

House File 202 - Enrolled

House File 202

AN ACT

RELATING TO THE SOLID WASTE ENVIRONMENTAL MANAGEMENT SYSTEMS  
PROGRAM AND BEAUTIFICATION GRANTS.

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

Section 1. Section 455E.11, subsection 2, paragraph a, subparagraph (1), subparagraph division (a), Code 2017, is amended by striking the subparagraph division.

Sec. 2. Section 455E.11, subsection 2, paragraph a, subparagraph (1), subparagraph division (e), Code 2017, is amended to read as follows:

(e) Not more than four hundred thousand dollars to the department for purposes of providing funding assistance to eligible communities to address abandoned buildings by promoting waste abatement, diversion, selective dismantlement of building components, and recycling. Eligible communities include a city with a population of five thousand or fewer. Eligible costs for program assistance include but are not limited to asbestos and other hazardous material abatement and

removal, the recovery processing of recyclable or reusable material through the selective dismantlement of abandoned buildings, and reimbursement for purchased recycled content materials used in the renovation of buildings. ~~For projects that support community beautification, the department may elect to administer funding to eligible communities in collaboration with the organization awarded the beautification grant in accordance with subparagraph division (a), subparagraph subdivision (i).~~

Sec. 3. Section 455J.1, subsection 2, paragraph a, Code 2017, is amended to read as follows:

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

Sec. 4. Section 455J.2, subsection 2, Code 2017, is amended by striking the subsection.

Sec. 5. Section 455J.2, subsection 5, Code 2017, is amended to read as follows:

5. "*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.

Sec. 6. Section 455J.3, Code 2017, is amended to read as follows:

**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. *Yard Organics waste management.* Provide for the

operation of a ~~yard~~ an organics waste management program or ~~contract with~~ provide support to another party to do so.

2. *Hazardous household ~~waste~~ waste materials collection.* Provide for the proper management and disposal of hazardous household ~~waste~~ waste 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 ~~wastes~~ 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](#).

Sec. 7. Section 455J.4, subsection 1, Code 2017, is amended to read as follows:

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](#).

Sec. 8. Section 455J.5, Code 2017, is amended to read as follows:

**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 ~~sanitary landfills~~ 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 ~~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](#), a solid waste planning or service area designated as an environmental management system is only required to file exempt from filing its updated comprehensive plan once every five years.

Sec. 9. Section 455J.7, Code 2017, is amended to read as follows:

**455J.7 Designation of environmental management systems.**

1. *Consideration of plans.* The ~~council~~ 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 ~~council~~ department are subject to approval by the commission. Any solid waste planning or service area may submit a plan to the ~~council~~ department 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~~ 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 ~~council~~ department shall make a determination as to whether the area meets the requirements of section 455J.3. The ~~council~~ 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 ~~council~~ department and shall review the ~~council's~~ 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 ~~October~~ January 1, 2009, and by the same date each year thereafter, the ~~council~~ department shall review the annual reports of all designated systems and determine whether those systems remain in compliance with [section 455J.3](#). If the ~~council~~ department determines that a planning or service area is no longer in compliance, the ~~council~~ department may recommend to the commission the revocation of the planning or service area's system designation.

*b.* The ~~council~~ 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 ~~council~~ 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 (d), to eligible systems. In making its recommendation as to the allocation of moneys, the ~~council~~ 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 \(d\)](#), 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](#)~~ [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.

Sec. 10. REPEAL. Section 455J.6, Code 2017, is repealed.

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LINDA UPMEYER  
Speaker of the House

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JACK WHITVER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 202, Eighty-seventh General Assembly.

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CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2017

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TERRY E. BRANSTAD  
Governor