

Consideration under Amendment (3151) to House Bill 21 (p. 780)

SENATE FILE

375

BY HUSAK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

3151 1 An Act relating to waste tire management and imposing a fee.

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

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SF 375

3,571 Section 1. Section 321.20, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. The amount of the waste tire
4 management fee to be paid under section 455D.11B.

5 Sec. 2. Section 455D.11, subsection 1, Code 1991, is
6 amended by striking the subsection and inserting in lieu
7 thereof the following:

8 1. As used in this section and sections 455D.11A and
9 455D.11B, unless the context otherwise requires:

10 a. "Monofill" means a sanitary landfill which is limited
11 to the disposal of one type of solid waste.

12 b. "Permit" means a permit issued by the department to
13 establish, construct, modify, own, or operate a tire
14 stockpiling facility.

15 c. "Processing" means producing tire-derived materials
16 from waste tires that, at a minimum, meet the requirements for
17 land disposal of waste tires.

18 d. "Replacement tire" means a new, used, or retreaded tire
19 used to replace a waste tire for use on a vehicle.

20 e. "Tire" means a pneumatic, rubber covering for a vehicle
21 wheel.

22 f. "Tire dealer" means a person who sells replacement
23 tires at retail.

24 g. "Waste tire" means a tire that is no longer suitable
25 for its originally intended purpose because of wear, damage,
26 or defect.

27 h. "Waste tire collection site" or "waste tire storage
28 facility" means a waste tire facility that collects or
29 stockpiles waste tires or shredded tires.

30 i. "Waste tire facility" means a waste tire storage,
31 processing, or recycling location including buildings,
32 equipment, and grounds.

33 j. "Waste tire hauler" means a person who transports more
34 than forty waste tires in a single load for commercial
35 purposes.

1 k. "Waste tire processing facility" means a waste tire
2 facility that produces tire derived materials that, at a
3 minimum, meet the requirements for land disposal of waste
4 tires.

5 l. "Waste tire storage area" means the portion of a
6 sanitary landfill where waste tires are collected and stored
7 for processing or recycling.

8 Sec. 3. Section 455D.11, Code 1991, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 7. The department shall promote
11 alternatives to the use of waste tires as tire-derived fuel.

12 *5/57* Sec. 4. NEW SECTION. 455D.11A WASTE TIRE COLLECTION AT
13 LANDFILLS -- EXEMPTION FROM FEE -- ENCOURAGED REUSE.

14 1. The department shall encourage cities, counties, or
15 private agencies which operate sanitary landfills to establish
16 waste tire storage areas or monofills at the site of the
17 sanitary landfill to provide for collection of waste tires
18 from residents of the city or county in which the sanitary
19 landfill is located.

20 2. If a city, county, or private agency operates a
21 sanitary landfill at which a waste tire storage area or
22 monofill is established, all of the following requirements
23 shall apply:

24 a. The city, county, or private agency shall not charge a
25 fee for the waste tires received and managed by the sanitary
26 landfill.

27 b. If a monofill is established, the waste tires shall be
28 properly processed prior to disposal. The commission shall
29 establish, by rule, requirements for such a monofill which are
30 less stringent than the requirements for a sanitary landfill
31 but which provide for the development of a comprehensive plan
32 for the monofill and other requirements to ensure proper
33 disposal of waste tires.

34 c. If the city, county, or private agency does not
35 establish a monofill at the site of the sanitary landfill, but

1 does establish a waste tire storage area, the city, county, or
2 private agency shall locate and may contract with waste tire
3 processing facilities or other entities which provide for the
4 recycling or processing of waste tires as an alternative to
5 disposal of the waste tires in a monofill.

6 Sec. 5. NEW SECTION. 455D.11B WASTE TIRE MANAGEMENT FEE
7 IMPOSED.

8 1. Beginning January 1, 1992, at the time a vehicle is
9 subject to registration pursuant to chapter 321 or 326, with
10 the exception of official vehicles and nonmotorized vehicles,
11 the owner shall also complete a separate waste tire management
12 fee form and shall pay a waste tire management fee of one
13 dollar. Payment of the fee shall be made, in addition to any
14 other fees, to the county treasurer. The county treasurer
15 shall remit the fees collected to the treasurer of state. The
16 county treasurer shall provide a monthly report of fees
17 collected and remitted to the department of revenue and
18 finance. The treasurer of state shall deposit the fees
19 remitted in the waste tire management account of the waste
20 volume reduction and recycling fund established pursuant to
21 section 455D.15. The director of the state department of
22 transportation, through the distributed teleprocessing
23 network, shall provide assistance to each county treasurer in
24 the collection, receipt, accounting, and reporting of the
25 waste tire management fees.

26 3. The department of natural resources, in cooperation
27 with the department of revenue and finance, shall develop the
28 waste tire management fee form, to be completed by the owner
29 at the time of registration, which shall include information
30 to the owner regarding the use of the fee for proper waste
31 tire management.

32 4. The department of revenue and finance shall prescribe
33 the type and form of records required for the reporting of
34 fees and shall prescribe the manner and means of payment of
35 the fees imposed.

1 This bill may impose a state mandate under section 25B.3.
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SENATE FILE 375
FISCAL NOTE

A fiscal note for Senate File 375 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 375 provides for the establishment of monofills and waste tire storage areas at sanitary landfills. The bill also provides for a Waste Tire Management Fee of \$1.00 per vehicle, collected at the time of registration. The funds would be used to administer fee collection at the county level and for establishment of monofills and waste tire storage areas.

Fiscal Effect:

A \$1.00 annual fee on the registration of vehicles will raise \$3.0 million per year. The funds would be made available for county administration of the fee collection and for operation of the waste tire monofills and storage areas.

Source: Department of Transportation

(LSB 2485SS, JWR)

FILED MARCH 27, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

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SENATE FILE 375

S-3151

1 Amend Senate File 375 as follows:

2 1. Page 1, by striking lines 1 through 4 and
3 inserting the following:

4 "Sec. _____. Section 307.21, Code 1991, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 9. Conduct additional testing of
7 asphalt rubber to determine the cost-effectiveness of
8 the use of and the potential for additional use of
9 asphalt rubber.

10 Sec. _____. NEW SECTION. 331.362A PROCUREMENT OF
11 WASTE TIRE PRODUCTS REQUIRED.

12 A county which receives state funds for the use of
13 construction or maintenance of public facilities,
14 shall utilize, to the greatest extent technically
15 feasible, waste tires and products manufactured from
16 waste tires.

17 Sec. _____. NEW SECTION. 364.25 PROCUREMENT OF
18 WASTE TIRE PRODUCTS REQUIRED.

19 A city which receives state funds for a city
20 enterprise, an essential corporate purpose, or a
21 general corporate purpose, as defined pursuant to
22 section 384.24, or for any other type of construction
23 or maintenance of a public facility, shall utilize, to
24 the greatest extent technically feasible, waste tires
25 and products manufactured from waste tires.

26 Sec. _____. Section 455B.305, Code 1991, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 7A. The department shall require
29 as a basis for the issuance of a permit for a new or
30 expanding sanitary landfill that the city, county, or
31 private agency operating or planning to operate the
32 sanitary landfill use shredded waste tires as the
33 drainage layers of the leachate control system. The
34 department shall encourage the use of shredded waste
35 tires as the drainage layers of tire leachate control
36 system in existing sanitary landfills.

37 Sec. _____. Section 455D.6, Code 1991, is amended by
38 adding the following new subsections:

39 NEW SUBSECTION. 10. Evaluate, in cooperation with
40 the department of general services and the state
41 department of transportation, the use and procurement
42 of asphalt rubber for use in road construction and
43 other paved surface construction. The department
44 shall publish information on recommendations for the
45 procurement of asphalt rubber, shall promote a
46 procurement preference for asphalt rubber, and shall
47 provide information compiled to all state agencies as
48 well as city and county purchasing agencies.

49 NEW SUBSECTION. 11. In cooperation with the
50 department of general services, inventory and

1 recommend procurement review and development of
2 products purchased by the state which utilize waste
3 tires. The department shall provide information to
4 state agencies as well as city and county purchasing
5 agencies regarding products available for purchase
6 which utilize waste tires."

7 2. Page 2, line 13, by striking the words
8 "EXEMPTION FROM FEE" and inserting the following: "NO
9 ADDITIONAL TONNAGE FEE CHARGED".

10 3. Page 2, line 25, by inserting after the word
11 "fee" the following: ", in excess of the average
12 tonnage fee,".

13 4. By striking page 3, line 6, through page 4,
14 line 16, and inserting the following:

15 "Sec. ____ . NEW SECTION. 455D.20 WASTE TIRE
16 CLEANUP DAYS.

17 The department shall establish a grant program to
18 provide funding to cities and counties to conduct
19 waste tire cleanup days. The department shall
20 establish the maximum amount of waste tires to be
21 accepted during a waste tire cleanup day and proper
22 storage and use of the waste tires collected.

23 Sec. ____ . NEW SECTION. 455D.21 WASTE TIRE
24 HAULERS -- PERMITS REQUIRED.

25 1. The department shall establish a waste tire
26 hauler permit program. The department shall adopt
27 rules regarding the permit information, the
28 applicability of the permit requirement based upon the
29 number of waste tires hauled, requirements for the
30 safe transport of the waste tires, and the amount of
31 the permit fee.

32 2. Beginning October 1, 1991, a person shall not
33 transport waste tires in this state without first
34 receiving a waste hauler permit from the department
35 and shall not deposit waste tires at a nonpermitted
36 waste tire collection or processing site. A person
37 who transports waste tires without a permit or who has
38 received a permit but transports waste tires to a
39 nonpermitted waste tire collection or processing site
40 is subject to a civil penalty to be established by
41 rule of the department.

42 3. A person applying for a permit under this
43 section shall not be issued a permit until the
44 applicant has filed with the department evidence of
45 insurance or surety bond issued by an insurance
46 carrier or bonding company authorized to do business
47 in this state for motor carriers of property in an
48 amount which is at a minimum ten thousand dollars and
49 which is specified by rule of the department."

50 5. Title page, line 1, by striking the words "and

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1 imposing a fee".

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
AMENDMENT,
RALPH ROSENBERG, Chairperson