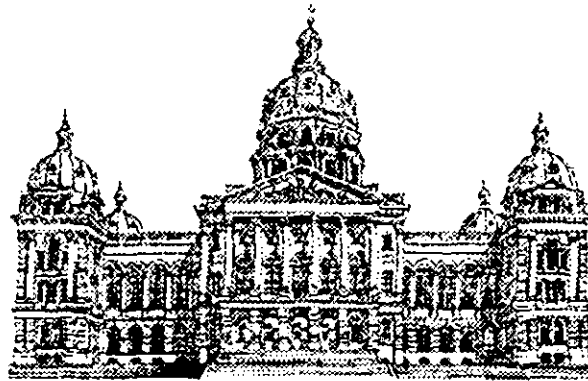


FINAL REPORT

**SOLID WASTE FEES AND INCENTIVES
STUDY COMMITTEE**



Presented to the
LEGISLATIVE COUNCIL
and the
IOWA GENERAL ASSEMBLY
February 1998

Prepared by the
LEGISLATIVE SERVICE BUREAU



Legislative
Service
Bureau

FINAL REPORT

Solid Waste Fees and Incentives Study Committee

February 1998

MEMBERS

Senator Mary Lou Freeman,
Co-chairperson
Senator Patty Judge
Senator Wilmer Rensink

Representative Ralph Klemme,
Co-chairperson
Representative Geri Huser
Representative Henry Rayhons

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AUTHORIZATION AND APPOINTMENT

The Solid Waste Fees and Incentives Study Committee was established by the Legislative Council for the 1997 Interim and provided the following charge: "Conduct a comprehensive review of the goals, regulation, reporting, and status of statewide efforts to reduce and recycle solid waste. Evaluate the effectiveness of the statewide goals for waste stream reduction, incentives and penalties used to encourage planning areas to meet the goals. Review recycling programs, tonnage fees, and the programs funded by tonnage fees."



Solid Waste Fees and Incentives Study Committee

1. Overview.

The *Solid Waste Fees and Incentives Study Committee* was established following the 1997 Session of the General Assembly during which queries were made and concerns were raised regarding the status of local solid waste planning areas in reaching the solid waste reduction goals and the planning areas abilities to reach these goals.

Iowa Code Chapter 455D provides waste stream reduction goals for the state for the years 1994 and 2000. The baseline for these reduction goals is the waste stream as it existed on July 1, 1998. The waste stream reduction goals are stated in terms of goals for the local planning areas in the state. The goal for the state is to reduce the amount of materials in the waste stream by 25 percent by July 1, 1994, and by 50 percent by July 1, 2000.

When waste is unloaded at a sanitary landfill, a tipping fee is charged to the waste hauler by the sanitary landfill, which is usually stated in dollars per ton. A tonnage fee is included as part of the tipping fee established by a sanitary landfill. Tonnage fees are fees paid to the Department of Natural Resources by the operator of a sanitary landfill for each ton or equivalent volume of solid waste received and disposed of at the sanitary landfill. The tonnage fees are deposited in the Solid Waste Account of the Groundwater Protection Fund.

Currently, the tonnage fee is \$4.25 per ton of solid waste. Of this fee, 95 cents is retained by the local government or landfill with the remainder being remitted to the department. If, at any time, the department determines a planning area has met or exceeded the 25 percent goal, the planning area must reduce the \$4.25 tonnage fee by 50 cents. If, at any time, the department determines a planning area has met or exceeded the 50 percent goal, the planning area must reduce the tonnage fee by 50 cents, which is in addition to the 50 cent reduction for attaining the 25 percent goal. Both reductions in the tonnage fee are taken from the portion of the tonnage fees which would have been allocated to fund alternatives to landfills pursuant to Iowa Code section 455E.11, subsection 2, paragraph "a", subparagraph (1).

Information provided by the department indicates that, as of September 23, 1997, 38 of the 50 planning areas had achieved the 25 percent waste stream reduction level and two planning areas had already achieved the 50 percent reduction level. The reduction level for the entire state was 33 percent.

2. Committee Proceedings.

The *Solid Waste Fees and Incentives Study Committee* met on September 23, 1997, and November 14, 1997, in order to receive testimony and make recommendations.

Solid Waste Fees and Incentives Study Committee



a. **First Meeting.** The first meeting of the Solid Waste Fees and Incentives Study Committee was held on September 23, 1997, in the Supreme Court Chamber of the State Capitol Building, Des Moines, Iowa. The testimony received by the Study Committee is summarized as follows:

(1) *Recycle Iowa.* Ms. Leisha Barcus, Director, Recycle Iowa, discussed the goals and objectives of Recycle Iowa, a cooperative effort between the Iowa Department of Economic Development and the Iowa Department of Natural Resources. Recycle Iowa's goal is to assist in diverting waste from Iowa's landfills and to create positive economic activity in Iowa. Recycle Iowa's targeted customers include the state, its businesses, and local communities.

Program objectives listed by Ms. Barcus included the following:

- Serving as the state's primary source of recycling information, education, and coordination; and comprehensively setting priorities and achieving objectives.
- Establishing a uniform data collection process to target and prioritize industry recruitment, waste diversion, and manufacturing capacity improvement efforts.
- Implementing an integrated information management system for the standardization of data.
- Providing leadership and infrastructure for the purchase and use of recycled materials.
- Administering the Iowa Buy Recycled Business Alliance, a program to get recycled materials out to consumers.
- Providing leadership to the Iowa Waste Exchange.
- Increasing the number of recycling industries in Iowa.
- Advancing information and assistance on new manufacturing technologies and processes.
- Assuring that state and local policies, regulations, and economic incentives encourage market expansion and support state goals.

(2) *Department of Natural Resources.* Ms. Teresa Hay, Administrator, and Mr. Garth Frable, Program Planner, Waste Management Assistance Division, Department of Natural Resources, provided the Study Committee with information regarding landfill tonnage fees, waste stream reduction goals, usage of landfill tonnage fees, cross-border migration of waste, public education efforts, waste tires, the system of penalties and incentives for achieving the waste stream reduction goals, and how moneys received by the department from tonnage fees are distributed and used.



Solid Waste Fees and Incentives Study Committee

(3) Iowa Waste Reduction Center. Mr. John Konefes, Director, Iowa Waste Reduction Center, described the center's activities. Mr. Konefes stated the mission of the center is to assist Iowa's small businesses to meet environmental regulations through prevention or reduction. He also stated the center focuses on applied research projects that find solutions for small businesses and conducts workshops to communicate those solutions. Services provided to small businesses are free and confidential.

(4) Solid Waste Operators. Three solid waste operators provided testimony to the Study Committee regarding their local landfill agencies and suggestions for changing the solid waste fees and incentives system.

Mr. Pete Duffy, Director, South Central Iowa Solid Waste Agency, expressed his concern that his agency may be economically moved to cease recycling efforts and, instead, pay the 50 cent penalty fee for failing to reach waste stream reduction goals. He suggested that the fees for failing to meet waste stream reduction goals should be eliminated and the state should implement programs to remove recycling products from the waste stream.

Mr. Randy Hartmann, Solid Waste Program Director, Great River Regional Waste Authority, stated that the landfill industry has been in the process of consolidating, which has made it difficult for small landfills to remain competitive. Mr. Hartmann suggested tonnage fees should be lowered so that they are competitive with those in Illinois and Missouri, and suggested the state should reconsider whether the 50 percent waste stream reduction goal is necessary.

Mr. Thomas Hadden, Executive Director, Metro Waste Authority, told the Study Committee that his agency is losing business due to the loss of flow control and his agency will have difficulty reaching the 50 percent waste stream reduction goal. He stated that his agency may have to begin charging residents a fee to support the recycling programs already in place.

(5) Iowa Recycling Association. Mr. Ron Bingham, Weyerhaeuser Company and member of the Iowa Recycling Association, identified the Iowa Recycling Association as a nonprofit association interested in promoting recycling activities in Iowa. The association gives members a forum for learning about recycling and waste reduction issues, affecting recycling efforts in the community and workplace, and accessing and sharing resources and information. The goal of the association is to educate members, the public, private business, and legislators on available recycling and on current program expansion needs.

(6) Private Recycling. Mr. John Ockenfels, President, City Carton Company, Inc., described his company as the largest independently owned and operated recycling company in the state, processing and marketing in excess of

Solid Waste Fees and Incentives Study Committee



160,000 tons per year of paper, tin, steel, glass, plastic, and fuel cubes. Mr. Ockenfels expressed his concern about the specter of government involvement and assistance versus competition with private enterprise services. He also expressed concern over landfill agencies that cover their costs of meeting the state's goals by competing directly with private companies to purchase and resell processed recyclable commodities. He encouraged the Study Committee to consider finding ways to fund and promote programs that enhance market development as a method for diverting recyclable material from landfills.

(7) Oil Filter Recycling. Mr. R. J. Baker, Executive Director, Cherokee Area Economic Development Corporation, Inc., appeared on behalf of oil recycling interests located in the Cherokee, Iowa, area. He provided the Study Committee with information relating to a motor vehicle oil filter recycling demonstration project conducted by the University of Northern Iowa which found that 6.6 million used motor vehicle oil filters are discarded annually in this state, leaching as much as 400,000 gallons of used oil into landfills. The study recommended that oil filters be banned from landfills and recycled. It also recommended documentation guaranteeing to consumers and vendors that the filters have been recycled. The interests Mr. Baker represents are investigating the purchase of a new continuous flow oven that bakes oil filters, removing 100 percent of the oil.

(8) Incontinence Products. Ms. Pam Berg and Ms. Karla Christensen, Mulberry Creek's Brief Encounters Service, described their business, which specializes in the rental of incontinent products to nursing homes, institutions and homebound individuals, and provides assessment, support, and training services to its customers.

b. Second Meeting. The second meeting of the Solid Waste Fees and Incentives Study Committee was held on November 14, 1997, in the Supreme Court Chamber of the State Capitol Building, Des Moines, Iowa. The testimony received by the Study Committee is summarized as follows:

(1) Solid Waste Operator. Mr. David Honkomp, Manager, Northwest Iowa Solid Waste Agency, noted that fees currently supporting activities by the Department of Natural Resources are needed by the local solid waste agencies to fund mandated programs. He questioned the cost-effectiveness of current solid waste disposal regulations; the need for department loans since local banks issue loans; the 25 percent waste stream reduction recycling goal; duplication in department programs; and whether the department is using its funding appropriately. Mr. Honkomp suggested the waste abatement table should be based on programs in effect in a planning area, not on a percentage of reduction; a 10-year site permit should be issued, to be amended as needed; comprehensive plans should be filed once or not at all; and that tonnage fees be referred to as taxes.



Solid Waste Fees and Incentives Study Committee

(2) Unit Based Pricing and Competition. Mr. Don Cell, Professor of Economics, Cornell College, provided the Study Committee with information regarding unit based pricing and competition between public and private sectors. Unit based pricing is an alternative pricing system where residents pay a price per container for the disposal of their trash, giving residents a clear incentive to use recycling to reduce the amount of trash generated.

Professor Cell noted that public and private sector landfills will have to compete in Iowa, and, in his opinion, state policy should not handicap their ability to do so, nor should the state protect the public sector landfills from competition.

Professor Cell recommended the state fund statewide workshops to explain to communities the mechanics of unit based pricing; shift the financing of recycling activities that do not have significant economies of scale from the public landfill to local communities; avoid handicapping transfer stations which may often have to pay a fee to landfills in an adjacent state; phase out the state tonnage fee and shift funding of worthy activities to the State General Fund; and replace landfill diversion goals with incentives based on unit based pricing and landfill fees that reflect but do not exceed full social costs.

(3) Local Viewpoint. Mr. Greg Fritz, Administrator for the City of Pocahontas and a representative on the Pocahontas County Solid Waste Commission, provided written testimony to the Study Committee which expressed concern about how penalties for the failure to reach waste stream reduction goals are assessed. He cited as unfair the practice of requiring all entities in a planning area to share in the payment of penalty tonnage fees when one or more of the entities has met the waste stream reduction goals and would not otherwise be required to pay a tonnage fee penalty.

(4) Motion on Waste Stream Reduction Penalties. Co-chairperson Senator Freeman moved the elimination of the 50 cent penalty for entities that have not reached the 25 percent waste stream reduction goal. The motion failed. Co-chairperson Representative Klemme requested the Department of Natural Resources to review all planning areas that have not reached the 25 percent waste stream reduction recycling goal and reevaluate the baselines of those planning areas.

(5) Waste Management Monitoring Committee. Ms. Kristie Hirschman, Facilitator for the Waste Management Monitoring Committee (WMMC), and Mr. Michael (Mick) Barry, a member of the WMMC, an ad hoc group consisting of participants from state and local government, solid waste planning agencies, and business industry. Mr. Barry provided information on the nine recommendations included in the WMMC's report titled "Protecting Iowa's Environment and Fostering Iowa's Economy." These recommendations included:

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- Enable the planning areas with an approved, updated, subsequent solid waste comprehensive plan to reduce their tonnage fees currently remitted to Landfill Alternatives Financial Assistance (LAFA) Program.
- Appropriate funding for LAFA by either appropriating \$6.75 million from the General Fund for LAFA or dedicate the revenue collected from the existing tax on the "sales, furnishing or service of nonresidential solid waste collection and disposal service" for LAFA.
- Provide two years' operational support for the Recycle Iowa office and a waste reduction and recycling education coordinator.
- Expand the tonnage fee to transfer stations. The fee would be applied to waste received by all transfer stations in the state. However, if the waste remains within the state, it would not be taxed at both the transfer station and the landfill.
- Eliminate fee-exempt status on construction and demolition waste.
- Require the Environmental Protection Division to determine a permitting fee schedule for the administration of permits to tonnage fee-exempt foundry sand and coal combustion residue disposal sites.
- Request the Department of Natural Resources to evaluate design standards and criteria for nonmunicipal solid waste landfills.
- Establish a "green ribbon committee" to address strategic issues of environmental protection, economic competitiveness, and program sustainability as they relate to the management of solid waste.
- Reiterate support of the 50 percent goal as a permanent ongoing goal to progress toward sustainable environmental protection.

3. Recommendations.

The Study Committee adopted the following recommendations:

◆ That the amount of the tonnage fee that a planning area may retain be increased in order to fund waste reduction and recycling activities in the planning area, with the intent that resulting tonnage fees remitted to the Department of Natural Resources are to fund grants and special projects prior to funding LAFA. The additional amount a planning area could retain under this recommendation would incrementally increase to \$1 per year over four years (25 cents in FY 1999, 50 cents in FY 2000, 75 cents in FY 2001, and \$1 in FY 2002).

◆ That the fee-exempt status on construction and demolition waste be eliminated. Facilities that have applied to the Department of Natural Resources for the exemption by December 1, 1997, would receive the exemption until June 30, 2001, or for the life of the designated area, whichever is shorter.



Solid Waste Fees and Incentives Study Committee

◆ That support for the 50 percent waste stream reduction goal be reiterated as a permanent ongoing goal.

4. Materials on File in the Legislative Service Bureau.

a. Ms. Leisha Barcus filed a folder containing the following:

- ◇ A brochure titled, "In the Eyes of the Consumer You Are What You Buy."
- ◇ A historic overview of Recycle Iowa.
- ◇ An executive summary for "Recycling and Economic Development: Survey of Current Programs and Policy Recommendations."
- ◇ "Iowa Economic Impacts of Recycling Study: Summary of Findings," a fact sheet published by Recycle Iowa.
- ◇ "Iowa Waste Exchange," a fact sheet published by the Iowa Waste Reduction Center.
- ◇ "Iowa Waste Exchange Contacts," a fact sheet published by the Iowa Waste Reduction Center.
- ◇ "Iowa BusinessSphere," Volume 6, No. 2, and Volume 7, No. 3, published by the Iowa Department of Economic Development.

b. Ms. Teresa Hay filed the following:

- ◇ Fact sheets regarding Iowa Code section 455D.3, subsection 1, Goal Progress Measurement, the Waste Abatement Table, the Base-year Adjustment Method, the Base-year Adjustment Worksheet for the Ottumwa-Wapello County Solid Waste Commission Planning Area, the Distribution of State Tonnage Fees - FY 1997.
- ◇ An excerpt from the Planning Handbook for Preparing Subsequent Solid Waste Comprehensive Plans, Comprehensive Planning Areas' Goal Progress Status 9/23/97, and a breakdown of the Solid Waste Account using estimated 1998 receipts.
- ◇ "Iowa Recycled Product Directory," published by Recycle Iowa.

c. Mr. John L. Konefes filed the following:

- ◇ Two fact sheets -- "On-site Assistance in House Districts 4, 16, and 66" and "Iowa Waste Reduction Center -- Number of Detailed Assistance per County."

d. Mr. Pete Duffy filed the following:

- ◇ A print copy of his testimony.

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- ◇ The results of the South Central Iowa Solid Waste Agency's Residential Recycling Survey.
- ◇ Fact sheets containing data on municipal and total solid waste tonnage for FY '96 and FY '97.
- e. Mr. Randy Hartmann filed the following:**
 - ◇ A print copy of his testimony.
 - ◇ A brochure titled "Waste Management Fee: Business Briefing."
- f. Mr. Thomas Hadden filed the following:**
 - ◇ Metro Waste Authority Annual Report 1996.
 - ◇ Fact sheets containing data about the Metro Waste Authority, its infrastructure, and services.
 - ◇ "Curb It! Recycling Program Fact Sheet -- September 1997."
 - ◇ "Curb It! Survey: Potential Questions Residents May Ask."
- g. Mr. Ron Bingham filed the following:**
 - ◇ An outline of his testimony.
 - ◇ Information sheets regarding the ISOSWO/IRA Annual Fall Conference.
 - ◇ A copy of the Iowa Recycling Association's September 1997 newsletter.
- h. Mr. John Ockenfels filed a folder containing the following:**
 - ◇ Brochures titled, "A Residential Guide to Recycling in Johnson County," "Recycling Nonferrous Scrap Metals," and "Recycling Plastics."
 - ◇ A newsletter titled, "Phoenix: Voice of the Scrap Recycling Industries," published by the Institute of Scrap Recycling Industries, Inc., Washington, D.C.
 - ◇ A print copy of his testimony.
 - ◇ A fact sheet titled, "City Carton Expanding."
 - ◇ A brochure titled, "Green Field Energy: Fiber Fuel Alternative."
 - ◇ A brochure titled, "City Carton Co., Inc.: Recyclers for Iowa."
- i. Mr. R. J. Baker filed the following:**
 - ◇ "A Summary of Motor Vehicle Oil Filter Recycling Demonstration Project (1991) and Motor Vehicle Oil Filter Recycling-Revisited (1992)."
 - ◇ A fact sheet titled, "Oil Filter Ban Legislation Background Information."



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j. Ms. Pam Berg and Ms. Karla Christensen filed a print copy of their testimony.

k. Northwest Iowa Area Solid Waste Agency Manager Mr. David Honkomp submitted a fact sheet.

l. Professor Don Cell of Cornell College, Mount Vernon, Iowa, presented the following:

◇ U.S. Environmental Protection Agency, Solid Waste and Emergency Response, *Pay-As-You-Throw Success Stories: Mount Vernon, Iowa; Dover, New Hampshire; and Fort Collins, Colorado, April 1997.*

◇ The Written Testimony of Professor Don Cell.

◇ "Residents Pay Less When They Recycle More." Cedar Rapids Gazette, Guest Column by Donald C. Cell.

m. The Written Testimony of Greg Fritz, City Administrator for the City of Pocahontas, Iowa.

n. Ms. Sharon Timmins, Bureau Chief of the Waste Management Assistance Division of DNR, provided the following:

◇ *Iowa Economic Impacts of Recycling Study: Summary of Findings.* A fact sheet published by Recycle Iowa.

◇ *G550 Landfill Alternative Grants for SFY88-98,* updated 11/14/97.

◇ *Lafa: Receipts and Obligations.* A fact sheet.

◇ *Landfill Alternatives Financial Assistance Program: Program and Allocation Summary.*

◇ *Stakeholder Input Effort: Final Report – Fall 1997.* Waste Management Assistance Division, Iowa Department of Natural Resources.

◇ The Waste Management Assistance Division: Educating... Assisting... Protecting, Conserving, and Enhancing..., a pamphlet published by the Iowa Department of Natural Resources, 1997.

o. *Protecting Iowa's Environment and Fostering Iowa's Economy.* Report of the Waste Management Monitoring Committee, November 14, 1997.

SENATE/HOUSE FILE _____
BY (PROPOSED SOLID WASTE FEES AND
INCENTIVES STUDY COMMITTEE
BILL)

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

A BILL FOR

1 An Act relating to exemptions from and reductions in solid waste
2 tonnage fees for certain persons.

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

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1 Section 1. Section 455B.301, Code 1997, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 11A. "Municipal solid waste landfill"
4 means a sanitary landfill that is a discrete area of land or
5 an excavation that receives household waste, and that is not a
6 land application site, surface impoundment, injection well, or
7 waste pile, as those terms are defined under 40 C.F.R. part
8 257.2. A "municipal solid waste landfill" may also receive
9 other types of waste as defined under 40 C.F.R. subtitle D,
10 such as commercial solid waste, nonhazardous dry sludge, and
11 industrial solid waste.

12 Sec. 2. Section 455B.310, subsections 1, 2, and 3, Code
13 1997, are amended to read as follows:

14 1. a. Except as provided in subsection 3, the operator of
15 a sanitary landfill which does not qualify under paragraph "b"
16 shall pay a tonnage fee to the department for each ton or
17 equivalent volume of solid waste received and disposed of at
18 the sanitary landfill during the preceding reporting period.
19 The department shall determine by rule the volume which is
20 equivalent to a ton of waste.

21 b. The operator of a solid waste disposal facility with
22 special provisions which limit the site to disposal of
23 construction and demolition waste shall pay a tonnage fee to
24 the department for each ton of construction and demolition
25 waste received and disposed of at the disposal facility during
26 the preceding reporting period. An operator of a municipal
27 solid waste landfill with an area of the landfill which has
28 been designated exclusively for the disposal of construction
29 and demolition waste on plans and specifications approved by
30 the department shall be exempt through June 30, 2001, or for
31 the permitted life of the designated area, whichever occurs
32 first, from paying the tonnage fee provided for in this
33 paragraph if the municipal solid waste landfill meets one of
34 the following conditions:

35 (1) The area of the landfill, which has been designated

1 exclusively for the disposal of construction and demolition
2 waste based on plans and specifications approved by the
3 department, was in operation on December 1, 1997.

4 (2) The area of the landfill, which has been designated
5 exclusively for the disposal of construction and demolition
6 waste based on plans and specifications approved by the
7 department, was not in operation on December 1, 1997, but
8 applied to the department for an exemption prior to December
9 1, 1997.

10 2. The tonnage fee is four dollars and twenty-five cents
11 per ton of solid waste.

12 2A. If a sanitary landfill required to pay a tonnage fee
13 under this section has an updated comprehensive plan approved
14 by the department, the sanitary landfill operator shall
15 retain, in addition to the ninety-nine cents retained pursuant
16 to subsection 2B, twenty-five cents of the tonnage fee per ton
17 of solid waste in the fiscal year beginning July 1, 1998,
18 fifty cents of the tonnage fee per ton of solid waste in the
19 fiscal year beginning July 1, 1999, seventy-five cents of the
20 tonnage fee per ton of solid waste in the fiscal year
21 beginning July 1, 2000, and one dollar of the tonnage fee per
22 ton of solid waste in the fiscal year beginning July 1, 2001,
23 and every year thereafter. Any tonnage fees retained pursuant
24 to this subsection shall be used for waste reduction and
25 recycling purposes. Any tonnage fee retained pursuant to this
26 subsection shall be taken from that portion of the tonnage fee
27 which would have been allocated to funding alternatives to
28 landfills pursuant to section 455E.11, subsection 2, paragraph
29 "a", subparagraph (1). Tonnage fees retained under this
30 subsection and section 455D.3, subsection 3, shall not exceed
31 a total of one dollar and seventy-five cents.

32 2B. ~~Of that amount, ninety-five~~ Ninety-five cents of the
33 tonnage fee shall be retained by a city, county, or public or
34 private agency and used as follows:

35 a. To meet comprehensive planning requirements of section

1 455B.306, the development of a closure or postclosure plan,
2 the development of a plan for the control and treatment of
3 leachate including the preparation of facility plans and
4 detailed plans and specifications, and the preparation of a
5 financial plan.

6 b. Forty-five cents of the retained funds shall be used
7 for implementing waste volume reduction and recycling
8 requirements of comprehensive plans filed under section
9 455B.306. The funds shall be distributed to a city, county,
10 or public agency served by the sanitary disposal project.
11 Fees collected by a private agency which provides for the
12 final disposal of solid waste shall be remitted to the city,
13 county, or public agency served by the sanitary disposal
14 project. However, if a private agency is designated to
15 develop and implement the comprehensive plan pursuant to
16 section 455B.306, fees under this paragraph shall be retained
17 by the private agency.

18 c. For other environmental protection and compliance
19 activities.

20 d. Each sanitary landfill owner or operator shall submit a
21 return to the department identifying the use of all fees
22 retained under this ~~subsection~~ section including the manner in
23 which the fees were distributed. The return shall be
24 submitted concurrently with the return required under
25 subsection 5.

26 3. Solid waste disposal facilities with special provisions
27 which limit the site to disposal of ~~construction-and~~
28 ~~demolition-waste~~, landscape waste, coal combustion waste,
29 foundry sand, and solid waste materials approved by the
30 department for lining or capping, or for construction berms,
31 dikes, or roads in a sanitary disposal project or sanitary
32 landfill are exempt from the tonnage fees imposed under this
33 section. However, solid waste disposal facilities under this
34 subsection are subject to the fees imposed pursuant to section
35 455B.105, subsection 11, paragraph "a". Notwithstanding the

1 provisions of section 455B.105, subsection 11, paragraph "b",
2 the fees collected pursuant to this subsection shall be used
3 by the department for the regulation of these solid waste
4 disposal facilities.

5 Sec. 3. Section 455D.3, subsection 3, Code 1997, is
6 amended to read as follows:

7 3. DEPARTMENTAL MONITORING.

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

14 If at any time the department determines that a planning
15 area has met or exceeded the twenty-five percent goal, a
16 planning area shall subtract fifty cents from the total amount
17 of the tonnage fee imposed pursuant to section 455B.310,
18 ~~subsection-2~~. The reduction in tonnage fees pursuant to this
19 paragraph shall be taken from that portion of the tonnage fees
20 which would have been allocated for funding alternatives to
21 landfills pursuant to section 455E.11, subsection 2, paragraph
22 "a", subparagraph (1).

23 If the department determines that a planning area has
24 failed to meet the July 1, 1994, twenty-five percent goal, the
25 planning area shall, at a minimum, implement the solid waste
26 management techniques as listed in subsection 4. Evidence of
27 implementation of the solid waste management techniques shall
28 be documented in subsequent comprehensive plans submitted to
29 the department.

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

1 If at any time the department determines that a planning
2 area has met or exceeded the fifty percent goal, the planning
3 area shall subtract fifty cents from the total amount of the
4 tonnage fee imposed pursuant to section 455B.3107-subsection
5 2. This amount shall be in addition to any amount subtracted
6 pursuant to paragraph "a" of this subsection. The reduction
7 in tonnage fees pursuant to this paragraph shall be taken from
8 that portion of the tonnage fees which would have been
9 allocated to funding alternatives to landfills pursuant to
10 section 455E.11, subsection 2, paragraph "a", subparagraph
11 (1).

12 Sec. 4. The general assembly reiterates support for the
13 fifty percent waste stream reduction goal stated in section
14 455D.3.

15 EXPLANATION

16 This bill requires a tonnage fee to be paid by operators of
17 solid waste disposal facilities which limit disposal to
18 construction and demolition waste only. The bill allows the
19 exemption to continue through June 30, 2001, for certain
20 municipal solid waste landfills with an area designated
21 exclusively for the disposal of construction and demolition
22 waste.

23 The bill provides for the retention of a portion of the
24 tonnage fee by a sanitary landfill operator if an updated,
25 comprehensive plan has been approved by the department. The
26 amount of tonnage fee which may be retained equals 25 cents in
27 the fiscal year beginning July 1, 1998, 50 cents in the fiscal
28 year beginning July 1, 1999, 75 cents in the fiscal year
29 beginning July 1, 2000, and \$1 in the fiscal year beginning
30 July 1, 2001, and every year thereafter. Retained tonnage
31 fees must be used for waste reduction and recycling purposes.
32 Each sanitary landfill operator must submit a return to the
33 department identifying the use of all fees retained. The
34 total amount of tonnage fees which may be retained pursuant to
35 this new provision and pursuant to the waste reduction goal

1 incentives is \$1.75.

2 The bill states the intent of the general assembly to
3 reiterate support for the 50 percent waste stream reduction
4 goal stated in Code section 455D.3.

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