

CHAPTER 455J

ENVIRONMENTAL MANAGEMENT SYSTEMS

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455J.1 Environmental management systems — legislative findings — purpose.

1. The purpose of [this chapter](#) is to encourage responsible environmental management and solid waste disposal and to enhance efforts to promote environmental stewardship.

2. The general assembly finds and declares all of the following:

a. The policy of responsible environmental management can be furthered by rewarding solid waste planning and service areas that operate in an innovative, cost-effective, technologically advanced, and environmentally sensitive manner.

b. Responsible environmental management can also be furthered by changing the focus of solid waste disposal projects from disposal management to environmental resource management.

c. The concept of environmental stewardship embraces every aspect of the environmental footprint created by the management and disposal of solid waste.

d. Environmental management systems mitigate the climate change impacts of solid waste disposal by reducing the amount of greenhouse gases released into the atmosphere. In addition, environmental management systems improve water quality by limiting and treating the impacts of leachate disposal and by providing positive examples of sustainable water resource management.

e. The goal of managing resources in a sustainable manner is to increase the benefits to communities and society for the present and for the future.

[2008 Acts, ch 1109, §4](#); [2017 Acts, ch 45, §3](#)

Referred to in [§455J.7](#)

Subsection 2, paragraph a amended

455J.2 Definitions.

For purposes of [this chapter](#):

1. “*Commission*” means the environmental protection commission.
2. “*Department*” means the department of natural resources.
3. “*Director*” means the director of the department of natural resources.
4. “*Environmental management system*” or “*system*” means a solid waste planning or service area which has been designated as an environmental management system pursuant to [section 455J.7](#). “*Environmental management system*” includes a planning or service area designated as an environmental management system that is providing multiple environmental services in addition to solid waste disposal and that is planning for the continuous improvement of solid waste management by appropriately and aggressively mitigating the environmental impacts of solid waste disposal.

[2008 Acts, ch 1109, §5](#); [2017 Acts, ch 45, §4, 5](#)

Subsection 2 stricken and former subsections 3 and 4 renumbered as 2 and 3

Former subsection 5 amended and renumbered as 4

455J.3 Environmental management system designation requirements.

To qualify for designation as an environmental management system pursuant to [section 455J.7](#), a solid waste planning or service area shall actively pursue all of the following:

1. *Organics waste management*. Provide for the operation of an organics waste management program or provide support to another party to do so.

2. *Hazardous household materials collection*. Provide for the proper management and disposal of hazardous household materials by operating a regional collection center or

participating in a regional collection center network. The regional collection center shall provide for the collection and disposal of hazardous household materials, including but not limited to paint, pesticides, batteries, automotive products, sharps, needles and syringes, and pool chemicals. The regional collection center shall encourage the reuse of any materials for which reuse is possible and may educate households on the use of safer alternatives through efforts designed to increase public participation and to increase the participation of local government entities not currently in a network. Regional collection centers may also provide for the assessment of current educational programs by examining changes in consumer behavior.

3. *Water quality improvement.* Provide for a water quality improvement program within the system's planning or service area. Such a program may include offering educational programs, sponsoring awareness initiatives, providing for cleanup activities such as the cleanup of illegal dumping areas, and otherwise promoting responsible environmental behavior.

4. *Greenhouse gas reduction.* Implement a greenhouse gas reduction program designed to prevent the release of greenhouse gases into the atmosphere. Such a program may include but is not limited to the following activities:

a. Generating electricity or producing other fuels through the collection of landfill gas, such as a methane gas recovery or minimization system.

b. Collecting and managing food and other organic waste from households and from industrial and commercial establishments, or attempting to recover energy from the reuse of biomass.

c. Implementing programs that encourage the efficient use of energy and promote the use of renewable fuels.

d. Discouraging the uncontrolled burning of solid waste and yard waste.

e. Setting recycling goals to measure energy savings and quantify the level of success of greenhouse gas mitigation efforts.

f. Collection and recycling services targeted at waste generated by industrial and commercial facilities such as cardboard, paper, construction, and demolition waste.

5. *Recycling services.*

a. Offer recycling services for paper, glass, metal, and plastics within the communities served. In addition to offering recycling of paper, metal, glass, and plastics, a solid waste planning or service area may also offer recycling services for electronic waste, white goods, and tires.

b. Recycling services may also be targeted at waste generated by industrial and commercial facilities such as cardboard, paper, construction, and demolition waste.

c. Recycling services offered in an effort to meet the goals of [this subsection](#) may be provided through drop-off sites or through curbside recycling programs operated in conjunction with solid waste collection.

6. *Environmental education.* Plan and implement programs educating the public on environmental stewardship. These programs may include components designed to prevent illegal dumping, reduce greenhouse gas emissions, improve water quality, reduce waste generation, increase recycling and reuse, or any other environmental objective that furthers the purpose and goals of [this chapter](#).

2008 Acts, ch 1109, §6; 2017 Acts, ch 45, §6

Referred to in §455E.11, 455J.4, 455J.7
Section amended

455J.4 Annual compliance reports.

1. On September 1 each year, each environmental management system shall submit to the department an annual report. The report shall document the system's compliance with the requirements of [section 455J.3](#).

2. The department shall adopt by rule methods and criteria for determining whether a system is in compliance with the provisions of [this chapter](#). In adopting methods and criteria, the department shall consult with stakeholders in order to develop reasonable and appropriate criteria. In determining whether a system is in compliance with the provisions of

[this chapter](#), the department shall evaluate whether a system is making continuing progress in regard to the requirements of [section 455J.3](#).

[2008 Acts, ch 1109, §7](#); [2017 Acts, ch 45, §7](#)

Subsection 1 amended

455J.5 Incentives.

1. A solid waste planning or service area designated as an environmental management system pursuant to [section 455J.7](#) shall qualify for all of the following:

a. An exemption from solid waste reduction goals imposed on solid waste planning or service areas pursuant to [section 455D.3](#).

b. A reduced tonnage fee of three dollars and sixty-five cents per ton, to be imposed as provided in [section 455B.310](#), notwithstanding [section 455B.310, subsection 2](#), of which two dollars and ten cents shall be remitted to the department.

c. Financial assistance as approved by the commission pursuant to [section 455J.7](#).

2. Notwithstanding any other provision of law to the contrary, in addition to the incentives in [subsection 1](#), a solid waste planning or service area designated as an environmental management system is exempt from filing its comprehensive plan.

[2008 Acts, ch 1109, §8](#); [2017 Acts, ch 45, §8](#)

Referred to in [§455B.310](#)

Section amended

455J.6 Solid waste alternatives program advisory council. Repealed by 2017 Acts, ch 45, §10.

455J.7 Designation of environmental management systems.

1. *Consideration of plans.* The department shall consider solid waste management plans submitted by solid waste planning or service areas and make recommendations for designation as an environmental management system to the commission. All system designations recommended by the department are subject to approval by the commission. Any solid waste planning or service area may submit a plan to the department and seek designation as a system.

a. By October 1 each year, the department may recommend the designation of any additional planning or service areas as systems, provided those areas meet the requirements of [section 455J.3](#).

b. In recommending the designation of a planning or service area as a system, the department shall make a determination as to whether the area meets the requirements of [section 455J.3](#). The department shall not recommend the designation of a planning or service area as a system unless the planning or service area meets the requirements of [section 455J.3](#).

c. The commission shall consider the plans submitted to the department and shall review the department's recommendations on those plans. The commission shall approve or reject each plan and shall make publicly available its reasons for doing so.

2. System review.

a. By January 1 each year, the department shall review the annual reports of all designated systems and determine whether those systems remain in compliance with [section 455J.3](#). If the department determines that a planning or service area is no longer in compliance, the department may recommend to the commission the revocation of the planning or service area's system designation.

b. The department may review and monitor the progress of those planning or service areas that have not been designated as a system and shall coordinate with other statewide boards, task forces, and other entities in order to achieve the goals and objectives of [this chapter](#).

3. Allocation of funds.

a. The department shall recommend to the commission a reasonable allocation of the moneys provided in [section 455E.11, subsection 2](#), paragraph "a", subparagraph (1), subparagraph division (c), to eligible systems. In making its recommendation as to the allocation of moneys, the department shall adopt and use a set of reasonable criteria. The

criteria shall conform to the goals and purposes of [this chapter](#) as described in [section 455J.1](#) and shall be approved by the commission.

b. Notwithstanding any other provision of law to the contrary, the commission shall make a final allocation of the funds described in [section 455E.11, subsection 2](#), paragraph “a”, subparagraph (1), subparagraph division (c), to systems meeting the requirements of [this chapter](#).

c. Moneys allocated pursuant to [this subsection](#) shall be used by systems to further compliance with any of the requirements of [this chapter](#).

4. The department shall prepare an annual report citing the results and costs of the program for submittal to the commission by January 1, 2018, and by January 1 each year thereafter.

[2008 Acts, ch 1109, §10; 2009 Acts, ch 41, §263; 2017 Acts, ch 45, §9](#)

Referred to in [§455D.3, 455E.11, 455J.2, 455J.3, 455J.5](#)

Section amended