



OFFICE OF THE GOVERNOR

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 18, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

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 modifying fees and allocations of funds.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Culver", written over a horizontal line.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





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.

~~(e)~~ (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.

For purposes of this chapter:

1. "Commission" means the environmental protection commission.

2. "Council" means the solid waste alternatives program advisory council established by the director.

3. "Department" means the department of natural resources.

4. "Director" means the director of the department of natural resources.

5. "Environmental management system" or "system" means a solid waste planning area which has been designated as an environmental management system pursuant to section 455J.7. "Environmental management system" includes a planning 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.

Sec. 6. NEW SECTION. 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 area shall actively pursue all of the following:

1. YARD WASTE MANAGEMENT. Provide for the operation of a yard waste management program or contract with another party to do so.

2. HAZARDOUS HOUSEHOLD WASTE COLLECTION. Provide for the proper management and disposal of hazardous household waste 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 wastes, 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 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 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.

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

1. On September 1, 2009, and each year thereafter, 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.

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

1. A solid waste planning 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 sanitary landfills 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 recommended by the council and 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, an environmental management system is only required to file its updated comprehensive plan once every five years.

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

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

- a. One member representing the Iowa recycling association.
- b. One member representing the Iowa waste exchange.
- c. One member representing the department of economic development's recycle Iowa program.
- d. One member representing the Iowa society of solid waste administrators.
- e. Three members representing solid waste planning areas of various sizes.
- f. One member representing the Iowa chapter of the national solid wastes management association.
- g. One member representing the department.

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

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

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

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

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

- a. By October 1, 2008, the council shall recommend the designation of up to six initial qualifying solid waste planning areas as environmental management systems to serve as pilot projects. By October 1, 2009, and by the same date each year thereafter, the council may recommend the designation of

any additional planning areas as systems, provided those areas meet the requirements of section 455J.3.

b. In recommending the designation of a planning area as a system, the council shall make a determination as to whether the area meets the requirements of section 455J.3. The council shall not recommend the designation of a planning area as a system unless the planning area meets the requirements of section 455J.3.

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

b. The council may review and monitor the progress of those planning 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 council shall recommend to the commission a reasonable allocation of the moneys provided in section 455E.11, subsection 2, paragraph "a", subparagraph (1), subparagraph subdivision (c), to eligible systems. In making its recommendation as to the allocation of moneys, the council 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 subdivision (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 section 455J.3.

Sec. 11. COMPREHENSIVE RECYCLING PLANNING TASK FORCE.

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

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

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

2. MEMBERSHIP.

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

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

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

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

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

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

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

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

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

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

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

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

(12) One member selected by the Iowa association of counties.

(13) One member selected by the Iowa farm bureau federation.

(14) One member selected by the association of business and industry.

(15) One member selected by the home builders association of Iowa.

(16) The director of the alcoholic beverages division of the department of commerce, or the director's designee.

(17) One member selected by keep Iowa beautiful.

(18) One member selected by the Iowa grocery industry association.

(19) One member selected by the Iowa dairy foods association.

(20) One member selected by the petroleum marketers and convenience stores of Iowa.

(21) One member selected by the Iowa retail federation.

(22) One member selected by the Iowa wine growers association.

(23) The director of the department of transportation, or the director's designee.

b. Nonvoting members of the task force shall include all of the following:

(1) Two members of the senate. One senator shall be appointed by the majority leader of the senate and one senator shall be appointed by the minority leader of the senate.

(2) Two members of the house of representatives. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the minority leader of the house of representatives.

c. The voting members shall be appointed in compliance with the requirements of sections 69.16, 69.16A, and 69.19, and shall serve for the duration of the task force.

d. The members of the task force are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties.

e. The task force shall elect a chairperson and the recommendations of the task force shall be approved by a majority of the voting members. A majority of the task force

constitutes a quorum and an affirmative vote of the majority of members is necessary to approve the recommendations of the task force. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the task force.

3. DUTIES. The task force shall do all of the following:

a. Evaluate in a comprehensive manner the nature, extent, and effectiveness of recycling programs throughout the state.

b. Make recommendations for creating and enhancing comprehensive sustainable recycling programs. Such recommendations may include methods of collecting and paying for the recycling of residential, industrial, and commercial waste, mechanisms for increasing the recycling of construction and demolition waste, and incentives for increasing the recycling of yard waste, food or other organic waste, hazardous household waste, and electronic waste.

c. Assess the viability of a statewide curbside recycling program and make recommendations regarding the manner in which such a program might be implemented. If the assessment determines that such a program is viable, the task force shall provide an evaluation of available funding sources for a statewide curbside recycling program and include a detailed budget proposal for funding, implementing, and conducting such a program. The evaluation of funding sources and the proposed budget shall ensure adequate funding of recycling efforts throughout this state until a transition from the current beverage container control system to a statewide curbside recycling program can be fully completed and implemented.

d. Make recommendations for facilitating the elimination of illegal dumping and littering throughout the state, including an evaluation of enhanced fines to increase deterrence. If appropriate, the recommendations may include an examination or incorporation of recommendations made by other task forces or government agencies.

e. Make recommendations for the establishment and funding of regional recycling centers.


f. Develop a plan to assist existing redemption and recycling businesses in adapting to any industry changes resulting from recommendations of the task force.


g. Make recommendations for marketing programs that increase education and awareness of recycling, littering, and illegal dumping issues and that enhance the understanding of and commitment to effective environmental stewardship.

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


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

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

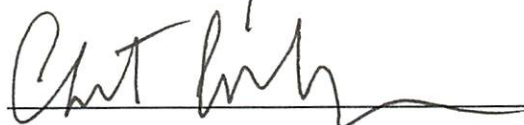

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

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


MARK BRANDSGARD
Chief Clerk of the House

Approved 4/10, 2008


CHESTER J. CULVER
Governor