

Ways Means 3/26 L's Pass 3/28 (g. 948)

FILED MAR 30 1991

SENATE FILE 451
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 224)

Filed
Passed Senate, Date 4/4/91 (g. 1060) Passed House, Date _____
Vote: Ayes 22 Nays 27 Vote: Ayes _____ Nays _____
Approved _____

*Memo to reconsider (g. 1071)
" w/lt 5/7/91 (g. 1707)*

A BILL FOR

- 1 An Act relating to the imposition of an increased solid waste
- 2 tonnage fee.

SENATE FILE 451

S-3400

1 Amend Senate File 451 as follows:
2 1. Page 1, line 2, by striking the word
3 "paragraph" and inserting the following:
4 "paragraphs".
5 2. Page 2, by inserting after line 32 the
6 following:
7 "NEW UNNUMBERED PARAGRAPH. The additional amount
8 imposed beginning July 1, 1991, shall not be imposed
9 upon a person disposing of solid waste at a sanitary
10 landfill if the person meets all of the following
11 requirements:
12 a. The person is a private agency which collects
13 solid waste for the purpose of recycling, and the
14 person provides documentation of this activity to the
15 sanitary landfill owner or operator.
16 b. The person provides documentation to the
17 sanitary landfill owner or operator that, of the
18 initial amount of solid waste collected by the private
19 agency, the solid waste was recycled to the greatest
20 extent possible, and that the remaining solid waste,
21 for which the person seeks disposal at the sanitary
22 landfill, is not recyclable by the private agency.
23 The commission shall adopt rules to implement this
24 paragraph including provisions for the form of
25 documentation required."

By RICHARD VANDE HOEF
JOHN P. KIBBIE
WILLIAM W. DIELEMAN

1 Section 1. Section 455B.310, subsection 2, Code 1991, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. In addition to the tonnage fee
4 amounts imposed under this subsection, in the year beginning
5 July 1, 1991, the tonnage fee shall be increased by one dollar
6 and fifty cents per ton of solid waste. The moneys collected
7 under this paragraph are appropriated and shall be allocated
8 in the following manner and used for the following purposes:

9 a. Sixty percent of the moneys collected shall be
10 deposited in the waste volume reduction and recycling fund to
11 be used as follows:

12 (1) One-half of the moneys deposited under this lettered
13 paragraph shall be used for the purposes specified pursuant to
14 section 455D.15, subsection 2. The moneys shall be allocated
15 to each county in which a sanitary landfill is located on the
16 basis of the county's population as a proportion of the
17 population of all counties in which sanitary landfills are
18 located. The county shall distribute the funds to the cities
19 within the county based upon the proportion of the city's
20 respective population to the total county population, and the
21 county shall retain the funds based upon the proportion of the
22 unincorporated area's population of the county to the total
23 population of the county. The funds shall be used by the
24 county and the cities for implementation of the comprehensive
25 plan elements required by section 455B.306 which also relate
26 to waste volume reduction as required by chapter 455D. A
27 grant shall not be awarded to an applicant under this
28 subparagraph unless the applicant incorporates waste volume
29 reduction in the comprehensive plan.

30 (2) One-half of the moneys deposited under this lettered
31 paragraph shall be used for the purposes designated pursuant
32 to section 455D.15, subsection 3. The receipt of moneys under
33 this subparagraph is contingent upon the incorporation of
34 waste volume reduction measures in the recipient's proposal
35 for receipt of the moneys.

23771 b. Five percent of the moneys collected shall be deposited
2 in the agriculture management account of the groundwater
3 protection fund created in section 455E.11 to be used for
4 plugging abandoned wells and cisterns.

5 c. Five percent of the moneys collected shall be allocated
6 to the department of natural resources to implement and
7 administer a waste reduction program to assist local
8 governments, school districts, and small quantity hazardous
9 waste generators in reducing hazardous waste.

10 d. Nine percent of the moneys collected shall be deposited
11 in the household hazardous waste account of the groundwater
12 protection fund created in section 455E.11 to fund toxic
13 cleanup days administered by the department of natural
14 resources. Toxic cleanup days shall include public
15 information and education elements directed toward generators
16 of household hazardous waste.

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17 e. Five percent of the moneys collected shall be deposited
18 in the agriculture management account of the groundwater
19 protection fund created in section 455E.11 to provide grants
20 to counties for rural water testing.

21 f. Seven percent of the moneys collected shall be
22 allocated to the environmental protection division of the
23 department of natural resources for an ongoing air quality
24 toxics monitoring, permitting, and inspection program.

25 g. Two percent of the moneys collected shall be allocated
26 to the Iowa state university of science and technology for
27 allocation to the Iowa state university water resource
28 research institute to be used for biomass research.

29 h. Seven percent of the moneys collected shall be
30 allocated to the environmental protection division of the
31 department of natural resources to be used for the assessment
32 and evaluation of surface water streams and rivers.

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33 Sec. 2. Section 455B.210, subsection 4, Code 1991, is
34 amended to read as follows:

35 4. All tonnage fees received by the department under this

1 section, with the exception of moneys collected as a result of
2 the additional one dollar and fifty cent tonnage fee imposed
3 beginning July 1, 1991, shall be deposited in the solid waste
4 account of the groundwater protection fund created under
5 section 455E.11.

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EXPLANATION

7 This bill imposes an additional tonnage fee of one dollar
8 and fifty cents per ton of solid waste disposed of at a
9 sanitary landfill beginning July 1, 1991. The bill also
10 provides for the allocation of the moneys collected by
11 providing that 60 percent of the moneys are to be deposited in
12 the waste volume reduction and recycling fund to be used for
13 grants to counties to implement the comprehensive plan
14 elements relative to waste volume reduction and recycling and
15 for the purposes of the waste volume reduction and recycling
16 fund; five percent of the moneys are to be used for abandoned
17 well and cistern closure; five percent of the moneys are to be
18 used for the development of a hazardous waste management
19 program; nine percent of the moneys are to be used to fund
20 toxic cleanup days; five percent of the moneys are to be used
21 to provide for rural water testing; seven percent of the
22 moneys are to be used to expand an air quality monitoring
23 program; two percent of the moneys are to be used to fund
24 biomass research by the Iowa state university water resource
25 research institute; and seven percent of the moneys are to be
26 used to fund a surface water monitoring program. This bill
27 may create a state mandate as defined in section 25B.3.

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SENATE FILE 451

S-3294

1 Amend Senate File 451 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 455B.301, subsection 20, Code
5 1991, is amended to read as follows:

6 20. "Solid waste" means garbage, refuse, rubbish,
7 and other similar discarded solid or semisolid
8 materials, including but not limited to such materials
9 resulting from industrial, commercial, agricultural,
10 and domestic activities. Solid waste may include
11 vehicles, as defined by section 321.1, subsection 1.
12 Solid waste does not include sawdust. However, this
13 division does not prohibit the use of dirt, stone,
14 brick, or similar inorganic material for fill,
15 landscaping, excavation or grading at places other
16 than a sanitary disposal project. Solid waste does
17 not include hazardous waste as defined in section
18 455B.411 or source, special nuclear, or by-product
19 material as defined in the Atomic Energy Act of 1954,
20 as amended to January 1, 1979.

21 Sec. 2. Section 455B.307, Code 1991, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 4. A person who knowingly
24 disposes of solid waste or knowingly arranges for or
25 knowingly allows the disposal of solid waste at a
26 location other than an approved sanitary disposal
27 project approved by the director is guilty of an
28 aggravated misdemeanor and is subject to a fine of not
29 more than ten thousand dollars for each day of
30 violation following notification or imprisonment for
31 not more than two years, or both."

32 2. Title page, line 1, by inserting after the
33 word "to" the following: "solid waste including".

34 3. Title page, line 2, by inserting after the
35 word "fee" the following: "and providing a penalty".

36 4. By renumbering as necessary.

By EUGENE FRAISE

S-3294 FILED APRIL 3, 1991

Placed o/o 4/4/91 (p. 1054)

SENATE FILE 451

S-3286

1 Amend Senate File 451 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 455B.305, Code 1991, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 7. Action shall be taken by the
7 director on an application for issuance or renewal of
8 a permit under this section within one hundred twenty
9 days of initial application."

10 2. Page 3, by inserting after line 5, the
11 following:

12 "Sec. ____ . Section 455B.310, Code 1991, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 9. Of the additional one dollar
15 and fifty cents per ton of solid waste collected in
16 the year beginning July 1, 1991, pursuant to
17 subsection 2, which are to be allocated to a county, a
18 city or public agency designated as the entity to
19 provide a sanitary disposal project for final disposal
20 of solid waste for its residents may distribute the
21 funds allocated in lieu of the county provided that
22 provisions for distribution in accordance with
23 subsection 2 are implemented by the city or public
24 agency."

25 3. By renumbering as necessary.

By RALPH ROSENBERG

S-3286 FILED APRIL 3, 1991

Adopted as amended by 3323, 3324 4/4 (71054)

SENATE FILE 451

S-3300

1 Amend Senate File 451 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 455B.301, subsection 20, Code
5 1991, is amended to read as follows:

6 20. "Solid waste" means garbage, refuse, rubbish,
7 and other similar discarded solid or semisolid
8 materials, including but not limited to such materials
9 resulting from industrial, commercial, agricultural,
10 and domestic activities. Solid waste may include
11 vehicles, as defined by section 321.1, subsection 1.
12 Solid waste does not include sawdust. However, this
13 division does not prohibit the temporary retainage of
14 coal combustion residues on-site before permanent
15 disposal or the use of dirt, stone, brick, or similar
16 inorganic material for fill, landscaping, excavation
17 or grading at places other than a sanitary disposal
18 project. Solid waste does not include hazardous waste
19 as defined in section 455B.411 or source, special
20 nuclear, or by-product material as defined in the
21 Atomic Energy Act of 1954, as amended to January 1,
22 1979.

x 23 Sec. 2. Section 455B.307, Code 1991, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 4. A person who knowingly
26 disposes of solid waste or knowingly arranges for or
27 knowingly allows the disposal of solid waste at a
28 location other than an approved sanitary disposal
29 project approved by the director is guilty of an
30 aggravated misdemeanor and is subject to a fine of not
31 more than ten thousand dollars for each day of
32 violation following notification or imprisonment for
33 not more than two years, or both."

34 2. Title page, line 1, by inserting after the
35 word "to" the following: "solid waste including".

x 36 3. Title page, line 2, by inserting after the
37 word "fee" the following: "and providing a penalty".

38 4. By renumbering as necessary.

By EUGENE FRAISE

S-3300 FILED APRIL 3, 1991

Adopted 4/4 (p. 1054)

Motion to Reconsider (p. 1057)

Reconsidered, amended (3300) - Adopted 4/4 (p. 1059)

SENATE FILE 451

S-3377

1 Amend Senate File 451 as follows:

2 1. Page 2, by striking lines 1 through 4.

3 2. Page 2, by inserting after line 16 the
4 following:

5 "_____. Five percent of the moneys collected shall
6 be used to construct permanent household hazardous
7 material collection sites, until such time as fifteen
8 sites are constructed throughout the state.

9 _____ . Five percent of the moneys collected shall be
10 used by the Iowa waste reduction center for the safe
11 and economic management of solid waste and hazardous
12 substances at the university of northern Iowa for the
13 conducting of a comprehensive review of all completed
14 and ongoing research concerning the development of
15 recycled products and the marketing of the products
16 developed."

17 3. Page 2, by striking lines 17 through 20.

18 4. By renumbering and correcting internal
19 references as necessary.

By JIM KERSTEN
JIM LIND
JOHN JENSEN

S-3377 FILED APRIL 10, 1991

SENATE FILE 451

S-3326

- 1 Amend Senate File 451 as follows:
2 1. Page 1, line 6, by striking the words "and
3 fifty cents".
4 2. Page 1, line 30, by striking the word "One-
5 half" and inserting the following: "One-fourth".
6 3. Page 1, by inserting after line 35 the follow-
7 ing:
8 "(3) One-fourth of the moneys deposited under this
9 lettered paragraph shall be used by the Iowa waste
10 reduction center for the safe and economic management
11 of solid waste and hazardous substances at the
12 university of northern Iowa for the following
13 purposes:
14 (a) The conducting of a comprehensive review of
15 all completed and ongoing research concerning the
16 development of markets for recycled goods and targeted
17 markets found.
18 (b) To provide financial assistance to public and
19 private entitles to develop and implement waste
20 reduction and minimization programs for Iowa
21 industries."
22 4. Page 2, line 1, by striking the word "Five"
23 and inserting the following: "Twelve".
24 5. Page 2, line 10, by striking the word "Nine"
25 and inserting the following: "Eleven".
26 6. Page 2, line 16, by inserting after the word
27 "waste." the following: "Of the moneys deposited
28 under this lettered paragraph, one hundred thousand
29 dollars shall be used to construct permanent household
30 hazardous material collection sites, until such time
31 as fifteen sites are constructed throughout the
32 state."
33 7. Page 2, by striking lines 21 through 28.
34 8. By renumbering and relettering as necessary.

By JIM KERSTEN
JIM LIND

S-3326 FILED APRIL 4, 1991
LOST (p. 1056)

SENATE FILE 451

S-3330

- 1 Amend the amendment, S-3300, to Senate File 451, as
2 follows:
3 1. Page 1, by striking lines 23 through 33.
4 2. Page 1, by striking lines 36 and 37.

By JOE J. WELSH

S-3330 FILED APRIL 4, 1991
ADOPTED (p. 1054)

SENATE FILE 451

S-3323

1 Amend the amendment, S-3286, to Senate File 451 as
2 follows:
3 1. Page 1, by striking line 24 and inserting the
4 following: "agency."
5 Sec. 100. Section 455D.9, subsection 1, Code 1991,
6 is amended to read as follows:
7 1. Beginning January 1, 1991, land disposal of
8 yard waste as defined by the department is prohibited.
9 However, yard waste which has been separated at its
10 source from other solid waste may be accepted by a
11 sanitary landfill for the purposes of soil
12 conditioning or composting. This subsection does not
13 require yard waste, for which the final destination is
14 a waste recycling center, to be separated at its
15 source prior to collection.
16 Sec. _____. Section 100 of this Act, being deemed of
17 immediate importance, takes effect upon enactment."
18 _____. Title page, line 1, by inserting after the
19 word "to" the following: "solid waste including".
20 _____. Title page, line 2, by inserting after the
21 word "fee" the following: "and providing an effective
22 date"."

By RAY TAYLOR

S-3323 FILED APRIL 4, 1991

ADOPTED (p 1054)

SENATE FILE 451

S-3324

1 Amend the amendment, S-3286, to Senate File 451 as
2 follows:
3 1. Page 1, line 9, by striking the word "initial"
4 and inserting the following: "the completed".

By RALPH ROSENBERG

S-3324 FILED APRIL 4, 1991

ADOPTED (p 1054)

SENATE FILE 451
FISCAL NOTE

A fiscal note for Senate File 451 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 451 adds an additional tonnage fee of \$1.50 on waste deposited in a landfill. The additional fee would begin on July 1, 1991. Presently, the tonnage fee is \$2.50 per ton and is scheduled to increase to \$3.00 on July 1, 1991. This bill would make the fee \$4.50 beginning July 1, 1991. The bill divides the addition tonnage fee as follows:

1. 60% to the Waste Volume Reduction Fund.
2. 5% to implement a waste reduction program for cities and counties.
3. 5% for abandoned well closures.
4. 9% for Toxic Cleanup Days.
5. 5% for rural water testing.
6. 7% for air quality monitoring.
7. 2% for biomass research at Iowa State University.
8. 7% for surface water monitoring.

Fiscal Effect:

Raising the tonnage fee on solid waste deposited in a landfill by \$1.50 per ton will provide an additional \$3 million for the programs outlined in the bill. The annual amount available for each program is listed below.

1. \$1,800,000 - Waste Volume Reduction fund.
2. \$ 150,000 - Waste reduction program.
3. \$ 150,000 - Abandoned well closure.
4. \$ 270,000 - Toxic Cleanup Days.
5. \$ 150,000 - Rural well testing.
6. \$ 210,000 - Air quality monitoring.
7. \$ 60,000 - Biomass research.
8. \$ 210,000 - Surface water monitoring.

Local governments that include the cost of waste disposal in property tax assessments will not have an opportunity to pass this fee increase on to the people and businesses disposing of the waste for at least one year. Therefore, those local governments will have to use other income to pay the additional tonnage fee until property tax revenues can be adjusted. As examples, the City of Urbandale will not be able to recover \$13,000 in tipping fees (2% of its solid waste budget) and the City of Davenport will not be able to recover \$65,000 in tipping fees (5% of its solid waste budget). Local governments which fall into this category could have the option of removing solid waste collection from the property tax assessment and billing residents directly.

Sources: Department of Natural Resources, Cities of Urbandale & Davenport

1 Section 1. Section 455B.310, subsection 2, Code 1991, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. In addition to the tonnage fee
4 amounts imposed under this subsection, in the year beginning
5 July 1, 1991, the tonnage fee shall be increased by one dollar
6 and fifty cents per ton of solid waste. The moneys collected
7 under this paragraph are appropriated and shall be allocated
8 in the following manner and used for the following purposes:

9 a. Sixty percent of the moneys collected shall be
10 deposited in the waste volume reduction and recycling fund to
11 be used as follows:

12 (1) One-half of the moneys deposited under this lettered
13 paragraph shall be used for the purposes specified pursuant to
14 section 455D.15, subsection 2. The moneys shall be allocated
15 to each county in which a sanitary landfill is located on the
16 basis of the county's population as a proportion of the
17 population of all counties in which sanitary landfills are
18 located. The county shall distribute the funds to the cities
19 within the county based upon the proportion of the city's
20 respective population to the total county population, and the
21 county shall retain the funds based upon the proportion of the
22 unincorporated area's population of the county to the total
23 population of the county. The funds shall be used by the
24 county and the cities for implementation of the comprehensive
25 plan elements required by section 455B.306 which also relate
26 to waste volume reduction as required by chapter 455D. A
27 grant shall not be awarded to an applicant under this
28 subparagraph unless the applicant incorporates waste volume
29 reduction in the comprehensive plan.

30 (2) One-half of the moneys deposited under this lettered
31 paragraph shall be used for the purposes designated pursuant
32 to section 455D.15, subsection 3. The receipt of moneys under
33 this subparagraph is contingent upon the incorporation of
34 waste volume reduction measures in the recipient's proposal
35 for receipt of the moneys.

1 b. Five percent of the moneys collected shall be deposited
2 in the agriculture management account of the groundwater
3 protection fund created in section 455E.11 to be used for
4 plugging abandoned wells and cisterns.

5 c. Five percent of the moneys collected shall be allocated
6 to the department of natural resources to implement and
7 administer a waste reduction program to assist local
8 governments, school districts, and small quantity hazardous
9 waste generators in reducing hazardous waste.

10 d. Nine percent of the moneys collected shall be deposited
11 in the household hazardous waste account of the groundwater
12 protection fund created in section 455E.11 to fund toxic
13 cleanup days administered by the department of natural
14 resources. Toxic cleanup days shall include public
15 information and education elements directed toward generators
16 of household hazardous waste.

17 e. Five percent of the moneys collected shall be deposited
18 in the agriculture management account of the groundwater
19 protection fund created in section 455E.11 to provide grants
20 to counties for rural water testing.

21 f. Seven percent of the moneys collected shall be
22 allocated to the environmental protection division of the
23 department of natural resources for an ongoing air quality
24 toxics monitoring, permitting, and inspection program.

25 g. Two percent of the moneys collected shall be allocated
26 to the Iowa state university of science and technology for
27 allocation to the Iowa state university water resource
28 research institute to be used for biomass research.

29 h. Seven percent of the moneys collected shall be
30 allocated to the environmental protection division of the
31 department of natural resources to be used for the assessment
32 and evaluation of surface water streams and rivers.

33 Sec. 2. Section 455B.310, subsection 4, Code 1991, is
34 amended to read as follows:

35 4. All tonnage fees received by the department under this

1 section, with the exception of moneys collected as a result of
2 the additional one dollar and fifty cent tonnage fee imposed
3 beginning July 1, 1991, shall be deposited in the solid waste
4 account of the groundwater protection fund created under
5 section 455E.11.

6

EXPLANATION

7 This bill imposes an additional tonnage fee of one dollar
8 and fifty cents per ton of solid waste disposed of at a
9 sanitary landfill beginning July 1, 1991. The bill also
10 provides for the allocation of the moneys collected by
11 providing that 60 percent of the moneys are to be deposited in
12 the waste volume reduction and recycling fund to be used for
13 grants to counties to implement the comprehensive plan
14 elements relative to waste volume reduction and recycling and
15 for the purposes of the waste volume reduction and recycling
16 fund; five percent of the moneys are to be used for abandoned
17 well and cistern closure; five percent of the moneys are to be
18 used for the development of a hazardous waste management
19 program; nine percent of the moneys are to be used to fund
20 toxic cleanup days; five percent of the moneys are to be used
21 to provide for rural water testing; seven percent of the
22 moneys are to be used to expand an air quality monitoring
23 program; two percent of the moneys are to be used to fund
24 biomass research by the Iowa state university water resource
25 research institute; and seven percent of the moneys are to be
26 used to fund a surface water monitoring program. This bill
27 may create a state mandate as defined in section 25B.3.

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