

# House File 2570 - Enrolled

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HOUSE FILE 2570

## AN ACT

RELATING TO SOLID WASTE DISPOSAL AND ENVIRONMENTAL  
MANAGEMENT BY PROVIDING FOR THE DESIGNATION OF ENVIRONMENTAL  
MANAGEMENT SYSTEMS, PROVIDING INCENTIVES, AND CREATING A  
SOLID WASTE ALTERNATIVES PROGRAM ADVISORY COUNCIL AND  
COMPREHENSIVE RECYCLING PLANNING TASK FORCE, AND MODIFYING  
FEES AND ALLOCATIONS OF FUNDS.

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

Section 1. Section 455B.310, subsection 2, Code 2007, is amended to read as follows:

2. The tonnage fee is four dollars and twenty-five cents per ton of solid waste, except as provided in section 455J.5, subsection 1, paragraph "b".

Sec. 2. Section 455D.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. ENVIRONMENTAL MANAGEMENT SYSTEMS. A planning area designated as an environmental management system pursuant to section 455J.7 is exempt from the waste stream reduction goals of this section.

Sec. 3. Section 455E.11, subsection 2, paragraph a, subparagraph (1), Code 2007, is amended to read as follows:

(1) After the one dollar and fifty-five cents is allocated pursuant to subparagraph (2), the remaining moneys from the tonnage fee shall be used for funding alternatives to landfills and shall be allocated as follows:

(a) Fifty thousand dollars to the department to implement the special waste authorization program.

(b) One hundred sixty-five thousand dollars to the department to be used for the by-products and waste search service at the university of northern Iowa.

(c) Up to thirty percent of the fees remitted shall be used for grants to environmental management systems as provided in section 455J.7.

~~(c)~~ (d) The balance of the remaining funds shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs. These funds may also be used to assist planning areas which have not been designated as environmental management systems in meeting the designation requirements of section 455J.3.

Sec. 4. NEW SECTION. 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 disposal projects 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.

Sec. 5. NEW SECTION. 455J.2 DEFINITIONS.

3 4 For purposes of this chapter:  
3 5 1. "Commission" means the environmental protection  
3 6 commission.  
3 7 2. "Council" means the solid waste alternatives program  
3 8 advisory council established by the director.  
3 9 3. "Department" means the department of natural resources.  
3 10 4. "Director" means the director of the department of  
3 11 natural resources.  
3 12 5. "Environmental management system" or "system" means a  
3 13 solid waste planning area which has been designated as an  
3 14 environmental management system pursuant to section 455J.7.  
3 15 "Environmental management system" includes a planning area  
3 16 designated as an environmental management system that is  
3 17 providing multiple environmental services in addition to solid  
3 18 waste disposal and that is planning for the continuous  
3 19 improvement of solid waste management by appropriately and  
3 20 aggressively mitigating the environmental impacts of solid  
3 21 waste disposal.

3 22 Sec. 6. NEW SECTION. 455J.3 ENVIRONMENTAL MANAGEMENT  
3 23 SYSTEM DESIGNATION REQUIREMENTS.

3 24 To qualify for designation as an environmental management  
3 25 system pursuant to section 455J.7 a solid waste planning area  
3 26 shall actively pursue all of the following:

3 27 1. YARD WASTE MANAGEMENT. Provide for the operation of a  
3 28 yard waste management program or contract with another party  
3 29 to do so.  
3 30 2. HAZARDOUS HOUSEHOLD WASTE COLLECTION. Provide for the  
3 31 proper management and disposal of hazardous household waste by  
3 32 operating a regional collection center or participating in a  
3 33 regional collection center network. The regional collection  
3 34 center shall provide for the collection and disposal of  
3 35 hazardous household wastes, including but not limited to  
4 1 paint, pesticides, batteries, automotive products, sharps,  
4 2 needles and syringes, and pool chemicals. The regional  
4 3 collection center shall encourage the reuse of any materials  
4 4 for which reuse is possible and may educate households on the  
4 5 use of safer alternatives through efforts designed to increase  
4 6 public participation and to increase the participation of  
4 7 local government entities not currently in a network.  
4 8 Regional collection centers may also provide for the  
4 9 assessment of current educational programs by examining  
4 10 changes in consumer behavior.

4 11 3. WATER QUALITY IMPROVEMENT. Provide for a water quality  
4 12 improvement program within the system's planning area. Such a  
4 13 program may include offering educational programs, sponsoring  
4 14 awareness initiatives, providing for cleanup activities such  
4 15 as the cleanup of illegal dumping areas, and otherwise  
4 16 promoting responsible environmental behavior.

4 17 4. GREENHOUSE GAS REDUCTION. Implement a greenhouse gas  
4 18 reduction program designed to prevent the release of  
4 19 greenhouse gases into the atmosphere. Such a program may  
4 20 include but is not limited to the following activities:

4 21 a. Generating electricity or producing other fuels through  
4 22 the collection of landfill gas, such as a methane gas recovery  
4 23 or minimization system.

4 24 b. Collecting and managing food and other organic waste  
4 25 from households and from industrial and commercial  
4 26 establishments, or attempting to recover energy from the reuse  
4 27 of biomass.

4 28 c. Implementing programs that encourage the efficient use  
4 29 of energy and promote the use of renewable fuels.

4 30 d. Discouraging the uncontrolled burning of solid waste  
4 31 and yard waste.

4 32 e. Setting recycling goals to measure energy savings and  
4 33 quantify the level of success of greenhouse gas mitigation  
4 34 efforts.

4 35 f. Collection and recycling services targeted at waste  
5 1 generated by industrial and commercial facilities such as  
5 2 cardboard, paper, construction, and demolition waste.

5 3 5. RECYCLING SERVICES.

5 4 a. Offer recycling services for paper, glass, metal, and  
5 5 plastics within the communities served. In addition to  
5 6 offering recycling of paper, metal, glass, and plastics, a  
5 7 solid waste planning area may also offer recycling services  
5 8 for electronic waste, white goods, and tires.

5 9 b. Recycling services may also be targeted at waste  
5 10 generated by industrial and commercial facilities such as  
5 11 cardboard, paper, construction, and demolition waste.

5 12 c. Recycling services offered in an effort to meet the  
5 13 goals of this subsection may be provided through drop-off  
5 14 sites or through curbside recycling programs operated in

5 15 conjunction with solid waste collection.

5 16 6. ENVIRONMENTAL EDUCATION. Plan and implement programs  
5 17 educating the public on environmental stewardship. These  
5 18 programs may include components designed to prevent illegal  
5 19 dumping, reduce greenhouse gas emissions, improve water  
5 20 quality, reduce waste generation, increase recycling and  
5 21 reuse, or any other environmental objective that furthers the  
5 22 purpose and goals of this chapter.

5 23 Sec. 7. NEW SECTION. 455J.4 ANNUAL COMPLIANCE REPORTS.

5 24 1. On September 1, 2009, and each year thereafter, each  
5 25 environmental management system shall submit to the department  
5 26 an annual report. The report shall document the system's  
5 27 compliance with the requirements of section 455J.3.

5 28 2. The department shall adopt by rule methods and criteria  
5 29 for determining whether a system is in compliance with the  
5 30 provisions of this chapter. In adopting methods and criteria,  
5 31 the department shall consult with stakeholders in order to  
5 32 develop reasonable and appropriate criteria. In determining  
5 33 whether a system is in compliance with the provisions of this  
5 34 chapter, the department shall evaluate whether a system is  
5 35 making continuing progress in regard to the requirements of

6 1 section 455J.3.

6 2 Sec. 8. NEW SECTION. 455J.5 INCENTIVES.

6 3 1. A solid waste planning area designated as an  
6 4 environmental management system pursuant to section 455J.7  
6 5 shall qualify for all of the following:

6 6 a. An exemption from solid waste reduction goals imposed  
6 7 on sanitary landfills pursuant to section 455D.3.

6 8 b. A reduced tonnage fee of three dollars and sixty-five  
6 9 cents per ton, to be imposed as provided in section 455B.310,  
6 10 notwithstanding section 455B.310, subsection 2, of which two  
6 11 dollars and ten cents shall be remitted to the department.

6 12 c. Financial assistance as recommended by the council and  
6 13 approved by the commission pursuant to section 455J.7.

6 14 2. Notwithstanding any other provision of law to the  
6 15 contrary, in addition to the incentives in subsection 1, an  
6 16 environmental management system is only required to file its  
6 17 updated comprehensive plan once every five years.

6 18 Sec. 9. NEW SECTION. 455J.6 SOLID WASTE ALTERNATIVES  
6 19 PROGRAM ADVISORY COUNCIL.

6 20 1. A solid waste alternatives program advisory council is  
6 21 established within the department. The council consists of  
6 22 the following voting members serving staggered three-year  
6 23 terms who shall be appointed by the director:

6 24 a. One member representing the Iowa recycling association.

6 25 b. One member representing the Iowa waste exchange.

6 26 c. One member representing the department of economic  
6 27 development's recycle Iowa program.

6 28 d. One member representing the Iowa society of solid waste  
6 29 administrators.

6 30 e. Three members representing solid waste planning areas  
6 31 of various sizes.

6 32 f. One member representing the Iowa chapter of the  
6 33 national solid wastes management association.

6 34 g. One member representing the department.

6 35 2. In appointing members to the council, the director  
7 1 shall include representatives from both public and private  
7 2 solid waste entities.

7 3 3. Members shall not be entitled to compensation, but  
7 4 shall be entitled to reimbursement for expenses pursuant to  
7 5 section 7E.6.

7 6 4. A majority of voting members shall not include any  
7 7 member who has a conflict of interest. A statement by a  
7 8 member that the member has a conflict of interest is  
7 9 conclusive for this purpose. A vacancy in the membership does  
7 10 not impair the duties of the council.

7 11 Sec. 10. NEW SECTION. 455J.7 DESIGNATION OF  
7 12 ENVIRONMENTAL MANAGEMENT SYSTEMS.

7 13 1. CONSIDERATION OF PLANS. The council shall consider  
7 14 solid waste management plans submitted by solid waste planning  
7 15 areas and make recommendations for designation as an  
7 16 environmental management system to the commission. All system  
7 17 designations recommended by the council are subject to  
7 18 approval by the commission. Any solid waste planning area may  
7 19 submit a plan to the council and seek designation as a system.

7 20 a. By October 1, 2008, the council shall recommend the  
7 21 designation of up to six initial qualifying solid waste  
7 22 planning areas as environmental management systems to serve as  
7 23 pilot projects. By October 1, 2009, and by the same date each  
7 24 year thereafter, the council may recommend the designation of  
7 25 any additional planning areas as systems, provided those areas

7 26 meet the requirements of section 455J.3.  
7 27 b. In recommending the designation of a planning area as a  
7 28 system, the council shall make a determination as to whether  
7 29 the area meets the requirements of section 455J.3. The  
7 30 council shall not recommend the designation of a planning area  
7 31 as a system unless the planning area meets the requirements of  
7 32 section 455J.3.

7 33 c. The commission shall consider the plans submitted to  
7 34 the council and shall review the council's recommendations on  
7 35 those plans. The commission shall approve or reject each plan  
8 1 and shall make publicly available its reasons for doing so.

#### 8 2 2. SYSTEM REVIEW.

8 3 a. By October 1, 2009, and by the same date each year  
8 4 thereafter, the council shall review the annual reports of all  
8 5 designated systems and determine whether those systems remain  
8 6 in compliance with section 455J.3. If the council determines  
8 7 that a planning area is no longer in compliance, the council  
8 8 may recommend to the commission the revocation of the planning  
8 9 area's system designation.

8 10 b. The council may review and monitor the progress of  
8 11 those planning areas that have not been designated as a system  
8 12 and shall coordinate with other statewide boards, task forces,  
8 13 and other entities in order to achieve the goals and  
8 14 objectives of this chapter.

#### 8 15 3. ALLOCATION OF FUNDS.

8 16 a. The council shall recommend to the commission a  
8 17 reasonable allocation of the moneys provided in section  
8 18 455E.11, subsection 2, paragraph "a", subparagraph (1),  
8 19 subparagraph subdivision (c), to eligible systems. In making  
8 20 its recommendation as to the allocation of moneys, the council  
8 21 shall adopt and use a set of reasonable criteria. The  
8 22 criteria shall conform to the goals and purposes of this  
8 23 chapter as described in section 455J.1 and shall be approved  
8 24 by the commission.

8 25 b. Notwithstanding any other provision of law to the  
8 26 contrary, the commission shall make a final allocation of the  
8 27 funds described in section 455E.11, subsection 2, paragraph  
8 28 "a", subparagraph (1), subparagraph subdivision (c), to  
8 29 systems meeting the requirements of this chapter.

8 30 c. Moneys allocated pursuant to this subsection shall be  
8 31 used by systems to further compliance with any of the  
8 32 requirements of section 455J.3.

#### 8 33 Sec. 11. COMPREHENSIVE RECYCLING PLANNING TASK FORCE.

8 34 1. ESTABLISHMENT AND PURPOSE. A comprehensive recycling  
8 35 planning task force is established. The task force shall be  
9 1 initially convened by July 1, 2008, and shall be regularly  
9 2 convened as often as necessary. The task force shall be  
9 3 convened for the following purposes:

9 4 a. Studying and making recommendations for the planning  
9 5 and implementation of comprehensive statewide recycling  
9 6 programs, including an evaluation of the current beverage  
9 7 container control law commonly referred to as the bottle bill.

9 8 b. Making recommendations for reducing the amount of  
9 9 recyclable materials contained in the waste stream and for  
9 10 reducing litter.

#### 9 11 2. MEMBERSHIP.

9 12 a. The task force shall consist of the following voting  
9 13 members:

9 14 (1) One member selected by the Iowa recycling association.

9 15 (2) One member selected by the Iowa society of solid waste  
9 16 operations.

9 17 (3) Three members selected by the Iowa society of solid  
9 18 waste operations representing solid waste planning areas of  
9 19 various sizes and from various locations across the state.

9 20 (4) One member selected by the Iowa league of cities.

9 21 (5) One member selected by the solid waste association of  
9 22 north America representing private solid waste disposal  
9 23 entities.

9 24 (6) The director of the department of natural resources,  
9 25 or the director's designee.

9 26 (7) One member selected by the Iowa environmental council.

9 27 (8) One member selected by the league of women voters of  
9 28 Iowa.

9 29 (9) One member selected by the Iowa wholesale beer  
9 30 distributors association.

9 31 (10) One member selected by the Iowa beverage association  
9 32 representing juice and soft drink distributors.

9 33 (11) One member selected by the Iowa bottle bill coalition  
9 34 representing independent redemption centers.

9 35 (12) One member selected by the Iowa association of

10 1 counties.

10 2 (13) One member selected by the Iowa farm bureau  
10 3 federation.  
10 4 (14) One member selected by the association of business  
10 5 and industry.  
10 6 (15) One member selected by the home builders association  
10 7 of Iowa.  
10 8 (16) The director of the alcoholic beverages division of  
10 9 the department of commerce, or the director's designee.  
10 10 (17) One member selected by keep Iowa beautiful.  
10 11 (18) One member selected by the Iowa grocery industry  
10 12 association.  
10 13 (19) One member selected by the Iowa dairy foods  
10 14 association.  
10 15 (20) One member selected by the petroleum marketers and  
10 16 convenience stores of Iowa.  
10 17 (21) One member selected by the Iowa retail federation.  
10 18 (22) One member selected by the Iowa wine growers  
10 19 association.  
10 20 (23) The director of the department of transportation, or  
10 21 the director's designee.  
10 22 b. Nonvoting members of the task force shall include all  
10 23 of the following:  
10 24 (1) Two members of the senate. One senator shall be  
10 25 appointed by the majority leader of the senate and one senator  
10 26 shall be appointed by the minority leader of the senate.  
10 27 (2) Two members of the house of representatives. One  
10 28 member shall be appointed by the speaker of the house of  
10 29 representatives and one member shall be appointed by the  
10 30 minority leader of the house of representatives.  
10 31 c. The voting members shall be appointed in compliance  
10 32 with the requirements of sections 69.16, 69.16A, and 69.19,  
10 33 and shall serve for the duration of the task force.  
10 34 d. The members of the task force are entitled to receive  
10 35 reimbursement for actual expenses incurred while engaged in  
11 1 the performance of official duties.  
11 2 e. The task force shall elect a chairperson and the  
11 3 recommendations of the task force shall be approved by a  
11 4 majority of the voting members. A majority of the task force  
11 5 constitutes a quorum and an affirmative vote of the majority  
11 6 of members is necessary to approve the recommendations of the  
11 7 task force. A vacancy in the membership does not impair the  
11 8 right of a quorum to exercise all rights and perform all  
11 9 duties of the task force.  
11 10 3. DUTIES. The task force shall do all of the following:  
11 11 a. Evaluate in a comprehensive manner the nature, extent,  
11 12 and effectiveness of recycling programs throughout the state.  
11 13 b. Make recommendations for creating and enhancing  
11 14 comprehensive sustainable recycling programs. Such  
11 15 recommendations may include methods of collecting and paying  
11 16 for the recycling of residential, industrial, and commercial  
11 17 waste, mechanisms for increasing the recycling of construction  
11 18 and demolition waste, and incentives for increasing the  
11 19 recycling of yard waste, food or other organic waste,  
11 20 hazardous household waste, and electronic waste.  
11 21 c. Assess the viability of a statewide curbside recycling  
11 22 program and make recommendations regarding the manner in which  
11 23 such a program might be implemented. If the assessment  
11 24 determines that such a program is viable, the task force shall  
11 25 provide an evaluation of available funding sources for a  
11 26 statewide curbside recycling program and include a detailed  
11 27 budget proposal for funding, implementing, and conducting such  
11 28 a program. The evaluation of funding sources and the proposed  
11 29 budget shall ensure adequate funding of recycling efforts  
11 30 throughout this state until a transition from the current  
11 31 beverage container control system to a statewide curbside  
11 32 recycling program can be fully completed and implemented.  
11 33 d. Make recommendations for facilitating the elimination  
11 34 of illegal dumping and littering throughout the state,  
11 35 including an evaluation of enhanced fines to increase  
12 1 deterrence. If appropriate, the recommendations may include  
12 2 an examination or incorporation of recommendations made by  
12 3 other task forces or government agencies.  
12 4 e. Make recommendations for the establishment and funding  
12 5 of regional recycling centers.  
12 6 f. Develop a plan to assist existing redemption and  
12 7 recycling businesses in adapting to any industry changes  
12 8 resulting from recommendations of the task force.  
12 9 g. Make recommendations for marketing programs that  
12 10 increase education and awareness of recycling, littering, and  
12 11 illegal dumping issues and that enhance the understanding of  
12 12 and commitment to effective environmental stewardship.

12 13 h. Assess the effectiveness and sustainability of the  
12 14 beverage container control law in Code chapter 455C, commonly  
12 15 referred to as the bottle bill, and consider possible  
12 16 alternatives.

12 17 4. REPORT. The task force shall submit a written report  
12 18 containing its findings and recommendations to the governor  
12 19 and the general assembly by January 1, 2009.

12 20 5. DISSOLUTION. The task force shall complete its duties  
12 21 no later than January 1, 2009, but may complete its duties and  
12 22 dissolve itself prior to that date.

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12 26 \_\_\_\_\_  
12 27 PATRICK J. MURPHY  
12 28 Speaker of the House

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12 32 JOHN P. KIBBIE  
12 33 President of the Senate

12 34 I hereby certify that this bill originated in the House and  
12 35 is known as House File 2570, Eighty-second General Assembly.

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13 4 \_\_\_\_\_  
13 5 MARK BRANDSGARD  
13 6 Chief Clerk of the House

13 6 Approved \_\_\_\_\_, 2008

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13 11 CHESTER J. CULVER  
13 11 Governor