeditiously as possible and no later than July 1, 1994. In meeting the reduction goal, elements "a" through "d" of the hazardous waste management hierarchy shall be utilized. The department, in cooperation with the small business assistance center, shall reassess the twenty-five percent reduction goal in 1994. The department shall promote research and development, provide and promote educational and informational programs, promote and encourage provide confidential, voluntary technical assistance to hazardous waste generators, promote assistance by the small business assistance Iowa waste reduction center, and promote other voluntary activities by the public and private sectors that support this goal. In the promotion of the goal, the following hazardous waste management pollution prevention hierarchy, in descending order of preference, is established by the department:

- a. Source reduction for waste elimination.
- b. Reuse.
- c. On-site recycling.
- e. d. Off-site recycling.
- d. e. Waste treatment.
- e. f. Incineration Combustion with energy recovery.
- f. g. Land disposal.

Sec. 2. Section 455B.481, subsections 4 and 5, Code 2013, are amended by striking the subsections.

Sec. 3. Section 455B.482, Code 2013, is amended by adding the following new subsection:  
NEW SUBSECTION. 7A. “*Pollution prevention*” means employment of a practice that reduces the industrial use of toxic substances or reduces the environmental and health hazards associated with an environmental waste without diluting or concentrating the waste before the release, handling, storage, transport, treatment, or disposal of the waste.

Sec. 4. Section 455B.484, Code 2013, is amended by adding the following new subsection:  
NEW SUBSECTION. 1A. Implement the waste management policy provided in section 455B.481.

Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and 10, Code 2013, are amended by striking the subsections.

Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. “*Assistance program*” means the ~~waste reduction assistance~~ pollution prevention program of the department or of the Iowa waste reduction center for safe and economic management of solid waste and hazardous substances conducted pursuant to section 268.4.

Sec. 7. Section 455B.485, subsections 3 and 5, Code 2013, are amended by striking the subsections.

Sec. 8. Section 455B.486, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 9. Section 455B.487, subsection 1, Code 2013, is amended to read as follows:

1. The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of ~~hazardous and~~ low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased or used for the operation of a facility subject to chapter 6A. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate ~~hazardous waste facilities and~~ low-level radioactive waste facilities, subject to the approval of the general assembly.

Sec. 10. Section 455B.487, subsection 8, Code 2013, is amended by striking the subsection.

Sec. 11. Section 455C.12, subsection 1, Code 2013, is amended to read as follows:

1. Any person violating the provisions of section 455C.2, 455C.3, ~~or 455C.5, and 455C.8,~~ or a rule adopted under this chapter, shall be guilty of a simple misdemeanor.

Sec. 12. Section 455D.1, subsections 3, 5, and 7, Code 2013, are amended by striking the subsections.

Sec. 13. Section 455D.1, Code 2013, is amended by adding the following new subsection:  
NEW SUBSECTION. 4A. “*Pollution prevention techniques*” means any of the following practices employed by the user of a toxic substance:

a. Input substitution, which is the replacement of a toxic substance or raw material used in a production process with a nontoxic or less toxic substance.

b. Product reformulation, which is the substitution of an end product which is nontoxic or less toxic upon use or release for an existing end product.

c. Production process redesign or modification, which is the development and use of production processes of a different design other than those currently in use.

d. Production process modernization, which is the upgrading or replacing of existing production process equipment or methods with other equipment or methods based on the same production process.

e. Improved operation and maintenance of existing production process equipment and methods, which is the modification or addition to existing equipment or methods, including but not limited to such techniques as improved housekeeping practices, system adjustments, product and process inspections, and production process control equipment or methods.

f. Recycling, reuse, or extended use of toxic substances by using equipment or methods that become an integral part of the production process.

Sec. 14. Section 455D.3, subsections 1 and 3, Code 2013, are amended to read as follows:

1. ~~Year 1994 and 2000 goals~~ *Waste reduction goals.*

a. The goal of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, ~~by an intermediate goal of twenty-five percent by July 1, 1994, and by a final goal of at least fifty percent by July 1, 2000,~~ through the practice of waste volume reduction at the source and through recycling. For the purposes of this section, "waste stream" means the disposal of solid waste as "solid waste" is defined in section 455B.301.

b. Notwithstanding section 455D.1, subsection 6, facilities which employ combustion of solid waste with energy recovery and refuse-derived fuel, which are included in an approved comprehensive plan, may include these processes in the definition of recycling for the purpose of meeting the state goal if at least thirty-five percent of the fifty percent waste reduction goal, ~~required to be met by July 1, 2000, pursuant to this section,~~ is met through volume reduction at the source and recycling and reuse, as established pursuant to section 455B.301A, subsection 1, paragraphs "a" and "b".

3. *Departmental monitoring.*

a. ~~By October 31, 1994, a planning area shall submit to the department a solid waste abatement table which is updated through June 30, 1994. By April 1, 1995, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 1994, twenty-five percent goal.~~

(1) If at any time the department determines that a planning area has met or exceeded the twenty-five percent goal, but has not met or exceeded the fifty percent goal, a planning area shall subtract sixty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. If at any time the department determines that a planning area has met or exceeded the fifty percent goal, a planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. The reduction in tonnage fees pursuant to this ~~subparagraph~~ paragraph shall be taken from that portion of the tonnage fees which would have been allocated for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1).

(2) ~~b. If the department determines that a planning area has failed to meet the July 1, 1994, twenty-five percent goal, the planning area shall, at a minimum, implement the solid waste management techniques as listed in subsection 4. Evidence of implementation of the solid waste management techniques shall be documented in subsequent comprehensive plans submitted to the department remit fifty cents per ton to the department. The moneys shall be deposited in the groundwater protection fund created in section 455E.11, subsection 2, paragraph "a", and credited to the solid waste account of the fund to be used for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). Moneys shall continue to be remitted pursuant to this paragraph until such time as evidence of attainment of the twenty-five percent goal is documented in subsequent plans submitted to the department.~~

~~b. (1) By October 31, 2000, a planning area shall submit to the department, a solid waste abatement table which is updated through June 30, 2000. By April 1, 2001, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 2000, fifty percent goal.~~

(2) ~~c. If at any time the department determines that a planning area has met or exceeded the fifty percent goal, the planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. This amount shall be in addition to any amount subtracted pursuant to paragraph "a". The reduction in tonnage fees pursuant to this subparagraph~~ paragraph shall be taken from that portion of the tonnage fees which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). ~~Except for fees required under subsection 4,~~

~~paragraph "a",~~ a A planning area failing to meet the fifty percent goal is not required to remit any additional tonnage fees to the department.

Sec. 15. Section 455D.3, subsections 2 and 4, Code 2013, are amended by striking the subsections.

Sec. 16. Section 455D.6, subsections 1, 6, and 7, Code 2013, are amended to read as follows:

1. Unless otherwise specified in this chapter, recommend rules to the commission which are necessary to implement this chapter. ~~Initial recommendations shall be made to the commission no later than July 1, 1991.~~

6. Develop a strategy and recommend to the commission the adoption of rules necessary to implement a strategy for white goods and waste oil ~~by January 1, 1990.~~

7. Develop a strategy and recommend to the commission the adoption of rules necessary to implement ~~by January 1, 2004,~~ a strategy for the recycling of electronic goods and the disassembling and removing of toxic parts from electronic goods.

Sec. 17. Section 455D.6, subsections 2, 5, 8, 9, and 10, Code 2013, are amended by striking the subsections.

Sec. 18. Section 455D.7, subsection 1, Code 2013, is amended to read as follows:

1. Unless otherwise specified in this chapter, adopt rules necessary to implement this chapter pursuant to chapter 17A. ~~Initial rules shall be adopted no later than April 1, 1992.~~

Sec. 19. Section 455D.7, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 20. Section 455D.9, subsections 1, 2, 3, and 6, Code 2013, are amended to read as follows:

1. ~~Beginning January 1, 1991,~~ land Land disposal of yard waste as defined by the department is prohibited. However, yard waste which has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting.

2. The department shall assist local communities in the development of collection systems for yard waste generated from residences and shall assist in the establishment of local composting facilities. ~~Within one hundred twenty days of the adoption of rules by the department regarding yard waste, each~~ Each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. ~~Municipalities which provide a collection system for solid waste shall provide for a collection system for yard waste which is not composted.~~

3. The department shall ~~develop~~ adopt rules which define yard waste and provide for the safe and proper method of composting. ~~The rules adopted for a composting facility to be located on property owned by an applicant for a permit prior to July 1, 1992, when the property is located within twenty miles of a metropolitan area of two hundred fifty thousand or more, shall require that prior to the issuance of a permit for a composting facility, the applicant shall submit an economic impact statement to the department. For the purpose of this subsection, "economic impact statement" means an estimate of the economic impact of the siting of a composting facility at a specific location on affected property owners~~ yard waste and other organic materials.

6. This section prohibits the ~~incineration~~ open burning of yard waste within the permitted boundary at a sanitary disposal project.

Sec. 21. Section 455D.12, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Beginning July 1, 1992,~~ a A person shall not distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the product is labeled with a code indicating the plastic resin used to produce the bottle or container. Rigid plastic bottles or rigid plastic containers with labels and basecups of a different material shall be coded by their basic material. The code shall consist of a number placed within a triangle of arrows and letters

placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

Sec. 22. Section 455D.12, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 23. Section 455D.15, subsection 2, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

2. The fund shall be utilized by the department for providing technical assistance to Iowa businesses in developing and implementing pollution prevention techniques.

Sec. 24. Section 455D.15, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 25. Section 455E.8, subsections 2 and 3, Code 2013, are amended by striking the subsections.

Sec. 26. REPEAL. Sections 455B.516, 455B.517, 455B.518, 455C.8, and 455C.15, Code 2013, are repealed.

Approved March 28, 2013