

FILED MAR 11 1997

SENATE FILE **390**
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 207)

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

A BILL FOR

1 An Act relating to refunds for tonnage fees paid by operators of
2 sanitary landfills.

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

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S.F. 390

1 Section 1. Section 455B.310, Code 1997, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. An operator of a sanitary landfill who
4 is required to pay a tonnage fee under this section shall
5 receive refunds as follows:

6 a. A refund of fifty cents for establishing and operating
7 a curbside recycling program for residences or businesses.

8 b. A refund of twenty-five cents for establishing and
9 operating areas or facilities for a drop-off recycling
10 program.

11 c. A refund of twenty-five cents for establishing and
12 operating regional centers for the collection and disposal of
13 household hazardous material, as defined in section 455F.1.

14 d. A refund of twenty-five cents for establishing and
15 operating an annual toxic cleanup day program for the
16 collection and disposal of household hazardous material, as
17 defined in section 455F.1.

18 e. A refund of twenty-five cents for establishing and
19 operating community communication programs or activities
20 including speakers bureaus, informational brochures, school
21 programs, media relations, and advertising to increase
22 awareness of the methods of waste volume reduction at the
23 source and recycling.

24 f. A refund of twenty-five cents for sanitary landfill
25 operators who have established subtitle D liners as defined in
26 40 C.F.R. pt. 258, subpt. D, and are in compliance with all
27 federal requirements regarding the construction and operation
28 of new sanitary landfills pursuant to 40 C.F.R. pt. 258.

29 g. A refund of twenty-five cents for establishing and
30 operating a community host fee program in which the operator
31 of a sanitary landfill voluntarily pays an annual fee or
32 property tax to the community in which it has located a
33 facility such as a landfill, a composting center, a transfer
34 station, or a regional collection center.

35 h. A refund of ten cents for establishing and operating a

1 program for community cleanup grants which allow communities
2 within the planning area to receive grants for the collection
3 or disposal of waste collected during annual neighborhood
4 cleanup events or partnerships that are aimed at diverting
5 household hazardous material away from landfills.

6 i. A refund of ten cents for establishing and operating a
7 scrap tire program which allows the deposit of scrap tires at
8 a designated location for processing or disposal at a
9 landfill.

10 j. A refund of ten cents for establishing and operating a
11 sharps program for the collection and disposal of used
12 hypodermic needles.

13 EXPLANATION

14 This bill provides for a number of specified refunds on
15 tonnage fees paid by operators of sanitary landfills. Under
16 Code section 455B.310, an operator of a sanitary landfill
17 shall pay a tonnage fee for each ton of solid waste received
18 and disposed of at the sanitary landfill. The bill provides a
19 refund for any of the following activities:

20 1. A refund of 50 cents for establishing and operating a
21 curbside recycling program.

22 2. A refund of 25 cents for establishing and operating a
23 drop-off recycling program.

24 3. A refund of 25 cents for establishing and operating
25 regional centers for the collection and disposal of household
26 hazardous material.

27 4. A refund of 25 cents for establishing and operating a
28 toxic cleanup day program for the collection and disposal of
29 household hazardous material.

30 5. A refund of 25 cents for establishing and operating
31 community communication programs or activities.

32 6. A refund of 25 cents for establishing subtitle D liners
33 and complying with all federal requirements regarding the
34 construction and operation of new sanitary landfills.

35 7. A refund of 25 cents for establishing and operating a

1 community host fee program where the operator of a sanitary
2 landfill voluntarily pays an annual fee or property tax to a
3 community in which it has located a facility like a landfill,
4 composting center, transfer station, or regional collection
5 center.

6 8. A refund of 10 cents for establishing and operating a
7 program for community cleanup grants for the collection or
8 disposal of waste collected during annual neighborhood cleanup
9 events or partnerships that are aimed at diverting household
10 hazardous material away from landfills.

11 9. A refund of 10 cents for establishing and operating a
12 scrap tire program for the collection of scrap tires.

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SENATE FILE 390

S-3716

1 Amend Senate File 390 as follows:

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

4 "Section 1. From July 1, 1997, until December 31,
5 1997, both of the following shall occur:

6 1. Under section 455B.310, subsection 2,
7 unnumbered paragraph 1, Code 1997, one dollar and five
8 cents of the tonnage fee imposed shall be retained by
9 a city, county, or public or private agency, instead
10 of the ninety-five cents currently retained. The
11 additional ten cents retained pursuant to this section
12 shall be used in accordance with section 455B.310,
13 subsection 2, paragraph "b". The reduction in tonnage
14 fees pursuant to this section shall be taken from that
15 portion of the tonnage fees which would have been
16 allocated for funding alternatives to landfills
17 pursuant to section 455E.11, subsection 2, paragraph
18 "a", subparagraph (1).

19 2. Under section 455D.3, subsection 3, paragraph
20 "a", unnumbered paragraph 2, Code 1997, if the
21 department determines that a planning area has met or
22 exceeded the twenty-five percent goal, a planning area
23 shall retain twenty-five cents of the tonnage fee
24 imposed pursuant to section 455B.310, subsection 2, in
25 addition to the current fifty cents subtracted. Moneys
26 subtracted under section 455D.3, subsection 3,
27 paragraph "a", unnumbered paragraph 2, Code 1997, and
28 retained pursuant to this subsection, shall be used
29 for implementing waste reduction and recycling
30 requirements of comprehensive plans filed under
31 section 455B.306. The reduction in tonnage fees
32 pursuant to this section shall be taken from that
33 portion of the tonnage fees which would have been
34 allocated for funding alternatives to landfills
35 pursuant to section 455E.11, subsection 2, paragraph
36 "a", subparagraph (1).

37 Sec. 2. The legislative council is requested to
38 establish an interim committee to meet three times to
39 conduct a comprehensive review of the goals,
40 regulation, reporting, and status of statewide efforts
41 to reduce and recycle solid waste. The review shall
42 include, but not be limited to, an evaluation of the
43 effectiveness of statewide goals for waste stream
44 reduction, incentives, and penalties used to encourage
45 planning areas to meet the waste stream reduction
46 goals, recycling programs, tonnage fees, and programs
47 funded by tonnage fees. The committee shall submit a
48 report of its findings and recommendations to the
49 general assembly by December 15, 1997."

By PATTY JUDGE
MERLIN E. BARTZ

S-3716 FILED APRIL 23, 1997

SENATE FILE 390

S-3501

1 Amend Senate File 390 as follows:

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

4 "Section 1. Section 455B.305A, subsection 1, Code
5 1997, is amended to read as follows:

6 1. Prior to the siting of a proposed, new sanitary
7 landfill, sanitary landfill expansion, incinerator, or
8 infectious medical waste incinerator, a city, county,
9 or private agency, shall submit a request for local
10 siting approval to the city council or county board of
11 supervisors which governs the city or county in which
12 the proposed site is to be located. ~~The requirements~~
13 ~~of this section do not apply to the expansion of an~~
14 ~~existing sanitary landfill owned by a private agency~~
15 ~~which disposes of waste which the agency generates on~~
16 ~~property owned by the agency.~~ The city council or
17 county board of supervisors shall approve or
18 disapprove the site for each sanitary landfill, or
19 incinerator, or infectious medical waste incinerator.

20 Prior to the siting of a proposed new sanitary
21 landfill, sanitary landfill expansion, or incinerator
22 by a private agency disposing of waste which the
23 agency generates on property owned by the agency which
24 is located outside of the city limits and for which no
25 county zoning ordinance exists, the private agency
26 shall cause written notice of the proposal, including
27 the nature of the proposed facility, and the right of
28 the owner to submit a petition for formal siting of
29 the proposed site, to be served either in person or by
30 mail on the owners and residents of all property
31 within two miles in each direction of the proposed
32 local site area. The owners shall be identified based
33 upon the authentic tax records of the county in which
34 the proposed site is to be located. The private
35 agency shall notify the county board of supervisors
36 which governs the county in which the site is to be
37 located of the proposed siting, and certify that
38 notices have been mailed to owners and residents of
39 the impacted area. Written notice shall be published
40 in the official newspaper, as selected by the county
41 board of supervisors pursuant to section 349.1, of the
42 county in which the site is located. The notice shall
43 state the name and address of the applicant, the
44 location of the proposed site, the nature and size of
45 the development, the nature of the activity proposed,
46 the probable life of the proposed activity, and a
47 description of the right of persons to comment on the
48 request. If two hundred fifty or a minimum of twenty
49 percent, whichever is less, of the owners and
50 residents of property notified submit a petition for

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1 formal review to the county board of supervisors or if
2 the county board of supervisors, on the board's own
3 motion, requires formal review of the proposed siting,
4 the private agency proposal is subject to the formal
5 siting procedures established pursuant to this
6 section.

7 Sec. 2. Section 455B.305A, Code 1997, is amended
8 by adding the following new subsections:

9 NEW SUBSECTION. 11. The requirements of this
10 section apply to the expansion of an existing sanitary
11 landfill owned by a private agency which disposes of
12 waste which the agency generates on property owned or
13 leased by the agency on or after July 1, 1996.

14 NEW SUBSECTION. 12. Any permit issued by the
15 department on or after July 1, 1996, for expansion of
16 an existing sanitary landfill owned by a private
17 agency which disposes of waste which the agency
18 generates on property owned or leased by the agency,
19 and which did not comply with the requirements of this
20 section before obtaining a permit shall be null and
21 void. A private agency may reapply for a permit for
22 expansion of an existing sanitary landfill in
23 accordance with the provisions of this section.

24 Sec. 3. From July 1, 1997, until December 31,
25 1997, both of the following shall occur:

26 1. Under section 455B.310, subsection 2,
27 unnumbered paragraph 1, Code 1997, one dollar and five
28 cents of the tonnage fee imposed shall be retained by
29 a city, county, or public or private agency, instead
30 of the ninety-five cents currently retained. The
31 additional ten cents retained pursuant to this section
32 shall be used in accordance with section 455B.310,
33 subsection 2, paragraph "b". The reduction in tonnage
34 fees pursuant to this section shall be taken from that
35 portion of the tonnage fees which would have been
36 allocated for funding alternatives to landfills
37 pursuant to section 455E.11, subsection 2, paragraph
38 "a", subparagraph (1).

39 2. Under section 455D.3, subsection 3, paragraph
40 "a", unnumbered paragraph 2, Code 1997, if the
41 department determines that a planning area has met or
42 exceeded the twenty-five percent goal, a planning area
43 shall retain twenty-five cents of the tonnage fee
44 imposed pursuant to section 455B.310, subsection 2, in
45 addition to the current fifty cents subtracted. Moneys
46 subtracted under section 455D.3, subsection 3,
47 paragraph "a", unnumbered paragraph 2, Code 1997, and
48 retained pursuant to this subsection, shall be used
49 for implementing waste reduction and recycling
50 requirements of comprehensive plans filed under

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1 section 455B.306. The reduction in tonnage fees
2 pursuant to this section shall be taken from that
3 portion of the tonnage fees which would have been
4 allocated for funding alternatives to landfills
5 pursuant to section 455E.11, subsection 2, paragraph
6 "a", subparagraph (1).

7 Sec. 4. The legislative council is requested to
8 establish an interim committee to meet three times to
9 conduct a comprehensive review of the goals,
10 regulation, reporting, and status of statewide efforts
11 to reduce and recycle solid waste. The review shall
12 include, but not be limited to, an evaluation of the
13 effectiveness of statewide goals for waste stream
14 reduction, incentives, and penalties used to encourage
15 planning areas to meet the waste stream reduction
16 goals, recycling programs, tonnage fees, and programs
17 funded by tonnage fees. The committee shall submit a
18 report of its findings and recommendations to the
19 general assembly by December 15, 1997.

20 Sec. 5. Sections 1 and 2 of this Act apply
21 retroactively to July 1, 1996, with respect to the
22 expansion of an existing sanitary landfill owned by a
23 private agency."

24 2. Title page, line 2, by inserting after the
25 words "landfills and" the following: ", the
26 regulation of sanitary landfills, and including a
27 retroactive applicability provision".

28 3. By renumbering as necessary.

By PATTY JUDGE
MERLIN E. BARTZ

S-3501 FILED APRIL 14, 1997

**SENATE FILE 390
REVISED
FISCAL NOTE**

A fiscal note for Senate File 390, as amended by S-3501, is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 390, as amended by S-3501, provides for new provisions for landfill expansion, some specified refunds on tonnage fees paid by operators of sanitary landfills, and a request for establishment of an interim committee.

BACKGROUND

Iowa law currently provides for a \$4.25 tonnage fee. Of this amount, all landfills retain \$0.95 for implementing environmental protection and waste reduction and recycling activities, resulting in \$3.30 being submitted to the State. In addition, landfills which have met the State's 25.0% reduction goal also retain an additional \$0.50, resulting in \$2.80 being submitted to the State.

ASSUMPTIONS

1. Total landfill tonnage is 2,361,000 tons.
2. Total landfill tonnage for landfills which met the 25% reduction goal is 1,982,000 tons.
3. Additional reduction in the tonnage fee of \$0.10 per ton.
4. Additional reduction in the tonnage fee of \$0.25 per ton for landfills which met the 25% reduction goal.
5. The Landfill Alternatives Financial Assistance Program FY 1996 allocation was \$3,071,000.
6. The tonnage fee reductions are for the first six months of FY 1998.

FISCAL IMPACT

The estimated fiscal impact of Senate File 390 as amended by S-3501 would be a decrease of \$365,900 to the Landfill Alternatives Financial Assistance Program allocation from the Solid Waste Management Account of the Groundwater Protection Fund in FY 1998. The decrease would result in an allocation to the Landfill Alternatives Financial Assistance Program of approximately \$2.7 million in FY 1998.

Additionally, the Landfill Alternatives Financial Assistance Program has made some zero interest loans which currently are expected to have repayments of approximately \$355,000 in FY 1998.

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SOURCE

Department of Natural Resources

(LSB 2096SV.3, AMF)

FILED APRIL 16, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

A fiscal note for Senate File 390 as amended by S-3501 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 390 as amended by S-3501 provides for new provisions for landfill expansion, some specified refunds on tonnage fees paid by operators of sanitary landfills, and a request for establishment of an interim committee.

BACKGROUND

Iowa law currently provides for a \$4.25 tonnage fee. Of this amount, all landfills retain \$0.95 for implementing environmental protection and waste reduction and recycling activities, resulting in \$3.30 being submitted to the State. In addition, landfills which have met the State's 25.0% reduction goal also retain an additional \$0.50, resulting in \$2.80 being submitted to the State.

ASSUMPTIONS

1. Total landfill tonnage is 2,360,704 tons.
2. Total landfill tonnage for landfills which met the 25% reduction goal is 1,982,458 tons.
3. Additional reduction in the tonnage fee of \$0.10 per ton.
4. Additional reduction in the tonnage fee of \$0.25 per ton for landfills which met the 25% reduction goal.
5. The Landfill Alternatives Financial Assistance Program FY 1996 allocation was \$3,071,000.

FISCAL IMPACT

The estimated fiscal impact of Senate File 390 as amended by S-3501 would be a decrease of \$731,700 to the Landfill Alternatives Financial Assistance Program allocation from the Solid Waste Management Account of the Groundwater Protection Fund in FY 1998. The decrease would result in an allocation to the Landfill Alternatives Financial Assistance Program of approximately \$2.3 million in FY 1998.

Additionally, the Landfill Alternatives Financial Assistance Program has made some zero interest loans which currently are expected to have repayments of approximately \$355,000 in FY 1998. There is no loan repayment estimate at this time for subsequent fiscal years.

SOURCE

Department of Natural Resources

(LSB 2096SV.2, AMF)

SENATE FILE 390
FISCAL NOTE

A fiscal note for Senate File 390 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 390 provides for a number of specified refunds on tonnage fees paid by operators of sanitary landfills.

BACKGROUND

Iowa law currently provides for a \$4.25 tonnage fee. Of this amount, all landfills retain \$0.95 for implementing environmental protection and waste reduction and recycling activities, resulting in \$3.30 being submitted to the State. In addition, landfills which have met the State's 25.0% reduction goal also retain an additional \$0.50, resulting in \$2.80 being submitted to the State.

ASSUMPTIONS

1. All solid waste accounts, which currently support eight statewide programs, would have an across-the-board cut of 27.0%. However, the Bill does not specify how the breakdown referred to in Section 455E.11, Code of Iowa, should be handled when refunds in the Bill are given.
2. The establishment of a program is all that is required to receive a tonnage fee refund.
3. Landfills are assumed to be eligible to receive \$1.95 out of the possible \$2.30 refunds in the Bill.
4. Current programs are intended to be funded by the remaining \$0.85, which would be available after the proposed tonnage fee refunds are refunded to the landfills.
5. Total amount of solid waste tons eligible for a refund is 900,000 tons.

FISCAL IMPACT

The estimated fiscal impact of Senate File 390 would be a decrease of \$1,725,000 from the Solid Waste Account of the Groundwater Protection Fund. Following are tables to show the breakdown.

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Fiscal Year 1998
(dollars in thousands)

	Current Law	Proposed Law	Increase (Decrease)
Solid Waste Adm	\$ 1,530	\$ 1,115	\$ (415)
Dept. of Health	8	8	0
IA Waste Reduction Ctr	513	374	(138)
LAFAs Program	3,071	2,211	(860)
Special Waste Author	50	50	0
IA Wst Exchg-LAFAs	65	65	0
IA Wst Exchg	208	152	(56)
Reg Collect Ctr	304	222	(82)
Reg Coll Ctr Sup	96	70	(26)
Toxic Clean Days	272	199	(74)
DED Recycle Dev	96	70	(26)
Wst Reduc Prog	176	129	(48)
Total	<u>\$ 6,390</u>	<u>\$ 4,666</u>	<u>(\$1,725)</u>
FTEs	<u>70.8</u>	<u>51.9</u>	<u>(18.9)</u>

The long-range impact of the Bill would be reductions in non-regulatory services currently provided by the Department of Natural Resources. The Bill would result in limiting the ability of the Department of Natural Resources to provide timely and effective review and issuance of solid waste permits to local landfills and environmental inspections.

Under current law, \$0.95 of the \$4.25 tonnage fee stays at the local level resulting in \$3.30 being submitted to the State. However, for the 37 of 50 planning areas which met the 25% reduction goal, they retain an additional \$0.50 at the local level, resulting in \$2.80 being submitted to the State. The proposed Bill allows up to \$2.30 in refunds to the local level which would result in the State receiving a \$0.50 tonnage fee to carry out statewide programs. Furthermore, if planning areas meet the 50% reduction goal for the year 2000, the local areas could retain an additional \$0.50 resulting in the potential of no money being submitted to the State for carrying out statewide programs and legislative mandates.

SOURCE

Department of Natural Resources

(LSB 2096SV, AMF)

FILED MARCH 25, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

Judge, Chair
Delaney
Lehberg

SSB 207
Natural Resources
Succeeded By
SF HF 390

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON BARTZ)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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A BILL FOR

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24 f. A refund of twenty-five cents for sanitary landfill
25 operators who have established subtitle D liners as defined in
26 40 C.F.R. pt. 258, subpt. D, and are in compliance with all
27 federal requirements regarding the construction and operation
28 of new sanitary landfills pursuant to 40 C.F.R. pt. 258.

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