

(P.560) 3-8-94 Hummer Res

FILED MAR 4 1994

SENATE FILE 2300
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 2079.1)

(P.770) Passed Senate, Date 3-21-94 (P.1970) Passed House, Date 4/19/94
Vote: Ayes 47 Nays 1 Vote: Ayes 97 Nays 0
Approved 5/13/94

A BILL FOR

1 An Act requiring the environmental protection commission to
2 codify the special waste authorization program and relating to
3 environmental permit fees and solid waste.

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

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SF 2300

1 Section 1. Section 455B.105, subsection 11, Code 1993, is
2 amended to read as follows:

3 11. a. Adopt, by rule, procedures and forms necessary to
4 implement the provisions of this chapter relating to permits,
5 conditional permits, and general permits. The commission may
6 also adopt, by rule, a schedule of fees for permit and
7 conditional permit applications and a schedule of fees which
8 may be periodically assessed for administration of permits and
9 conditional permits. In determining the fee schedules, the
10 commission shall consider:

11 {1} a. The state's reasonable cost of reviewing
12 applications, issuing permits and conditional permits, and
13 checking compliance with the terms of the permits.

14 {2} b. The relative benefits to the applicant and to the
15 public of permit and conditional permit review, issuance, and
16 monitoring compliance.

17 It is the intention of the legislature general assembly
18 that permit fees shall not cover any costs connected with
19 correcting violation of the terms of any permit and shall not
20 impose unreasonable costs on any municipality.

21 {3} c. The typical costs of the particular types of
22 projects or activities for which permits or conditional
23 permits are required, provided that in no circumstances shall
24 fees be in excess of the actual costs to the department.

25 ~~b.---The-fees-collected-by-the-department-under-this~~
26 ~~subsection-shall-be-remitted-to-the-treasurer-of-state-and~~
27 ~~credited-to-the-general-fund-of-the-state.~~

28 Sec. 2. Section 455B.304, Code 1993, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 18. The commission shall adopt rules to
31 establish a special waste authorization program. The
32 commission shall establish fees for the issuance of special
33 waste authorizations in accordance with section 455B.105,
34 subsection 11, which shall be deposited in a special waste
35 authorization fund. The fees shall raise a minimum of fifty

1 thousand dollars per year. The fees shall be nonrefundable
2 and shall be retained by the department and used solely for
3 the administration of the special waste authorization program.
4 For purposes of this subsection, "special waste" means waste
5 that is not domestic, office, or commercial waste which by its
6 nature may require special handling or limitations on its
7 disposal. Special waste does not include hazardous wastes
8 which are regulated under the federal Resource Conservation
9 and Recovery Act, 42 U.S.C., § 6921-6934, hazardous wastes as
10 defined in section 455B.411, subsection 3, or hazardous or
11 restricted wastes as compiled in accordance with section
12 455B.464.

13 Sec. 3. Section 455B.305, subsection 6, Code 1993, is
14 amended to read as follows:

15 6. Beginning July 1, 1992, the director shall not issue a
16 permit for a sanitary landfill unless the sanitary landfill is
17 equipped with a leachate control system. Beginning July 1,
18 1994, the director shall not renew or reissue a permit for an
19 existing sanitary landfill unless the sanitary landfill is
20 equipped with a leachate control system. During the period
21 from July 1, 1992, through June 30, 1994, the director may
22 require an existing sanitary landfill to install a leachate
23 control system if leachate from the sanitary landfill is
24 adversely impacting the public health or safety or the
25 environment. During the period from July 1, 1992, through
26 June 30, 1994, the director shall require an existing sanitary
27 landfill to install a leachate control system if the sanitary
28 landfill has not submitted a completed hydrogeological plan to
29 the department. The director may exempt a permit applicant
30 from these requirements if the director determines that
31 certain conditions regarding, but not limited to, existing
32 physical conditions, topography, soil, geology, and climate,
33 are such that a leachate control system is unnecessary. The
34 director may exempt a permit applicant from the requirements
35 of this subsection if the permittee certifies that a risk

1 assessment of the site indicates that a current or potential
2 threat to environmental health does not exist such that an
3 exposed individual has no greater than a one in one hundred
4 thousand risk of developing cancer and for noncarcinogens a
5 hazard index of less than one. The director shall use the
6 United States environmental protection agency's risk
7 assessment guidance for the superfund as a basis for
8 determining whether to grant the exemption. The exemption in
9 this subsection shall apply only to sanitary landfills in
10 existence prior to July 1, 1992.

11 Sec. 4. Section 455B.307, Code 1993, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 2A. A person seeking to remove solid
14 waste from a service area for disposal in a sanitary landfill
15 which is not included in the comprehensive plan of the
16 originating service area shall obtain approval from the entity
17 which filed the comprehensive plan governing the originating
18 service area prior to removal of the solid waste. The person
19 shall file the certified approval with the receiving sanitary
20 landfill.

21 A sanitary landfill shall not accept solid waste from a
22 service area which is not included in the comprehensive plan
23 of the receiving service area unless the person seeking to
24 deposit the solid waste has obtained a certified approval from
25 the entity which filed the comprehensive plan governing the
26 originating service area.

27 Sec. 5. Section 455B.310, subsection 3, Code Supplement
28 1993, is amended to read as follows:

29 3. Solid waste disposal facilities with special provisions
30 which limit the site to the disposal of construction and
31 demolition waste, landscape waste, and coal combustion waste,
32 or foundry sand, or solid waste materials approved by the
33 department for lining or capping or for construction berms,
34 dikes or roads in a sanitary disposal project or sanitary
35 landfill are exempt from the tonnage fees imposed under this

1 section. However, solid waste disposal facilities under this
2 subsection are subject to the fees imposed pursuant to section
3 455B.105, subsection 117-paragraph-"a". ~~Notwithstanding the~~
4 ~~provisions of section 455B.105, subsection 117-paragraph-"b",~~
5 ~~the~~ The fees collected pursuant to this subsection shall be
6 used by the department for the regulation of these solid waste
7 disposal facilities.

8 Sec. 6. RULES. The commission shall adopt rules to
9 establish a special waste authorization program which rules
10 shall be effective by December 31, 1994.

11 EXPLANATION

12 This bill requires the environmental protection commission
13 to codify the special waste authorization program which
14 currently exists and to establish fees to cover the costs
15 incurred by the department of natural resources for
16 administering the special waste authorization program. The
17 fees must be set to raise at a minimum \$50,000 per year.
18 Currently, a special waste authorization must be obtained from
19 the department prior to disposal of commercial and industrial
20 toxic and hazardous wastes.

21 The bill defines "special waste" to mean waste that is not
22 domestic, office, or commercial waste which by its nature may
23 require special handling or limitations on its disposal.
24 Special waste does not include hazardous wastes which are
25 regulated under the federal Resource Conservation and Recovery
26 Act, 42 U.S.C. § 6921-6934, hazardous wastes as defined in
27 section 455B.411, subsection 3, or hazardous or restricted
28 wastes as compiled in accordance with section 455B.464.

29 In addition, the bill strikes a requirement that all permit
30 fees collected by the department under section 455B.105,
31 subsection 11, be remitted to the state general fund.

32 The bill allows the director of the department of natural
33 resources to exempt a permit applicant from leachate control
34 requirements of sanitary landfills in certain situations if a
35 risk assessment has been done.

1 It prohibits a person from depositing solid waste or a
2 sanitary landfill from accepting solid waste if the sanitary
3 landfill is outside of the service area covered by the
4 originating sites comprehensive plan, unless the person
5 obtains certified approval from the entity which filed the
6 comprehensive plan governing the originating service area.

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SENATE FILE 2300

S-5228

1 Amend Senate File 2300 as follows:

2 1. Page 1, by striking lines 1 through 27.

3 2. By striking page 1, line 31 through page 2,
4 line 3, and inserting the following: "establish a
5 special waste authorization program."

6 3. By striking page 3, line 27 through page 4,
7 line 7, and inserting the following:

8 "Sec. ____ Section 455E.11, subsection 2,
9 paragraph a, subparagraph (9), Code Supplement 1993,
10 is amended to read as follows:

11 (9) One dollar per ton from the fees imposed under
12 section 455B.310 for the fiscal year beginning July 1,
13 1990 and thereafter shall be used by the department to
14 develop and implement demonstration projects for
15 landfill alternatives to solid waste disposal
16 including recycling programs. The first fifty
17 thousand dollars of moneys allocated to the department
18 pursuant to this subparagraph shall be used for
19 administration of the special waste authorization
20 program established pursuant to section 455B.304,
21 subsection 18.

22 Sec. ____ ADDITIONAL POSITION. Notwithstanding
23 the full-time equivalent position limitations in
24 effect for the department of natural resources for the
25 fiscal year beginning July 1, 1994, and ending June
26 30, 1995, the waste management assistance division of
27 the department of natural resources may employ one
28 additional full-time equivalent position to administer
29 the special waste authorization program established
30 pursuant to section 455B.304, subsection 18."

31 4. By renumbering as necessary.

By BRAD BANKS

S-5228 FILED MARCH 16, 1994

Out of order 3-21-94

SENATE FILE 2300

S-5150

- 1 Amend Senate File 2300 as follows:
2 1. Page 1, by inserting after line 27 the
3 following:
4 "Sec. 100. Section 455B.304, subsection 16, Code
5 1993, is amended by striking the subsection."
6 2. Page 4, by inserting after line 7 the
7 following:
8 "Sec. _____. Section 100 of this Act applies
9 retroactively to December 31, 1993."
10 3. Title page, line 3, by inserting after the
11 word "waste" the following: ", and including an
12 applicability provision".

By JIM KERSTEN

S-5150 FILED MARCH 10, 1994

Out of order 3-21-94

SENATE FILE 2300

S-5151

- 1 Amend Senate File 2300 as follows:
2 1. Page 2, line 18, by striking the figure "1994"
3 and inserting the following: "1994 1995".
4 2. Page 2, line 21, by striking the figure "1994"
5 and inserting the following: "1994 1995".
6 3. Page 2, line 26, by striking the figure "1994"
7 and inserting the following: "1994 1995".
8 4. Page 4, by inserting after line 7 the
9 following:
10 "Sec. _____. APPLICABILITY. The amendments to
11 section 455B.305, subsection 6, in this Act, which
12 extend leachate control compliance requirements from
13 June 30, 1994, to June 30, 1995, are only applicable
14 to sanitary landfills which exist on July 1, 1994."
15 5. Title page, line 3, by inserting after the
16 word "waste" the following: "and including an
17 applicability provision".
18 6. By renumbering as necessary.

By JIM KERSTEN

S-5151 FILED MARCH 10, 1994

Out of order 3-21-94

SENATE FILE 2300

S-5257

1 Amend Senate File 2300 as follows:

2 1. Page 1, by striking lines 1 through 27.

3 2. By striking page 1, line 31 through page 2,
4 line 3, and inserting the following: "establish a
5 special waste authorization program."

6 3. By striking page 3, line 27 through page 4,
7 line 7, and inserting the following:

8 "Sec. ____ Section 455E.11, subsection 2,
9 paragraph a, subparagraph (9), Code Supplement 1993,
10 is amended to read as follows:

11 (9) One dollar per ton from the fees imposed under
12 section 455B.310 for the fiscal year beginning July 1,
13 1990 and thereafter shall be used by the department to
14 develop and implement demonstration projects for
15 landfill alternatives to solid waste disposal
16 including recycling programs. The first fifty
17 thousand dollars of moneys allocated to the department
18 pursuant to this subparagraph shall be used for
19 administration of the special waste authorization
20 program established pursuant to section 455B.304,
21 subsection 18.

22 Sec. ____ ADDITIONAL POSITION. Notwithstanding
23 the full-time equivalent position limitations in
24 effect for the department of natural resources for the
25 fiscal year beginning July 1, 1994, and ending June
26 30, 1995, the environmental protection division of the
27 department of natural resources may employ one
28 additional full-time equivalent position to administer
29 the special waste authorization program established
30 pursuant to section 455B.304, subsection 18."

31 4. By renumbering as necessary.

By BRAD BANKS

S-5257 FILED MARCH 17, 1994

Out of order 3-21-94

SENATE FILE 2300

S-5268

1 Amend Senate File 2300 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 455B.304, Code 1993, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 18. The commission shall adopt
7 rules to establish a special waste authorization
8 program. For purposes of this subsection, "special
9 waste" means waste that is not domestic, office, or
10 commercial waste which by its nature may require
11 special handling or limitations on its disposal.
12 Special waste does not include hazardous wastes which
13 are regulated under the federal Resource Conservation
14 and Recovery Act, 42 U.S.C., § 6921-6934, hazardous
15 wastes as defined in section 455B.411, subsection 3,
16 or hazardous or restricted wastes as compiled in
17 accordance with section 455B.464.

18 Sec. 2. Section 455B.305, subsection 6, Code 1993,
19 is amended to read as follows:

20 6. Beginning July 1, 1992, the director shall not
21 issue a permit for a sanitary landfill unless the
22 sanitary landfill is equipped with a leachate control
23 system. Beginning July 1, 1994, the director shall
24 not renew or reissue a permit for an existing sanitary
25 landfill unless the sanitary landfill is equipped with
26 a leachate control system. During the period from
27 July 1, 1992, through June 30, 1994, the director may
28 require an existing sanitary landfill to install a
29 leachate control system if leachate from the sanitary
30 landfill is adversely impacting the public health or
31 safety or the environment. During the period from
32 July 1, 1992, through June 30, 1994, the director
33 shall require an existing sanitary landfill to install
34 a leachate control system if the sanitary landfill has
35 not submitted a completed hydrogeological plan to the
36 department. The director may exempt a permit
37 applicant from these requirements if the director
38 determines that certain conditions regarding, but not
39 limited to, existing physical conditions, topography,
40 soil, geology, and climate, are such that a leachate
41 control system is unnecessary. The director may
42 exempt a permit applicant from the requirements of
43 this subsection if the permittee certifies that a risk
44 assessment of the site indicates that a current or
45 potential threat to environmental health does not
46 exist such that an exposed individual has no greater
47 than a one in one million risk of developing cancer
48 and for noncarcinogens a hazard index of less than
49 one. The director shall use the United States
50 environmental protection agency's risk assessment

S-5268

-1-

S-5268

Page 2

1 guidance for the superfund as a basis for determining
2 whether to grant the exemption. The exemption in this
3 subsection shall apply only to sanitary landfill cells
4 in existence prior to July 1, 1992, or the vertical
5 expansion above a cell in which waste was deposited
6 prior to July 1, 1992. A sanitary landfill permittee
7 desiring an exemption shall apply to the director and
8 certify a completion date for a risk assessment study
9 by December 1, 1994. If an exemption is not granted,
10 or if the risk assessment study concludes that a
11 leachate control system is required, a permittee shall
12 certify a completion date and increments of progress
13 for the installation of a leachate control system.
14 The department shall retain the discretion to approve
15 or disapprove a risk assessment study or a proposed
16 completion date under this subsection. If a schedule
17 for a risk assessment study or the installation of a
18 leachate control system is approved by the department
19 and satisfactory progress is being made toward
20 completion of the study or the installation of the
21 leachate control system, the permittee shall not be
22 subject to penalties for failure to meet the
23 requirements of this subsection.

24 Sec. 3. Section 455B.307, Code 1993, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 2A. A person seeking to remove
27 solid waste from a service area for disposal in a
28 sanitary landfill which is not included in the
29 comprehensive plan of the originating service area
30 shall obtain approval from the entity which filed the
31 comprehensive plan governing the originating service
32 area prior to removal of the solid waste. The person
33 shall file the certified approval with the receiving
34 sanitary landfill.

35 A sanitary landfill shall not accept solid waste
36 from a service area which is not included in the
37 comprehensive plan of the receiving service area
38 unless the person seeking to deposit the solid waste
39 has obtained a certified approval from the entity
40 which filed the comprehensive plan governing the
41 originating service area.

42 The attorney general has the authority to enforce
43 the provisions of this section or orders or permits
44 issued or rules adopted pursuant to this section. A
45 local government may request that the attorney general
46 institute civil or criminal proceedings, including an
47 action for injunction, to enforce the provisions of
48 this section or orders or permits issued or rules
49 adopted pursuant to this section. Removal or
50 acceptance of solid waste in violation of this

S-5268

-2-

S-5268

Page 3

1 subsection shall be punishable by a fine of five
2 hundred dollars per ton of solid waste.

3 Sec. 4. Section 455B.310, subsection 2, paragraph
4 a, Code Supplement 1993, is amended to read as
5 follows:

6 a. The tonnage fee is twenty-five cents per ton of
7 solid waste. However, for the year beginning July 1,
8 1988, the tonnage fee is one dollar and fifty cents
9 per ton of solid waste and shall increase annually in
10 the amount of fifty cents per ton through July 1,
11 1992. A city, county, or private agency which files a
12 comprehensive plan to operate a sanitary landfill
13 under section 455B.306 and which accepts solid waste
14 from a service area ~~not included in but contiguous to~~
15 ~~the service area included in the comprehensive plan,~~
16 in accordance with section 455B.307, subsection 2A,
17 shall charge a tonnage fee for the disposal of that
18 solid waste which is at least the amount of the
19 current tonnage fee charged by the sanitary landfill
20 representing the receiving service area or the
21 sanitary landfill representing the service area from
22 which the solid waste originated, whichever amount is
23 greater. ~~A sanitary landfill which accepts solid~~
24 ~~waste from a service area not included in and not~~
25 ~~contiguous to the service area included in the~~
26 ~~comprehensive plan shall charge a tonnage fee for the~~
27 ~~disposal of the solid waste which is three hundred~~
28 ~~percent of the fee otherwise established in this~~
29 ~~section.~~ The additional fee charged and the moneys
30 collected shall be used in accordance with section
31 455E.11, subsection 2, paragraph "a", subparagraph
32 (1i), subparagraph subdivision (b).

33 Sec. 5. Section 455D.3, Code 1993, is amended to
34 read as follows:

35 455D.3 GOAL.

36 1. YEAR 1994 AND 2000 GOALS. The goal of the
37 state is to reduce the amount of materials in the
38 waste stream, existing as of July 1, 1988, twenty-five
39 percent by July 1, 1994, and fifty percent by July 1,
40 2000, through the practice of waste volume reduction
41 at the source and through recycling. For the purposes
42 of this section, "waste stream" means the disposal of
43 solid waste as "solid waste" is defined in section
44 455B.301. ~~In determination of the reduction level of~~
45 ~~the waste stream, it shall be considered that each~~
46 ~~person currently generates three and one-half pounds~~
47 ~~of waste per day, and that this amount shall be~~
48 ~~reduced by the percentages increased in order to~~
49 ~~preserve the health and safety of all Iowans.~~

50 Notwithstanding section 455D.1, subsection 6,

S-5268

S-5268

Page 4

1 facilities which employ combustion of solid waste with
2 energy recovery and refuse-derived fuel, which are
3 included in an approved comprehensive plan, and which
4 were in operation prior to July 1, 1989, may include
5 these processes in the definition of recycling for the
6 purpose of meeting the state goal if at least thirty-
7 five percent of the waste reduction goal, required to
8 be met by July 1, 2000, pursuant to this section, is
9 met through volume reduction at the source and
10 recycling and reuse, as established pursuant to
11 section 455B.301A, subsection 1, paragraphs "a" and
12 "b".

13 2. PROJECTED WASTE STREAM -- YEAR 2000. A planning
14 area may request the department to allow the planning
15 area to project the planning area's waste stream for
16 the year 2000 for purposes of meeting the year 2000
17 fifty percent waste volume reduction and recycling
18 goals required by this section. The department shall
19 make a determination of the eligibility to use this
20 option based upon the annual tonnage of solid waste
21 processed by the planning area and the population
22 density of the area the planning area serves. If the
23 department agrees to allow the planning area to make
24 year 2000 waste stream projections, the planning area
25 shall calculate the year 2000 projections and submit
26 the projections to the department for approval. The
27 planning area shall use data which is current as of
28 July 1, 1994, and shall take into account population,
29 employment, and industrial changes and documented
30 diversions due to existing programs. The planning
31 area shall use the departmental methodology to
32 calculate the tonnage necessary to be diverted from
33 landfills in order to meet the year 2000 fifty percent
34 waste volume reduction and recycling goals required by
35 this section. Once the department approves the year
36 2000 projections, the projections shall not be changed
37 prior to the year 2001.

38 3. DEPARTMENTAL MONITORING.

39 a. A planning area that fails to meet the July 1,
40 1994, twenty-five percent goal, as determined by the
41 department as of July 1, 1995, shall implement the
42 solid waste management techniques as listed in
43 subsection 4 on or before July 1, 1997.

44 b. The department shall report to the general
45 assembly by July 1, 1997, on the progress that each
46 planning area is making towards meeting the July 1,
47 2000, goals of this section. If the department
48 determines that a planning area is not progressing
49 towards the reduction goals, based on the most recent
50 subsequent comprehensive plan submitted, the planning

S-5268

-4-

S-5268

Page 5

1 area shall implement the solid waste management
2 techniques, as listed in subsection 4, designed to
3 assist the planning area in meeting the July 1, 2000,
4 goals.

5 4. SOLID WASTE MANAGEMENT TECHNIQUES. The
6 department shall require a planning area pursuant to
7 subsection 2 or 3, to implement the following solid
8 waste management techniques:

9 a. Require the planning area to assess and retain
10 an additional one dollar and fifty cents from tonnage
11 fees to be used for waste reduction and recycling
12 activities.

13 b. Inform the public of the planning area's
14 failure to adequately meet or failure to adequately
15 progress towards meeting the waste volume reduction
16 goals of this section.

17 c. Assure that all waste-generating sectors,
18 residential, commercial, and industrial generators,
19 have the opportunity to recycle, or treat waste at a
20 facility that will separate the waste.

21 d. Establish container fees for waste collection
22 to promote waste reduction, reuse, and recycling, such
23 as a graduated fee scale based on volume or on the
24 number of containers used for disposal by residents.

25 e. Conduct an educational and promotional program
26 to inform citizens of the manner and benefits of
27 reducing, reusing, and recycling material and the
28 procurement of products made with recycled content.
29 The program shall include the following:

30 (1) Targeted waste reduction and recycling
31 education for residents.

32 (2) An intensive one-day seminar for the
33 commercial sector regarding the benefits of and
34 opportunities for waste reduction and recycling.

35 (3) Promotion of recycling through targeted
36 community and media events.

37 (4) Recycling notification and education packets
38 to all new residential, commercial, and institutional
39 collection service customers that include, at a
40 minimum, the materials collected, the schedule for
41 collection, the manner of preparation of materials for
42 collection, and the reasons for separation of
43 materials for recycling.

44 f. Collect at least four principal recyclable
45 materials from each multifamily dwelling complex
46 having five or more units. The multifamily collection
47 program shall include promotion and education directed
48 to the residents of the multifamily dwelling units.

49 g. Submit an actual report beginning July 1, 1995,
50 to the department on implementation progress,

S-5268

-5-

S-5268

Page 6

1 including a detailed accounting of expenditures from
2 any retained moneys.

3 Sec. 6. Section 455E.11, subsection 2, paragraph
4 a, subparagraph (9), Code Supplement 1993, is amended
5 to read as follows:

6 (9) One dollar per ton from the fees imposed under
7 section 455B.310 for the fiscal year beginning July 1,
8 1990 and thereafter shall be used by the department to
9 develop and implement demonstration projects for
10 landfill alternatives to solid waste disposal
11 including recycling programs. The first fifty
12 thousand dollars of moneys allocated to the department
13 pursuant to this subparagraph shall be used for
14 administration of the special waste authorization
15 program established pursuant to section 455B.304,
16 subsection 18.

17 Sec. 7. ADDITIONAL POSITION. Notwithstanding the
18 full-time equivalent position limitations in effect
19 for the department of natural resources for the fiscal
20 year beginning July 1, 1994, and ending June 30, 1995,
21 the environmental protection division of the
22 department of natural resources may employ one
23 additional full-time equivalent position to administer
24 the special waste authorization program established
25 pursuant to section 455B.304, subsection 18.

26 Sec. 8. RULES. The commission shall adopt rules
27 to establish a special waste authorization program.
28 The rules shall be effective by December 31, 1994.

29 Sec. 9. EFFECTIVE DATE. Section 2 of this Act,
30 being deemed of immediate importance, takes effect
31 upon enactment. The remainder of the Act takes effect
32 on July 1, 1994."

33 2. Title page, by striking line 3 and inserting
34 the following: "solid waste."

By RALPH RPSENBERG
BRAD BANKS
JIM KERSTEN

S-5268 FILED MARCH 21, 1994
ADOPTED

SENATE FILE 2300

S-5273

1 Amend the amendment, S-5268, to Senate file 2300 as
2 follows:

3 1. Page 2, line 42, by inserting after the word
4 "general" the following: ", a county attorney, or a
5 city attorney,".

6 2. Page 2, line 45, by striking the words "local
7 government": and inserting the following: "city,
8 county, or chapter 28E agency".

By BRAD BANKS

S-5273 FILED MARCH 21, 1994
ADOPTED

(P. 799) 3/22/94 House - Energy + Environ.
(P. 900) 3/25/94 House - Amend/Do Pass
W/H 5710

SENATE FILE 2300
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 2079.1)

(AS AMENDED AND PASSED BY THE SENATE MARCH 21, 1994)

ALL New Language by the Senate

Passed Senate, ^(P. 1380) Date 4/20/94 Passed House, ^{P. 1970} Date 4/19/94
Vote: Ayes 46 Nays 1 Vote: Ayes 97 Nays 0
Approved 5/13/94

A BILL FOR

1 An Act requiring the environmental protection commission to
2 codify the special waste authorization program and relating to
3 solid waste.

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

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S.F. 2300

1 Section 1. Section 455B.304, Code 1993, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 18. The commission shall adopt rules to
4 establish a special waste authorization program. For purposes
5 of this subsection, "special waste" means waste that is not
6 domestic, office, or commercial waste which by its nature may
7 require special handling or limitations on its disposal.
8 Special waste does not include hazardous wastes which are
9 regulated under the federal Resource Conservation and Recovery
10 Act, 42 U.S.C., § 6921-6934, hazardous wastes as defined in
11 section 455B.411, subsection 3, or hazardous or restricted
12 wastes as compiled in accordance with section 455B.464.

13 Sec. 2. Section 455B.305, subsection 6, Code 1993, is
14 amended to read as follows:

15 6. Beginning July 1, 1992, the director shall not issue a
16 permit for a sanitary landfill unless the sanitary landfill is
17 equipped with a leachate control system. Beginning July 1,
18 1994, the director shall not renew or reissue a permit for an
19 existing sanitary landfill unless the sanitary landfill is
20 equipped with a leachate control system. During the period
21 from July 1, 1992, through June 30, 1994, the director may
22 require an existing sanitary landfill to install a leachate
23 control system if leachate from the sanitary landfill is
24 adversely impacting the public health or safety or the
25 environment. During the period from July 1, 1992, through
26 June 30, 1994, the director shall require an existing sanitary
27 landfill to install a leachate control system if the sanitary
28 landfill has not submitted a completed hydrogeological plan to
29 the department. The director may exempt a permit applicant
30 from these requirements if the director determines that
31 certain conditions regarding, but not limited to, existing
32 physical conditions, topography, soil, geology, and climate,
33 are such that a leachate control system is unnecessary. The
34 director may exempt a permit applicant from the requirements
35 of this subsection if the permittee certifies that a risk

1 assessment of the site indicates that a current or potential
2 threat to environmental health does not exist such that an
3 exposed individual has no greater than a one in one million
4 risk of developing cancer and for noncarcinogens a hazard
5 index of less than one. The director shall use the United
6 States environmental protection agency's risk assessment
7 guidance for the superfund as a basis for determining whether
8 to grant the exemption. The exemption in this subsection
9 shall apply only to sanitary landfill cells in existence prior
10 to July 1, 1992, or the vertical expansion above a cell in
11 which waste was deposited prior to July 1, 1992. A sanitary
12 landfill permittee desiring an exemption shall apply to the
13 director and certify a completion date for a risk assessment
14 study by December 1, 1994. If an exemption is not granted, or
15 if the risk assessment study concludes that a leachate control
16 system is required, a permittee shall certify a completion
17 date and increments of progress for the installation of a
18 leachate control system. The department shall retain the
19 discretion to approve or disapprove a risk assessment study or
20 a proposed completion date under this subsection. If a
21 schedule for a risk assessment study or the installation of a
22 leachate control system is approved by the department and
23 satisfactory progress is being made toward completion of the
24 study or the installation of the leachate control system, the
25 permittee shall not be subject to penalties for failure to
26 meet the requirements of this subsection.

27 Sec. 3. Section 455B.307, Code 1993, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 2A. A person seeking to remove solid
30 waste from a service area for disposal in a sanitary landfill
31 which is not included in the comprehensive plan of the
32 originating service area shall obtain approval from the entity
33 which filed the comprehensive plan governing the originating
34 service area prior to removal of the solid waste. The person
35 shall file the certified approval with the receiving sanitary

1 landfill.

2 A sanitary landfill shall not accept solid waste from a
3 service area which is not included in the comprehensive plan
4 of the receiving service area unless the person seeking to
5 deposit the solid waste has obtained a certified approval from
6 the entity which filed the comprehensive plan governing the
7 originating service area.

8 The attorney general, a county attorney, or a city
9 attorney, has the authority to enforce the provisions of this
10 section or orders or permits issued or rules adopted pursuant
11 to this section. A city, county, or chapter 28E agency may
12 request that the attorney general institute civil or criminal
13 proceedings, including an action for injunction, to enforce
14 the provisions of this section or orders or permits issued or
15 rules adopted pursuant to this section. Removal or acceptance
16 of solid waste in violation of this subsection shall be
17 punishable by a fine of five hundred dollars per ton of solid
18 waste.

19 Sec. 4. Section 455B.310, subsection 2, paragraph a, Code
20 Supplement 1993, is amended to read as follows:

21 a. The tonnage fee is twenty-five cents per ton of solid
22 waste. However, for the year beginning July 1, 1988, the
23 tonnage fee is one dollar and fifty cents per ton of solid
24 waste and shall increase annually in the amount of fifty cents
25 per ton through July 1, 1992. A city, county, or private
26 agency which files a comprehensive plan to operate a sanitary
27 landfill under section 455B.306 and which accepts solid waste
28 from a service area ~~not-included-in-but-contiguous-to-the~~
29 ~~service-area-included-in-the-comprehensive-plan~~, in accordance
30 with section 455B.307, subsection 2A, shall charge a tonnage
31 fee for the disposal of that solid waste which is at least the
32 amount of the current tonnage fee charged by the sanitary
33 landfill representing the receiving service area or the
34 sanitary landfill representing the service area from which the
35 solid waste originated, whichever amount is greater. A

1 sanitary-landfill-which-accepts-solid-waste-from-a-service
2 area-not-included-in-and-not-contiguous-to-the-service-area
3 included-in-the-comprehensive-plan-shall-charge-a-tonnage-fee
4 for-the-disposal-of-the-solid-waste-which-is-three-hundred
5 percent-of-the-fee-otherwise-established-in-this-section. The
6 additional fee charged and the moneys collected shall be used
7 in accordance with section 455E.11, subsection 2, paragraph
8 "a", subparagraph (11), subparagraph subdivision (b).

9 Sec. 5. Section 455D.3, Code 1993, is amended to read as
10 follows:

11 455D.3 GOAL.

12 1. YEAR 1994 AND 2000 GOALS. The goal of the state is to
13 reduce the amount of materials in the waste stream, existing
14 as of July 1, 1988, twenty-five percent by July 1, 1994, and
15 fifty percent by July 1, 2000, through the practice of waste
16 volume reduction at the source and through recycling. For the
17 purposes of this section, "waste stream" means the disposal of
18 solid waste as "solid waste" is defined in section 455B.301.
19 In-determination-of-the-reduction-level-of-the-waste-stream,
20 it-shall-be-considered-that-each-person-currently-generates
21 three-and-one-half-pounds-of-waste-per-day, and-that-this
22 amount-shall-be-reduced-by-the-percentages-indicated-in-order
23 to-preserve-the-health-and-safety-of-all-Iowans.

24 Notwithstanding section 455D.1, subsection 6, facilities
25 which employ combustion of solid waste with energy recovery
26 and refuse-derived fuel, which are included in an approved
27 comprehensive plan, and which were in operation prior to July
28 1, 1989, may include these processes in the definition of
29 recycling for the purpose of meeting the state goal if at
30 least thirty-five percent of the waste reduction goal,
31 required to be met by July 1, 2000, pursuant to this section,
32 is met through volume reduction at the source and recycling
33 and reuse, as established pursuant to section 455B.301A,
34 subsection 1, paragraphs "a" and "b".

35 2. PROJECTED WASTE STREAM -- YEAR 2000. A planning area

1 may request the department to allow the planning area to
2 project the planning area's waste stream for the year 2000 for
3 purposes of meeting the year 2000 fifty percent waste volume
4 reduction and recycling goals required by this section. The
5 department shall make a determination of the eligibility to
6 use this option based upon the annual tonnage of solid waste
7 processed by the planning area and the population density of
8 the area the planning area serves. If the department agrees
9 to allow the planning area to make year 2000 waste stream
10 projections, the planning area shall calculate the year 2000
11 projections and submit the projections to the department for
12 approval. The planning area shall use data which is current
13 as of July 1, 1994, and shall take into account population,
14 employment, and industrial changes and documented diversions
15 due to existing programs. The planning area shall use the
16 departmental methodology to calculate the tonnage necessary to
17 be diverted from landfills in order to meet the year 2000
18 fifty percent waste volume reduction and recycling goals
19 required by this section. Once the department approves the
20 year 2000 projections, the projections shall not be changed
21 prior to the year 2001.

22 3. DEPARTMENTAL MONITORING.

23 a. A planning area that fails to meet the July 1, 1994,
24 twenty-five percent goal, as determined by the department as
25 of July 1, 1995, shall implement the solid waste management
26 techniques as listed in subsection 4 on or before July 1,
27 1997.

28 b. The department shall report to the general assembly by
29 July 1, 1997, on the progress that each planning area is
30 making towards meeting the July 1, 2000, goals of this
31 section. If the department determines that a planning area is
32 not progressing towards the reduction goals, based on the most
33 recent subsequent comprehensive plan submitted, the planning
34 area shall implement the solid waste management techniques, as
35 listed in subsection 4, designed to assist the planning area

1 in meeting the July 1, 2000, goals.

2 4. SOLID WASTE MANAGEMENT TECHNIQUES. The department
3 shall require a planning area pursuant to subsection 2 or 3,
4 to implement the following solid waste management techniques:

5 a. Require the planning area to assess and retain an
6 additional one dollar and fifty cents from tonnage fees to be
7 used for waste reduction and recycling activities.

8 b. Inform the public of the planning area's failure to
9 adequately meet or failure to adequately progress towards
10 meeting the waste volume reduction goals of this section.

11 c. Assure that all waste-generating sectors, residential,
12 commercial, and industrial generators, have the opportunity to
13 recycle, or treat waste at a facility that will separate the
14 waste.

15 d. Establish container fees for waste collection to
16 promote waste reduction, reuse, and recycling, such as a
17 graduated fee scale based on volume or on the number of
18 containers used for disposal by residents.

19 e. Conduct an educational and promotional program to
20 inform citizens of the manner and benefits of reducing,
21 reusing, and recycling material and the procurement of
22 products made with recycled content. The program shall
23 include the following:

24 (1) Targeted waste reduction and recycling education for
25 residents.

26 (2) An intensive one-day seminar for the commercial sector
27 regarding the benefits of and opportunities for waste
28 reduction and recycling.

29 (3) Promotion of recycling through targeted community and
30 media events.

31 (4) Recycling notification and education packets to all
32 new residential, commercial, and institutional collection
33 service customers that include, at a minimum, the materials
34 collected, the schedule for collection, the manner of
35 preparation of materials for collection, and the reasons for

1 separation of materials for recycling.

2 f. Collect at least four principal recyclable materials
3 from each multifamily dwelling complex having five or more
4 units. The multifamily collection program shall include
5 promotion and education directed to the residents of the
6 multifamily dwelling units.

7 g. Submit an actual report beginning July 1, 1995, to the
8 department on implementation progress, including a detailed
9 accounting of expenditures from any retained moneys.

10 Sec. 6. Section 455E.11, subsection 2, paragraph a,
11 subparagraph (9), Code Supplement 1993, is amended to read as
12 follows:

13 (9) One dollar per ton from the fees imposed under section
14 455B.310 for the fiscal year beginning July 1, 1990 and
15 thereafter shall be used by the department to develop and
16 implement demonstration projects for landfill alternatives to
17 solid waste disposal including recycling programs. The first
18 fifty thousand dollars of moneys allocated to the department
19 pursuant to this subparagraph shall be used for administration
20 of the special waste authorization program established
21 pursuant to section 455B.304, subsection 18.

22 Sec. 7. ADDITIONAL POSITION. Notwithstanding the full-
23 time equivalent position limitations in effect for the
24 department of natural resources for the fiscal year beginning
25 July 1, 1994, and ending June 30, 1995, the environmental
26 protection division of the department of natural resources may
27 employ one additional full-time equivalent position to
28 administer the special waste authorization program established
29 pursuant to section 455B.304, subsection 18.

30 Sec. 8. RULES. The commission shall adopt rules to
31 establish a special waste authorization program. The rules
32 shall be effective by December 31, 1994.

33 Sec. 9. EFFECTIVE DATE. Section 2 of this Act, being
34 deemed of immediate importance, takes effect upon enactment.
35 The remainder of the Act takes effect on July 1, 1994.

SENATE FILE 2300

H-5710

1 Amend Senate File 2300 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 455B.301A, subsection 1, Code
6 1993, is amended to read as follows:
7 1. The protection of the health, safety, and
8 welfare of Iowans and the protection of the
9 environment require the safe and sanitary disposal of
10 solid wastes. An effective and efficient solid waste
11 disposal program protects the environment and the
12 public, and provides the most practical and beneficial
13 use of the material and energy values of solid waste.
14 While recognizing the continuing necessity for the
15 existence of landfills, alternative methods of
16 managing solid waste and a reduction in the reliance
17 upon land disposal of solid waste are encouraged. In
18 the promotion of these goals, the following waste
19 management hierarchy in descending order of
20 preference, is established as the solid waste
21 management policy of the state:
22 a. Volume reduction at the source.
23 b. Recycling and reuse.
24 ~~c. Combustion with energy recovery and refuse-~~
25 ~~derived fuel.~~
26 ~~d. Combustion for volume reduction.~~
27 ~~e. Disposal in sanitary landfills.~~
28 c. Other approved techniques of solid waste
29 management including, but not limited to, combustion
30 with energy recovery, combustion for waste disposal,
31 and disposal in sanitary landfills."
32 2. Page 1, by striking lines 5 through 7 and
33 inserting the following: "of this subsection,
34 "special waste" means any industrial process waste,
35 pollution control waste, or toxic waste which presents
36 a threat to human health or the environment or a waste
37 with inherent properties which make the disposal of
38 the waste in a sanitary landfill difficult to manage.
39 Special waste does not include domestic, office,
40 commercial, medical, or industrial waste that does not
41 require special handling or limitations on its
42 disposal."
43 3. Page 3, by inserting after line 7 the
44 following: "If the request for certified approval
45 from the entity which filed the comprehensive plan
46 governing the originating service area is denied, the
47 person seeking to remove and deposit the solid waste
48 may appeal the denial to the commission. An appeal to
49 the commission under this subsection shall be
50 conducted as a contested case under chapter 17A."

H-5710

-1-

H-5710

Page 2

1 4. Page 3, lines 8 and 9, by striking the words
2 ", a county attorney, or a city attorney,".

3 5. Page 3, line 12, by striking the words "or
4 criminal".

5 6. Page 3, by striking lines 25 through 35 and
6 inserting the following: "per ton through July 1,
7 1992. ~~A-city,-county,-or-private-agency-which-files-a~~
8 ~~comprehensive-plan-to-operate-a-sanitary-landfill~~
9 ~~under-section-455B.306-and-which-accepts-solid-waste~~
10 ~~from-a-service-area-not-included-in-but-contiguous-to~~
11 ~~the-service-area-included-in-the-comprehensive-plan,~~
12 ~~shall-charge-a-tonnage-fee-for-the-disposal-of-that~~
13 ~~solid-waste-which-is-at-least-the-amount-of-the~~
14 ~~current-tonnage-fee-charged-by-the-sanitary-landfill~~
15 ~~representing-the-receiving-service-area-or-the~~
16 ~~sanitary-landfill-representing-the-service-area-from~~
17 ~~which-the-solid-waste-originated,-whichever-amount-is~~
18 ~~greater--A".~~

19 7. Page 4, by striking lines 5 through 8 and
20 inserting the following: "percent-of-the-fee
21 otherwise-established-in-this-section--The-additional
22 fee-charged-and-the-moneys-collected-shall-be-used-in
23 accordance-with-section-455E-11,-subsection-2,
24 paragraph-"a",-subparagraph-(11),-subparagraph
25 subdivision-(b)."

26 8. By renumbering as necessary.

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
RAFFERTY of Scott, Chairperson

H-5710 FILED MARCH 25, 1994

*With drawn
4-19-94*

SENATE FILE 2300

H-5724

1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 4, by inserting before line 9 the
 4 following:
 5 "Sec. ____ . Section 455B.310, Code Supplement 1993,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 11. Notwithstanding the tonnage
 8 fee schedule imposed under subsection 2, a planning
 9 area which meets the July 1, 1994, waste volume
 10 reduction and recycling goal pursuant to section
 11 455D.3 shall retain an additional fifty cents of the
 12 tonnage fee as provided in section 455D.3."
 13 2. By striking page 5, line 23 through page 7,
 14 line 9 and inserting the following:
 15 "A planning area that meets the July 1, 1994,
 16 twenty-five percent goal, as determined by the
 17 department as of July 1, 1995, shall retain an
 18 additional fifty cents from that portion of the
 19 tonnage fees allocated to landfill alternative grants
 20 pursuant to section 455E.11, subsection 2, paragraph
 21 "a", subparagraph (9)."
 22 3. Page 7, line 21, by inserting after the word
 23 and figure "subsection 18." the following: "However,
 24 the amount allocated under this subparagraph shall be
 25 reduced by fifty cents per ton for each planning area
 26 that meets the waste volume reduction and recycling
 27 goals pursuant to section 455D.3."
 28 4. By renumbering as necessary.

By RAFFERTY of Scott

H-5724 FILED MARCH 28, 1994

out of order 4/19/94

SENATE FILE 2300

H-6125

1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 3, by inserting after line 7 the
 4 following:
 5 "This subsection does not apply to coal combustion
 6 waste or foundry sand."
 By GREIG of Emmet TYRRELL of Iowa
 GIPP of Winneshiek MARTIN of Scott

H-6125 FILED APRIL 12, 1994

out of order

SENATE FILE 2300

H-5923

- 1 Amend the amendment, H-5724, to Senate File 2300,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 13 and 14 and
- 5 inserting the following:
- 6 "____. Page 5, by inserting after line 27 the
- 7 following:"
- 8 2. By renumbering as necessary.

By HENDERSON of Scott

H-5923 FILED APRIL 4, 1994

out of order 4/19/94

SENATE FILE 2300

H-5924

- 1 Amend Senate File 2300, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 "Sec. ____ . Section 455B.305, Code 1993, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 7. The director shall not issue a
- 8 permit for a sanitary disposal project if the proposed
- 9 site of the project is located within one mile of an
- 10 existing or proposed site of a state park or
- 11 recreation area that is or will be used by at least
- 12 twenty thousand persons per year."
- 13 2. By renumbering as necessary.

By HENDERSON of Scott

H-5924 FILED APRIL 4, 1994

out of order 4/19/94

SENATE FILE 2300

H-6038

1 Amend Senate File 2300, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 5, line 23 through page 7,
4 line 9 and inserting the following:

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

12 If the department determines that a planning area
13 has failed to meet the July 1, 1994, twenty-five
14 percent goal, the planning area shall, at a minimum,
15 implement the solid waste management techniques as
16 listed in subsection 4. Evidence of implementation of
17 the solid waste management techniques shall be
18 documented in subsequent comprehensive plans submitted
19 to the department.

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

27 If the department determines that a planning area
28 has met or exceeded the July 1, 2000, fifty percent
29 goal, the planning area shall retain an additional one
30 dollar from that portion of the tonnage fees allocated
31 to landfill alternative grants pursuant to section
32 455E.11, subsection 2, paragraph "a", subparagraph
33 (9).

34 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning
35 area that fails to meet the twenty-five percent goal
36 shall implement the following solid waste management
37 techniques:

38 a. Remit one dollar per ton to the department, as
39 of July 1, 1995. The funds shall be deposited in the
40 solid waste account under section 455E.11, subsection
41 2, paragraph "a", to be used in accordance with
42 section 455E.11, subsection 2, paragraph "a",
43 subparagraph (9). Moneys under this paragraph shall
44 be remitted until such time as evidence of attainment
45 of the twenty-five percent goal is documented in
46 subsequent comprehensive plans submitted to the
47 department.

48 b. Notify the public of the planning area's
49 failure to meet the waste volume reduction goals of
50 this section, utilizing standard language developed by

H-6038

H-6038

Page 2

1 the department for that purpose.

2 c. Develop draft ordinances which shall be used by
3 local governments for establishing collection fees
4 that are based on volume or on the number of
5 containers used for disposal by residents.

6 d. Conduct an educational and promotional program
7 to inform citizens of the manner and benefits of
8 reducing, reusing, and recycling materials and the
9 procurement of products made with recycled content.
10 The program shall include the following:

11 (1) Targeted waste reduction and recycling
12 education for residents, including multifamily
13 dwelling complexes having five or more units.

14 (2) An intensive one day seminar for the
15 commercial sector regarding the benefits of and
16 opportunities for waste reduction and recycling.

17 (3) Promotion of recycling through targeted
18 community and media events.

19 (4) Recycling notification and education packets
20 to all new residential, commercial, and institutional
21 collection service customers that include, at a
22 minimum, the manner of preparation of materials for
23 collection, and the reasons for separation of
24 materials for recycling."

25 2. By renumbering as necessary.

By GIPP of Winneshiek

H-6038 FILED APRIL 6, 1994

Out of Order 4-19-94

SENATE FILE 2300

H-6014

1 Amend Senate File 2300, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, line 34, by inserting after the word
4 "waste" the following: "unless the diversion of the
5 solid waste has been provided for in a chapter 28E
6 agreement".

7 2. Page 3, line 7, by inserting after the word
8 "area" the following: "or unless acceptance of the
9 solid waste has been provided for in the receiving
10 entity's chapter 28E agreement".

By GIPP of Winneshiek

H-6014 FILED APRIL 6, 1994

Out of Order 4-14-94

SENATE FILE 2300

H-6152

1 Amend Senate File 2300, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 7, line 21, by inserting after the word
4 "subsection 18." the following: "Of the remaining
5 moneys, sixty-five thousand dollars shall be allocated
6 to the waste management assistance division of the
7 department to be used for the by-products and waste
8 search service at the university of northern Iowa."

By SHOULTZ of Black Hawk

H-6152 FILED APRIL 13, 1994

Out of Order 4/19/94

SENATE FILE 2300

H-6324

1 Amend Senate File 2300, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 455B.301A, subsection 1, Code
6 1993, is amended to read as follows:

7 1. The protection of the health, safety, and
8 welfare of Iowans and the protection of the
9 environment require the safe and sanitary disposal of
10 solid wastes. An effective and efficient solid waste
11 disposal program protects the environment and the
12 public, and provides the most practical and beneficial
13 use of the material and energy values of solid waste.
14 While recognizing the continuing necessity for the
15 existence of landfills, alternative methods of
16 managing solid waste and a reduction in the reliance
17 upon land disposal of solid waste are encouraged. In
18 the promotion of these goals, the following waste
19 management hierarchy in descending order of
20 preference, is established as the solid waste
21 management policy of the state:

22 a. Volume reduction at the source.

23 b. Recycling and reuse.

24 ~~c.---Combustion-with-energy-recovery-and-refuse-~~
25 ~~derived-fuel-~~

26 ~~d.---Combustion-for-volume-reduction-~~

27 ~~e.---Disposal-in-sanitary-landfills-~~

28 c. Other approved techniques of solid waste
29 management including, but not limited to, combustion
30 with energy recovery, combustion for waste disposal,
31 and disposal in sanitary landfills.

32 Sec. 2. Section 455B.304, Code 1993, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 18. The commission shall adopt
35 rules to establish a special waste authorization
36 program. For purposes of this subsection, "special
37 waste" means any industrial process waste, pollution
38 control waste, or toxic waste which presents a threat
39 to human health or the environment or a waste with
40 inherent properties which make the disposal of the
41 waste in a sanitary landfill difficult to manage.
42 Special waste does not include domestic, office,
43 commercial, medical, or industrial waste that does not
44 require special handling or limitations on its
45 disposal. Special waste does not include hazardous
46 wastes which are regulated under the federal Resource
47 Conservation and Recovery Act, 42 U.S.C. § 6921-6934,
48 hazardous wastes as defined in section 455B.411,
49 subsection 3, or hazardous wastes included in the list
50 compiled in accordance with section 455B.464.

H-6324

-1-

H-6324

Page 2

1 Sec. 3. Section 455B.305, subsection 6, Code 1993,
2 is amended to read as follows:

3 6. Beginning July 1, 1992, the director shall not
4 issue a permit for a sanitary landfill unless the
5 sanitary landfill is equipped with a leachate control
6 system. Beginning July 1, 1994, the director shall
7 not renew or reissue a permit for an existing sanitary
8 landfill unless the sanitary landfill is equipped with
9 a leachate control system. During the period from
10 July 1, 1992, through June 30, 1994, the director may
11 require an existing sanitary landfill to install a
12 leachate control system if leachate from the sanitary
13 landfill is adversely impacting the public health or
14 safety or the environment. During the period from
15 July 1, 1992, through June 30, 1994, the director
16 shall require an existing sanitary landfill to install
17 a leachate control system if the sanitary landfill has
18 not submitted a completed hydrogeological plan to the
19 department. The director may exempt a permit
20 applicant from these requirements if the director
21 determines that certain conditions regarding, but not
22 limited to, existing physical conditions, topography,
23 soil, geology, and climate, are such that a leachate
24 control system is unnecessary. The director may
25 exempt a permit applicant from the requirements of
26 this subsection if the permittee certifies that a risk
27 assessment of the site indicates that a current or
28 potential threat to environmental health does not
29 exist such that an exposed individual has no greater
30 than a one in one million risk of developing cancer
31 and for noncarcinogens a hazard index of less than
32 one. The director shall use the United States
33 environmental protection agency's risk assessment
34 guidance for the superfund as a basis for determining
35 whether to grant the exemption. The exemption in this
36 subsection shall apply only to sanitary landfill cells
37 in existence prior to July 1, 1992, or the vertical
38 expansion above a cell in which waste was deposited
39 prior to July 1, 1992. A sanitary landfill permittee
40 desiring an exemption shall apply to the director and
41 certify a completion date for a risk assessment study
42 by December 1, 1994. If an exemption is not granted,
43 or if the risk assessment study concludes that a
44 leachate control system is required, a permittee shall
45 certify a completion date and increments of progress
46 for the installation of a leachate control system.
47 The department shall retain the discretion to approve
48 or disapprove a risk assessment study or a proposed
49 completion date under this subsection. If a schedule
50 for a risk assessment study or the installation of a

H-6324

-2-

H-6324

Page 3

1 leachate control system is approved by the department
2 and satisfactory progress is being made toward
3 completion of the study or the installation of the
4 leachate control system, the permittee shall not be
5 subject to penalties for failure to meet the
6 requirements of this subsection.

7 Sec. 4. Section 455D.3, Code 1993, is amended to
8 read as follows:

9 455D.3 GOAL.

10 1. YEAR 1994 AND 2000 GOALS. The goal of the
11 state is to reduce the amount of materials in the
12 waste stream, existing as of July 1, 1988, twenty-five
13 percent by July 1, 1994, and fifty percent by July 1,
14 2000, through the practice of waste volume reduction
15 at the source and through recycling. For the purposes
16 of this section, "waste stream" means the disposal of
17 solid waste as "solid waste" is defined in section
18 455B.301. ~~In-determination-of-the-reduction-level-of~~
19 ~~the-waste-stream, it shall be considered that each~~
20 ~~person currently generates three and one-half pounds~~
21 ~~of waste per day, and that this amount shall be~~
22 ~~reduced by the percentages indicated in order to~~
23 ~~preserve the health and safety of all Iowans.~~

24 Notwithstanding section 455D.1, subsection 6,
25 facilities which employ combustion of solid waste with
26 energy recovery and refuse-derived fuel, which are
27 included in an approved comprehensive plan, and which
28 were in operation prior to July 1, 1989, may include
29 these processes in the definition of recycling for the
30 purpose of meeting the state goal if at least thirty-
31 five percent of the waste reduction goal, required to
32 be met by July 1, 2000, pursuant to this section, is
33 met through volume reduction at the source and
34 recycling and reuse, as established pursuant to
35 section 455B.301A, subsection 1, paragraphs "a" and
36 "b".

37 2. PROJECTED WASTE STREAM -- YEAR 2000. A planning
38 area may request the department to allow the planning
39 area to project the planning area's waste stream for
40 the year 2000 for purposes of meeting the year 2000
41 fifty percent waste volume reduction and recycling
42 goals required by this section. The department shall
43 make a determination of the eligibility to use this
44 option based upon the annual tonnage of solid waste
45 processed by the planning area and the population
46 density of the area the planning area serves. If the
47 department agrees to allow the planning area to make
48 year 2000 waste stream projections, the planning area
49 shall calculate the year 2000 projections and submit
50 the projections to the department for approval. The

H-6324

-3-

H-6324

Page 4

1 planning area shall use data which is current as of
2 July 1, 1994, and shall take into account population,
3 employment, and industrial changes and documented
4 diversions due to existing programs. The planning
5 area shall use the departmental methodology to
6 calculate the tonnage necessary to be diverted from
7 landfills in order to meet the year 2000 fifty percent
8 waste volume reduction and recycling goals required by
9 this section. Once the department approves the year
10 2000 projections, the projections shall not be changed
11 prior to the year 2001.

12 3. DEPARTMENTAL MONITORING.

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

20 If at any time the department determines that a
21 planning area has met or exceeded the twenty-five
22 percent goal, a planning area shall subtract twenty-
23 five cents from the total amount of the tonnage fee
24 imposed pursuant to section 455B.310, subsection 2,
25 paragraph "a". The reduction in tonnage fees pursuant
26 to this paragraph shall be taken from that portion of
27 the tonnage fees which would have been allocated for
28 landfill alternative grants pursuant to section
29 455E.11, subsection 2, paragraph "a", subparagraph
30 (9).

31 If the department determines that a planning area
32 has failed to meet the July 1, 1994, twenty-five
33 percent goal, the planning area shall, at a minimum,
34 implement the solid waste management techniques as
35 listed in subsection 4. Evidence of implementation of
36 the solid waste management techniques shall be
37 documented in subsequent comprehensive plans submitted
38 to the department.

39 b. If at any time the department determines that a
40 planning area has reduced the amount of materials in
41 the waste stream, existing as of July 1, 1988, by
42 thirty-eight percent, as indicated in a solid waste
43 abatement table submitted by the planning area, the
44 planning area shall subtract twenty-five cents from
45 the total amount of the tonnage fee imposed pursuant
46 to section 455B.310, subsection 2, paragraph "a".
47 This amount shall be in addition to any amounts
48 subtracted pursuant to paragraph "a". The reduction
49 in tonnage fees pursuant to this paragraph shall be
50 taken from that portion of the tonnage fees which

H-6324

-4-

H-6324

Page 5

1 would have been allocated for landfill alternative
2 grants pursuant to section 455E.11, subsection 2,
3 paragraph "a", subparagraph (9).

4 c. By October 31, 2000, a planning area shall
5 submit to the department, a solid waste abatement
6 table which is updated through June 30, 2000. By
7 April 1, 2001, the department shall report to the
8 general assembly on the progress that has been made by
9 each planning area on attainment of the July 1, 2000,
10 fifty percent goal.

11 If at any time the department determines that a
12 planning area has met or exceeded the fifty percent
13 goal, the planning area shall subtract fifty cents
14 from the total amount of the tonnage fee imposed
15 pursuant to section 455B.310, subsection 2, paragraph
16 "a". This amount shall be in addition to any amounts
17 subtracted pursuant to paragraphs "a" and "b". The
18 reduction in tonnage fees pursuant to this paragraph
19 shall be taken from that portion of the tonnage fees
20 which would have been allocated to landfill
21 alternative grants pursuant to section 455E.11,
22 subsection 2, paragraph "a", subparagraph (9).

23 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning
24 area that fails to meet the twenty-five percent goal
25 shall implement the following solid waste management
26 techniques:

27 a. Remit fifty cents per ton to the department, as
28 of July 1, 1995. The funds shall be deposited in the
29 solid waste account under section 455E.11, subsection
30 2, paragraph "a", to be used in accordance with
31 section 455E.11, subsection 2, paragraph "a",
32 subparagraph (9). Moneys under this paragraph shall
33 be remitted until such time as evidence of attainment
34 of the twenty-five percent goal is documented in
35 subsequent comprehensive plans submitted to the
36 department.

37 b. Notify the public of the planning area's
38 failure to meet the waste volume reduction goals of
39 this section, utilizing standard language developed by
40 the department for that purpose.

41 c. Develop draft ordinances which shall be used by
42 local governments for establishing collection fees
43 that are based on volume or on the number of
44 containers used for disposal by residents.

45 d. Conduct an educational and promotional program
46 to inform citizens of the manner and benefits of
47 reducing, reusing, and recycling materials and the
48 procurement of products made with recycled content.
49 The program shall include the following:

50 (1) Targeted waste reduction and recycling

H-6324

-5-

H-6324

Page 6

1 education for residents, including multifamily
 2 dwelling complexes having five or more units.
 3 (2) An intensive one day seminar for the
 4 commercial sector regarding the benefits of and
 5 opportunities for waste reduction and recycling.

6 (3) Promotion of recycling through targeted
 7 community and media events.

8 (4) Recycling notification and education packets
 9 to all new residential, commercial, and institutional
 10 collection service customers that include, at a
 11 minimum, the manner of preparation of materials for
 12 collection, and the reasons for separation of
 13 materials for recycling.

14 Sec. 5. Section 455E.11, subsection 2, paragraph
 15 a, subparagraph (9), Code Supplement 1993, is amended
 16 to read as follows:

17 (9) One dollar per ton from the fees imposed under
 18 section 455B.310 for the fiscal year beginning July 1,
 19 1990, and thereafter shall be used by the department
 20 to develop and implement demonstration projects for
 21 landfill alternatives to solid waste disposal
 22 including recycling programs. The first fifty
 23 thousand dollars of moneys allocated to the department
 24 pursuant to this subparagraph shall be used for
 25 administration of the special waste authorization
 26 program established pursuant to section 455B.304,
 27 subsection 18. Of the remaining moneys, sixty-five
 28 thousand dollars shall be allocated to the waste
 29 management assistance division of the department to be
 30 used for the by-products and waste search service at
 31 the university of northern Iowa.

32 Sec. 6. ADDITIONAL POSITION. Notwithstanding the
 33 full-time equivalent position limitations in effect
 34 for the department of natural resources for fiscal
 35 year beginning July 1, 1994, and ending June 30, 1995,
 36 the environmental protection division of the
 37 department of natural resources may employ one
 38 additional full-time equivalent position to administer
 39 the special waste authorization program established
 40 pursuant to section 455B.304, subsection 18.

41 Sec. 7. RULES. The commission shall adopt rules
 42 to establish a special waste authorization program.
 43 The rules shall be effective by December 31, 1994.

44 Sec. 8. EFFECTIVE DATE. Section 3 of this Act,
 45 being deemed of immediate importance, takes effect
 46 upon enactment. The remainder of this Act takes
 47 effect on July 1, 1994."

By RAFFERTY of Scott
 GIPP of Winneshiek

OSTERBERG of Linn
 SHOULTZ of Black Hawk

H-6324 FILED APRIL 19, 1994

Adopted
4.19.94
(P. 1969)

SENATE FILE 2300

H-6332

1 Amend the amendment, H-6324, to Senate File 2300,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 6, line 31, by inserting after the word
5 "Iowa." the following: "The by-products and waste
6 search service at the university of northern Iowa
7 shall cooperate with Iowa state university in waste
8 exchange activities."

By SHOULTZ of Black Hawk

H-6332 FILED APRIL 19, 1994

adopted
4-19-94 (p. 1969)

SENATE FILE 2300

H-6320

1 Amend Senate File 2300, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 3, line 1, by inserting after the word
4 "landfill." the following: "However, this subsection
5 shall not apply to the diversion of solid waste to an
6 area outside of the state."

By BRAUNS of Muscatine

H-6320 FILED APRIL 19, 1994

out of order
4-19-94

HOUSE AMENDMENT TO
SENATE FILE 2300

S-5777

1 Amend Senate File 2300, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 455B.301A, subsection 1, Code
6 1993, is amended to read as follows:

7 1. The protection of the health, safety, and
8 welfare of Iowans and the protection of the
9 environment require the safe and sanitary disposal of
10 solid wastes. An effective and efficient solid waste
11 disposal program protects the environment and the
12 public, and provides the most practical and beneficial
13 use of the material and energy values of solid waste.
14 While recognizing the continuing necessity for the
15 existence of landfills, alternative methods of
16 managing solid waste and a reduction in the reliance
17 upon land disposal of solid waste are encouraged. In
18 the promotion of these goals, the following waste
19 management hierarchy in descending order of
20 preference, is established as the solid waste
21 management policy of the state:

22 a. Volume reduction at the source.

23 b. Recycling and reuse.

24 ~~c.---Combustion-with-energy-recovery-and-refuse-~~
25 ~~derived-fuel.~~

26 ~~d.---Combustion-for-volume-reduction.~~

27 ~~e.---Disposal-in-sanitary-landfills.~~

28 c. Other approved techniques of solid waste
29 management including, but not limited to, combustion
30 with energy recovery, combustion for waste disposal,
31 and disposal in sanitary landfills.

32 Sec. 2. Section 455B.304, Code 1993, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 18. The commission shall adopt
35 rules to establish a special waste authorization
36 program. For purposes of this subsection, "special
37 waste" means any industrial process waste, pollution
38 control waste, or toxic waste which presents a threat
39 to human health or the environment or a waste with
40 inherent properties which make the disposal of the
41 waste in a sanitary landfill difficult to manage.
42 Special waste does not include domestic, office,
43 commercial, medical, or industrial waste that does not
44 require special handling or limitations on its
45 disposal. Special waste does not include hazardous
46 wastes which are regulated under the federal Resource
47 Conservation and Recovery Act, 42 U.S.C. § 6921-6934,
48 hazardous wastes as defined in section 455B.411,
49 subsection 3, or hazardous wastes included in the list
50 compiled in accordance with section 455B.464.

S-5777

-1-

S-5777

Page 2

1 Sec. 3. Section 455B.305, subsection 6, Code 1993,
2 is amended to read as follows:

3 6. Beginning July 1, 1992, the director shall not
4 issue a permit for a sanitary landfill unless the
5 sanitary landfill is equipped with a leachate control
6 system. Beginning July 1, 1994, the director shall
7 not renew or reissue a permit for an existing sanitary
8 landfill unless the sanitary landfill is equipped with
9 a leachate control system. During the period from
10 July 1, 1992, through June 30, 1994, the director may
11 require an existing sanitary landfill to install a
12 leachate control system if leachate from the sanitary
13 landfill is adversely impacting the public health or
14 safety or the environment. During the period from
15 July 1, 1992, through June 30, 1994, the director
16 shall require an existing sanitary landfill to install
17 a leachate control system if the sanitary landfill has
18 not submitted a completed hydrogeological plan to the
19 department. The director may exempt a permit
20 applicant from these requirements if the director
21 determines that certain conditions regarding, but not
22 limited to, existing physical conditions, topography,
23 soil, geology, and climate, are such that a leachate
24 control system is unnecessary. The director may
25 exempt a permit applicant from the requirements of
26 this subsection if the permittee certifies that a risk
27 assessment of the site indicates that a current or
28 potential threat to environmental health does not
29 exist such that an exposed individual has no greater
30 than a one in one million risk of developing cancer
31 and for noncarcinogens a hazard index of less than
32 one. The director shall use the United States
33 environmental protection agency's risk assessment
34 guidance for the superfund as a basis for determining
35 whether to grant the exemption. The exemption in this
36 subsection shall apply only to sanitary landfill cells
37 in existence prior to July 1, 1992, or the vertical
38 expansion above a cell in which waste was deposited
39 prior to July 1, 1992. A sanitary landfill permittee
40 desiring an exemption shall apply to the director and
41 certify a completion date for a risk assessment study
42 by December 1, 1994. If an exemption is not granted,
43 or if the risk assessment study concludes that a
44 leachate control system is required, a permittee shall
45 certify a completion date and increments of progress
46 for the installation of a leachate control system.
47 The department shall retain the discretion to approve
48 or disapprove a risk assessment study or a proposed
49 completion date under this subsection. If a schedule
50 for a risk assessment study or the installation of a

S-5777

-2-

S-5777

Page 3

1 leachate control system is approved by the department
2 and satisfactory progress is being made toward
3 completion of the study or the installation of the
4 leachate control system, the permittee shall not be
5 subject to penalties for failure to meet the
6 requirements of this subsection.

7 Sec. 4. Section 455D.3, Code 1993, is amended to
8 read as follows:

9 455D.3 GOAL.

10 1. YEAR 1994 AND 2000 GOALS. The goal of the
11 state is to reduce the amount of materials in the
12 waste stream, existing as of July 1, 1988, twenty-five
13 percent by July 1, 1994, and fifty percent by July 1,
14 2000, through the practice of waste volume reduction
15 at the source and through recycling. For the purposes
16 of this section, "waste stream" means the disposal of
17 solid waste as "solid waste" is defined in section
18 455B.301. ~~In-determination-of-the-reduction-level-of~~
19 ~~the-waste-stream,-it-shall-be-considered-that-each~~
20 ~~person-currently-generates-three-and-one-half-pounds~~
21 ~~of-waste-per-day,-and-that-this-amount-shall-be~~
22 ~~reduced-by-the-percentages-indicated-in-order-to~~
23 ~~preserve-the-health-and-safety-of-all-Iowans-~~

24 Notwithstanding section 455D.1, subsection 6,
25 facilities which employ combustion of solid waste with
26 energy recovery and refuse-derived fuel, which are
27 included in an approved comprehensive plan, and which
28 were in operation prior to July 1, 1989, may include
29 these processes in the definition of recycling for the
30 purpose of meeting the state goal if at least thirty-
31 five percent of the waste reduction goal, required to
32 be met by July 1, 2000, pursuant to this section, is
33 met through volume reduction at the source and
34 recycling and reuse, as established pursuant to
35 section 455B.301A, subsection 1, paragraphs "a" and
36 "b".

37 2. PROJECTED WASTE STREAM -- YEAR 2000. A planning
38 area may request the department to allow the planning
39 area to project the planning area's waste stream for
40 the year 2000 for purposes of meeting the year 2000
41 fifty percent waste volume reduction and recycling
42 goals required by this section. The department shall
43 make a determination of the eligibility to use this
44 option based upon the annual tonnage of solid waste
45 processed by the planning area and the population
46 density of the area the planning area serves. If the
47 department agrees to allow the planning area to make
48 year 2000 waste stream projections, the planning area
49 shall calculate the year 2000 projections and submit
50 the projections to the department for approval. The

S-5777

-3-

S-5777

Page 4

1 planning area shall use data which is current as of
2 July 1, 1994, and shall take into account population,
3 employment, and industrial changes and documented
4 diversions due to existing programs. The planning
5 area shall use the departmental methodology to
6 calculate the tonnage necessary to be diverted from
7 landfills in order to meet the year 2000 fifty percent
8 waste volume reduction and recycling goals required by
9 this section. Once the department approves the year
10 2000 projections, the projections shall not be changed
11 prior to the year 2001.

12 3. DEPARTMENTAL MONITORING.

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

20 If at any time the department determines that a
21 planning area has met or exceeded the twenty-five
22 percent goal, a planning area shall subtract twenty-
23 five cents from the total amount of the tonnage fee
24 imposed pursuant to section 455B.310, subsection 2,
25 paragraph "a". The reduction in tonnage fees pursuant
26 to this paragraph shall be taken from that portion of
27 the tonnage fees which would have been allocated for
28 landfill alternative grants pursuant to section
29 455E.11, subsection 2, paragraph "a", subparagraph
30 (9).

31 If the department determines that a planning area
32 has failed to meet the July 1, 1994, twenty-five
33 percent goal, the planning area shall, at a minimum,
34 implement the solid waste management techniques as
35 listed in subsection 4. Evidence of implementation of
36 the solid waste management techniques shall be
37 documented in subsequent comprehensive plans submitted
38 to the department.

39 b. If at any time the department determines that a
40 planning area has reduced the amount of materials in
41 the waste stream, existing as of July 1, 1988, by
42 thirty-eight percent, as indicated in a solid waste
43 abatement table submitted by the planning area, the
44 planning area shall subtract twenty-five cents from
45 the total amount of the tonnage fee imposed pursuant
46 to section 455B.310, subsection 2, paragraph "a".
47 This amount shall be in addition to any amounts
48 subtracted pursuant to paragraph "a". The reduction
49 in tonnage fees pursuant to this paragraph shall be
50 taken from that portion of the tonnage fees which

S-5777

S-5777

Page 5

1 would have been allocated for landfill alternative
2 grants pursuant to section 455E.11, subsection 2,
3 paragraph "a", subparagraph (9).

4 c. By October 31, 2000, a planning area shall
5 submit to the department, a solid waste abatement
6 table which is updated through June 30, 2000. By
7 April 1, 2001, the department shall report to the
8 general assembly on the progress that has been made by
9 each planning area on attainment of the July 1, 2000,
10 fifty percent goal.

11 If at any time the department determines that a
12 planning area has met or exceeded the fifty percent
13 goal, the planning area shall subtract fifty cents
14 from the total amount of the tonnage fee imposed
15 pursuant to section 455B.310, subsection 2, paragraph
16 "a". This amount shall be in addition to any amounts
17 subtracted pursuant to paragraphs "a" and "b". The
18 reduction in tonnage fees pursuant to this paragraph
19 shall be taken from that portion of the tonnage fees
20 which would have been allocated to landfill
21 alternative grants pursuant to section 455E.11,
22 subsection 2, paragraph "a", subparagraph (9).

23 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning
24 area that fails to meet the twenty-five percent goal
25 shall implement the following solid waste management
26 techniques:

27 a. Remit fifty cents per ton to the department, as
28 of July 1, 1995. The funds shall be deposited in the
29 solid waste account under section 455E.11, subsection
30 2, paragraph "a", to be used in accordance with
31 section 455E.11, subsection 2, paragraph "a",
32 subparagraph (9). Moneys under this paragraph shall
33 be remitted until such time as evidence of attainment
34 of the twenty-five percent goal is documented in
35 subsequent comprehensive plans submitted to the
36 department.

37 b. Notify the public of the planning area's
38 failure to meet the waste volume reduction goals of
39 this section, utilizing standard language developed by
40 the department for that purpose.

41 c. Develop draft ordinances which shall be used by
42 local governments for establishing collection fees
43 that are based on volume or on the number of
44 containers used for disposal by residents.

45 d. Conduct an educational and promotional program
46 to inform citizens of the manner and benefits of
47 reducing, reusing, and recycling materials and the
48 procurement of products made with recycled content.
49 The program shall include the following:

50 (1) Targeted waste reduction and recycling

S-5777

-5-

S-5777

Page 6

1 education for residents, including multifamily
2 dwelling complexes having five or more units.
3 (2) An intensive one day seminar for the
4 commercial sector regarding the benefits of and
5 opportunities for waste reduction and recycling.

6 (3) Promotion of recycling through targeted
7 community and media events.

8 (4) Recycling notification and education packets
9 to all new residential, commercial, and institutional
10 collection service customers that include, at a
11 minimum, the manner of preparation of materials for
12 collection, and the reasons for separation of
13 materials for recycling.

14 Sec. 5. Section 455E.11, subsection 2, paragraph
15 a, subparagraph (9), Code Supplement 1993, is amended
16 to read as follows:

17 (9) One dollar per ton from the fees imposed under
18 section 455B.310 for the fiscal year beginning July 1,
19 1990, and thereafter shall be used by the department
20 to develop and implement demonstration projects for
21 landfill alternatives to solid waste disposal
22 including recycling programs. The first fifty
23 thousand dollars of moneys allocated to the department
24 pursuant to this subparagraph shall be used for
25 administration of the special waste authorization
26 program established pursuant to section 455B.304,
27 subsection 18. Of the remaining moneys, sixty-five
28 thousand dollars shall be allocated to the waste
29 management assistance division of the department to be
30 used for the by-products and waste search service at
31 the university of northern Iowa. The by-products and
32 waste search service at the university of northern
33 Iowa shall cooperate with Iowa state university in
34 waste exchange activities.

35 Sec. 6. ADDITIONAL POSITION. Notwithstanding the
36 full-time equivalent position limitations in effect
37 for the department of natural resources for fiscal
38 year beginning July 1, 1994, and ending June 30, 1995,
39 the environmental protection division of the
40 department of natural resources may employ one
41 additional full-time equivalent position to administer
42 the special waste authorization program established
43 pursuant to section 455B.304, subsection 18.

44 Sec. 7. RULES. The commission shall adopt rules
45 to establish a special waste authorization program.
46 The rules shall be effective by December 31, 1994.

47 Sec. 8. EFFECTIVE DATE. Section 3 of this Act,
48 being deemed of immediate importance, takes effect
49 upon enactment. The remainder of this Act takes
50 effect on July 1, 1994."

RECEIVED FROM THE HOUSE

S-5777 FILED APRIL 19, 1994

CONCURRED

4.19.94

Frank - Chair
Hedge
Sorensen

SSB - 2079.1
Environment +
Energy Utilities
SENATE FILE 2300
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 2079)

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

A BILL FOR

1 An Act requiring the environmental protection commission to
2 codify the special waste authorization program and relating to
3 environmental permit fees and solid waste.

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

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1 Section 1. Section 455B.105, subsection 11, Code 1993, is
2 amended to read as follows:

3 11. a. Adopt, by rule, procedures and forms necessary to
4 implement the provisions of this chapter relating to permits,
5 conditional permits, and general permits. The commission may
6 also adopt, by rule, a schedule of fees for permit and
7 conditional permit applications and a schedule of fees which
8 may be periodically assessed for administration of permits and
9 conditional permits. In determining the fee schedules, the
10 commission shall consider:

11 (1) a. The state's reasonable cost of reviewing
12 applications, issuing permits and conditional permits, and
13 checking compliance with the terms of the permits.

14 (2) b. The relative benefits to the applicant and to the
15 public of permit and conditional permit review, issuance, and
16 monitoring compliance.

17 It is the intention of the legislature general assembly
18 that permit fees shall not cover any costs connected with
19 correcting violation of the terms of any permit and shall not
20 impose unreasonable costs on any municipality.

21 (3) c. The typical costs of the particular types of
22 projects or activities for which permits or conditional
23 permits are required, provided that in no circumstances shall
24 fees be in excess of the actual costs to the department.

25 ~~b. --The fees collected by the department under this~~
26 ~~subsection shall be remitted to the treasurer of state and~~
27 ~~credited to the general fund of the state.~~

28 Sec. 2. Section 455B.304, Code 1993, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 18. The commission shall adopt rules to
31 establish a special waste authorization program. The
32 commission shall establish fees for the issuance of special
33 waste authorizations in accordance with section 455B.105,
34 subsection 11, which shall be deposited in a special waste
35 authorization fund. The fees shall raise a minimum of fifty

1 thousand dollars per year. The fees shall be nonrefundable
2 and shall be retained by the department and used solely for
3 the administration of the special waste authorization program.
4 For purposes of this subsection, "special waste" means waste
5 that is not domestic, office, or commercial waste which by its
6 nature may require special handling or limitations on its
7 disposal. Special waste does not include hazardous wastes
8 which are regulated under the federal Resource Conservation
9 and Recovery Act, 42 U.S.C., § 6921-6934, hazardous wastes as
10 defined in section 455B.411, subsection 3, or hazardous or
11 restricted wastes as compiled in accordance with section
12 455B.464.

13 Sec. 3. Section 455B.305, subsection 6, Code 1993, is
14 amended to read as follows:

15 6. Beginning July 1, 1992, the director shall not issue a
16 permit for a sanitary landfill unless the sanitary landfill is
17 equipped with a leachate control system. Beginning July 1,
18 1994, the director shall not renew or reissue a permit for an
19 existing sanitary landfill unless the sanitary landfill is
20 equipped with a leachate control system. During the period
21 from July 1, 1992, through June 30, 1994, the director may
22 require an existing sanitary landfill to install a leachate
23 control system if leachate from the sanitary landfill is
24 adversely impacting the public health or safety or the
25 environment. During the period from July 1, 1992, through
26 June 30, 1994, the director shall require an existing sanitary
27 landfill to install a leachate control system if the sanitary
28 landfill has not submitted a completed hydrogeological plan to
29 the department. The director may exempt a permit applicant
30 from these requirements if the director determines that
31 certain conditions regarding, but not limited to, existing
32 physical conditions, topography, soil, geology, and climate,
33 are such that a leachate control system is unnecessary. The
34 director may exempt a permit applicant from the requirements
35 of this subsection if the permittee certifies that a risk

1 assessment of the site indicates that a current or potential
2 threat to environmental health does not exist such that an
3 exposed individual has no greater than a one in one hundred
4 thousand risk of developing cancer and for noncarcinogens a
5 hazard index of less than one. The director shall use the
6 United States environmental protection agency's risk
7 assessment guidance for the superfund as a basis for
8 determining whether to grant the exemption. The exemption in
9 this subsection shall apply only to sanitary landfills in
10 existence prior to July 1, 1992.

11 Sec. 4. Section 455B.307, Code 1993, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 2A. A person seeking to remove solid
14 waste from a service area for disposal in a sanitary landfill
15 which is not included in the comprehensive plan of the
16 originating service area shall obtain approval from the entity
17 which filed the comprehensive plan governing the originating
18 service area prior to removal of the solid waste. The person
19 shall file the certified approval with the receiving sanitary
20 landfill.

21 A sanitary landfill shall not accept solid waste from a
22 service area which is not included in the comprehensive plan
23 of the receiving service area unless the person seeking to
24 deposit the solid waste has obtained a certified approval from
25 the entity which filed the comprehensive plan governing the
26 originating service area.

27 Sec. 5. Section 455B.310, subsection 3, Code Supplement
28 1993, is amended to read as follows:

29 3. Solid waste disposal facilities with special provisions
30 which limit the site to the disposal of construction and
31 demolition waste, landscape waste, and coal combustion waste,
32 or foundry sand, or solid waste materials approved by the
33 department for lining or capping or for construction berms,
34 dikes or roads in a sanitary disposal project or sanitary
35 landfill are exempt from the tonnage fees imposed under this

1 section. However, solid waste disposal facilities under this
2 subsection are subject to the fees imposed pursuant to section
3 455B.105, subsection 11-paragraph-"a". ~~Notwithstanding the~~
4 ~~provisions of section 455B.105, subsection 11-paragraph-"b",~~
5 ~~the~~ The fees collected pursuant to this subsection shall be
6 used by the department for the regulation of these solid waste
7 disposal facilities.

8 Sec. 6. RULES. The commission shall adopt rules to
9 establish a special waste authorization program which rules
10 shall be effective by December 31, 1994.

11

EXPLANATION

12 This bill requires the environmental protection commission
13 to codify the special waste authorization program which
14 currently exists and to establish fees to cover the costs
15 incurred by the department of natural resources for
16 administering the special waste authorization program. The
17 fees must be set to raise at a minimum \$50,000 per year.
18 Currently, a special waste authorization must be obtained from
19 the department prior to disposal of commercial and industrial
20 toxic and hazardous wastes.

21 The bill defines "special waste" to mean waste that is not
22 domestic, office, or commercial waste which by its nature may
23 require special handling or limitations on its disposal.
24 Special waste does not include hazardous wastes which are
25 regulated under the federal Resource Conservation and Recovery
26 Act, 42 U.S.C. § 6921-6934, hazardous wastes as defined in
27 section 455B.411, subsection 3, or hazardous or restricted
28 wastes as compiled in accordance with section 455B.464.

29 In addition, the bill strikes a requirement that all permit
30 fees collected by the department under section 455B.105,
31 subsection 11, be remitted to the state general fund.

32 The bill allows the director of the department of natural
33 resources to exempt a permit applicant from leachate control
34 requirements of sanitary landfills in certain situations if a
35 risk assessment has been done.

1 It prohibits a person from depositing solid waste or a
2 sanitary landfill from accepting solid waste if the sanitary
3 landfill is outside of the service area covered by the
4 originating sites comprehensive plan, unless the person
5 obtains certified approval from the entity which filed the
6 comprehensive plan governing the originating service area.

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Fink. Chair
Sorenson
Hedge

SSB- 2079
Environment + Energy
Utilities

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act requiring the environmental protection commission to
2 codify the special waste authorization program and relating to
3 environmental permit fees.

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

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1 Section 1. Section 455B.105, subsection 11, Code 1993, is
2 amended to read as follows:

3 11. ~~a~~ Adopt, by rule, procedures and forms necessary to
4 implement the provisions of this chapter relating to permits,
5 conditional permits, and general permits. The commission may
6 also adopt, by rule, a schedule of fees for permit and
7 conditional permit applications and a schedule of fees which
8 may be periodically assessed for administration of permits and
9 conditional permits. In determining the fee schedules, the
10 commission shall consider:

11 ~~(1)~~ a. The state's reasonable cost of reviewing
12 applications, issuing permits and conditional permits, and
13 checking compliance with the terms of the permits.

14 ~~(2)~~ b. The relative benefits to the applicant and to the
15 public of permit and conditional permit review, issuance, and
16 monitoring compliance.

17 It is the intention of the ~~legislature~~ general assembly
18 that permit fees shall not cover any costs connected with
19 correcting violation of the terms of any permit and shall not
20 impose unreasonable costs on any municipality.

21 ~~(3)~~ c. The typical costs of the particular types of
22 projects or activities for which permits or conditional
23 permits are required, provided that in no circumstances shall
24 fees be in excess of the actual costs to the department.

25 ~~b.--The-fees-collected-by-the-department-under-this~~
26 ~~subsection-shall-be-remitted-to-the-treasurer-of-state-and~~
27 ~~credited-to-the-general-fund-of-the-state.~~

28 Sec. 2. Section 455B.304, Code 1993, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 18. The commission shall adopt rules to
31 establish a special waste authorization program. The
32 commission shall establish fees for the issuance of special
33 waste authorizations in accordance with section 455B.105,
34 subsection 11. The fees shall be nonrefundable and shall be
35 retained by the department and used solely for the

1 administration of the special waste authorization program.
2 For purposes of this subsection, "special waste" means waste
3 that is not domestic, office, or commercial waste which by its
4 nature may require special handling or limitations on its
5 disposal. Special waste does not include hazardous wastes
6 which are regulated under the federal Resource Conservation
7 and Recovery Act, 42 U.S.C., § 6921-6934, hazardous wastes as
8 defined in section 455B.411, subsection 3, or hazardous or
9 restricted wastes as compiled in accordance with section
10 455B.464.

11 Sec. 3. Section 455B.310, subsection 3, Code Supplement
12 1993, is amended to read as follows:

13 3. Solid waste disposal facilities with special provisions
14 which limit the site to the disposal of construction and
15 demolition waste, landscape waste, and coal combustion waste,
16 or foundry sand, or solid waste materials approved by the
17 department for lining or capping or for construction berms,
18 dikes or roads in a sanitary disposal project or sanitary
19 landfill are exempt from the tonnage fees imposed under this
20 section. However, solid waste disposal facilities under this
21 subsection are subject to the fees imposed pursuant to section
22 455B.105, subsection 117-paragraph-"a". ~~Notwithstanding the~~
23 ~~provisions of section 455B.105, subsection 117-paragraph-"b",~~
24 ~~the~~ The fees collected pursuant to this subsection shall be
25 used by the department for the regulation of these solid waste
26 disposal facilities.

27

EXPLANATION

28 This bill requires the environmental protection commission
29 to codify the special waste authorization program which
30 currently exists and to establish fees to cover the costs
31 incurred by the department of natural resources for
32 administering the special waste authorization program.
33 Currently, a special waste authorization must be obtained from
34 the department prior to disposal of commercial and industrial
35 toxic and hazardous wastes.

1 The bill defines "special waste" to mean waste that is not
2 domestic, office, or commercial waste which by its nature may
3 require special handling or limitations on its disposal.
4 Special waste does not include hazardous wastes which are
5 regulated under the federal Resource Conservation and Recovery
6 Act, 42 U.S.C., § 6921-6934, hazardous wastes as defined in
7 section 455B.411, subsection 3, or hazardous or restricted
8 wastes as compiled in accordance with section 455B.464.

9 In addition, the bill strikes a requirement that all permit
10 fees collected by the department under section 455B.105,
11 subsection 11, be remitted to the state general fund.

12 BACKGROUND STATEMENT

13 SUBMITTED BY THE AGENCY

14 The department of natural resources has proposed rules to
15 relinquish its authority to require that special waste
16 authorizations be issued for commercial and industrial waste
17 prior to its disposal in a landfill. This action would
18 empower the local governments to determine acceptable disposal
19 on their own. This proposal has been rejected by the
20 association representing local solid waste professionals and
21 by the environmental protection commission. As an
22 alternative, the commission recommends the establishment of a
23 fund to provide the necessary resources which would allow the
24 continuation of the current special waste authorization
25 program administered by the department.

26 In addition, the bill strikes a requirement that all permit
27 fees collected by the department under section 455B.105,
28 subsection 11, be remitted to the state general fund.

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SENATE FILE 2300

AN ACT

REQUIRING THE ENVIRONMENTAL PROTECTION COMMISSION TO
CODIFY THE SPECIAL WASTE AUTHORIZATION PROGRAM AND RELAT-
ING TO SOLID WASTE.

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

Section 1. Section 455B.301A, subsection 1, Code 1993, is amended to read as follows:

1. The protection of the health, safety, and welfare of Iowans and the protection of the environment require the safe and sanitary disposal of solid wastes. An effective and efficient solid waste disposal program protects the environment and the public, and provides the most practical and beneficial use of the material and energy values of solid waste. While recognizing the continuing necessity for the existence of landfills, alternative methods of managing solid waste and a reduction in the reliance upon land disposal of solid waste are encouraged. In the promotion of these goals, the following waste management hierarchy in descending order of preference, is established as the solid waste management policy of the state:

a. Volume reduction at the source.

b. Recycling and reuse.

~~c. Combustion with energy recovery and refuse-derived fuel.~~

~~d. Combustion for volume reduction.~~

~~e. Disposal in sanitary landfills.~~

c. Other approved techniques of solid waste management including, but not limited to, combustion with energy recovery, combustion for waste disposal, and disposal in sanitary landfills.

Sec. 2. Section 455B.304, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 18. The commission shall adopt rules to establish a special waste authorization program. For purposes of this subsection, "special waste" means any industrial process waste, pollution control waste, or toxic waste which presents a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous wastes which are regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934, hazardous wastes as defined in section 455B.411, subsection 1, or hazardous wastes included in the list compiled in accordance with section 455B.464.

Sec. 3. Section 455B.305, subsection 6, Code 1993, is amended to read as follows:

6. Beginning July 1, 1992, the director shall not issue a permit for a sanitary landfill unless the sanitary landfill is equipped with a leachate control system. Beginning July 1, 1994, the director shall not renew or reissue a permit for an existing sanitary landfill unless the sanitary landfill is equipped with a leachate control system. During the period from July 1, 1992, through June 30, 1994, the director may

require an existing sanitary landfill to install a leachate control system if leachate from the sanitary landfill is adversely impacting the public health or safety or the environment. During the period from July 1, 1992, through June 30, 1994, the director shall require an existing sanitary landfill to install a leachate control system if the sanitary landfill has not submitted a completed hydrogeological plan to the department. The director may exempt a permit applicant from these requirements if the director determines that certain conditions regarding, but not limited to, existing physical conditions, topography, soil, geology, and climate, are such that a leachate control system is unnecessary. The director may exempt a permit applicant from the requirements of this subsection if the permittee certifies that a risk assessment of the site indicates that a current or potential threat to environmental health does not exist such that an exposed individual has no greater than a one in one million risk of developing cancer and for noncarcinogens a hazard index of less than one. The director shall use the United States environmental protection agency's risk assessment guidance for the superfund as a basis for determining whether to grant the exemption. The exemption in this subsection shall apply only to sanitary landfill cells in existence prior to July 1, 1992, or the vertical expansion above a cell in which waste was deposited prior to July 1, 1992. A sanitary landfill permittee desiring an exemption shall apply to the director and certify a completion date for a risk assessment study by December 1, 1994. If an exemption is not granted, or if the risk assessment study concludes that a leachate control system is required, a permittee shall certify a completion date and increments of progress for the installation of a leachate control system. The department shall retain the discretion to approve or disapprove a risk assessment study or a proposed completion date under this subsection. If a schedule for a risk assessment study or the installation of a

leachate control system is approved by the department and satisfactory progress is being made toward completion of the study or the installation of the leachate control system, the permittee shall not be subject to penalties for failure to meet the requirements of this subsection.

Sec. 4. Section 455D.3, Code 1993, is amended to read as follows:

455D.3 GOAL.

1. YEAR 1994 AND 2000 GOALS. The goal of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, twenty-five percent by July 1, 1994, and 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. ~~in-determination-of-the-reduction-level-of-the-waste-stream, it shall be considered that each person currently generates three-and-one-half-pounds-of-waste-per-day, and that this amount shall be reduced by the percentages indicated in order to preserve the health and safety of all Iowans.~~

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, and which were in operation prior to July 1, 1989, 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 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".

2. PROJECTED WASTE STREAM -- YEAR 2000. A planning area may request the department to allow the planning area to project the planning area's waste stream for the year 2000 for purposes of meeting the year 2000 fifty percent waste volume

reduction and recycling goals required by this section. The department shall make a determination of the eligibility to use this option based upon the annual tonnage of solid waste processed by the planning area and the population density of the area the planning area serves. If the department agrees to allow the planning area to make year 2000 waste stream projections, the planning area shall calculate the year 2000 projections and submit the projections to the department for approval. The planning area shall use data which is current as of July 1, 1994, and shall take into account population, employment, and industrial changes and documented diversions due to existing programs. The planning area shall use the departmental methodology to calculate the tonnage necessary to be diverted from landfills in order to meet the year 2000 fifty percent waste volume reduction and recycling goals required by this section. Once the department approves the year 2000 projections, the projections shall not be changed prior to the year 2001.

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.

If at any time the department determines that a planning area has met or exceeded the twenty-five percent goal, a planning area shall subtract twenty-five cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, paragraph "a". The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated for landfill alternative grants pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (9).

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.

b. If at any time the department determines that a planning area has reduced the amount of materials in the waste stream, existing as of July 1, 1988, by thirty-eight percent, as indicated in a solid waste abatement table submitted by the planning area, the planning area shall subtract twenty-five cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, paragraph "a". This amount shall be in addition to any amounts subtracted pursuant to paragraph "a". The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated for landfill alternative grants pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (9).

c. 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.

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, subsection 2, paragraph "a". This amount shall be in addition to any amounts subtracted pursuant to paragraphs "a" and "b". The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated to landfill alternative grants pursuant to

section 455E.11, subsection 2, paragraph "a", subparagraph (9).

4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning area that fails to meet the twenty-five percent goal shall implement the following solid waste management techniques:

a. Remit fifty cents per ton to the department, as of July 1, 1995. The funds shall be deposited in the solid waste account under section 455E.11, subsection 2, paragraph "a", to be used in accordance with section 455E.11, subsection 2, paragraph "a", subparagraph (9). Moneys under this paragraph shall be remitted until such time as evidence of attainment of the twenty-five percent goal is documented in subsequent comprehensive plans submitted to the department.

b. Notify the public of the planning area's failure to meet the waste volume reduction goals of this section, utilizing standard language developed by the department for that purpose.

c. Develop draft ordinances which shall be used by local governments for establishing collection fees that are based on volume or on the number of containers used for disposal by residents.

d. Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content. The program shall include the following:

(1) Targeted waste reduction and recycling education for residents, including multifamily dwelling complexes having five or more units.

(2) An intensive one day seminar for the commercial sector regarding the benefits of and opportunities for waste reduction and recycling.

(3) Promotion of recycling through targeted community and media events.

(4) Recycling notification and education packets to all new residential, commercial, and institutional collection service customers that include, at a minimum, the manner of preparation of materials for collection, and the reasons for separation of materials for recycling.

Sec. 5. Section 455E.11, subsection 2, paragraph a, subparagraph (9), Code Supplement 1993, is amended to read as follows:

(9) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1990, and thereafter shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs. The first fifty thousand dollars of moneys allocated to the department pursuant to this subparagraph shall be used for administration of the special waste authorization program established pursuant to section 455B.304, subsection 18. Of the remaining moneys, sixty-five thousand dollars shall be allocated to the waste management assistance division of the department to be used for the by-products and waste search service at the university of northern Iowa. The by-products and waste search service at the university of northern Iowa shall cooperate with Iowa state university in waste exchange activities.

Sec. 6. ADDITIONAL POSITION. Notwithstanding the full-time equivalent position limitations in effect for the department of natural resources for fiscal year beginning July 1, 1994, and ending June 30, 1995, the environmental protection division of the department of natural resources may employ one additional full-time equivalent position to administer the special waste authorization program established pursuant to section 455B.304, subsection 18.

Sec. 7. RULES. The commission shall adopt rules to establish a special waste authorization program. The rules shall be effective by December 31, 1994.

Sec. 8. EFFECTIVE DATE. Section 3 of this Act, being deemed of immediate importance, takes effect upon enactment. The remainder of this Act takes effect on July 1, 1994.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2300, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 13, 1994

TERRY E. BRANSTAD
Governor