

Reprinted 3/13/86

MAR 2 1986

Place On Calendar

HOUSE FILE 2397

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(Formerly House File 2187)

Passed House, Date 3-11-86 (p.662) Passed Senate, Date 4-2-86 (p.990)

Vote: Ayes 93 Nays 5 Vote: Ayes 46 Nays 1

Approved May 2, 1986 (p.2320)

A BILL FOR

1 An Act relating to sanitary landfills.

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

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HOUSE FILE 2397

FISCAL NOTE

REQUESTED BY REPRESENTATIVE JOHNSON

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In compliance with a written request received February 28, 1986, a fiscal note for HOUSE FILE 2397 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the legislature upon request.

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HOUSE FILE 2397 establishes a timetable regarding the issuance of new permits for sanitary landfills or for the reissuance or renewal of an existing permit. The bill provides that after July 1, 1988, new permits or renewals shall not be issued by the Department of Water, Air and Waste Management unless the applicant files a plan. After July 1, 1993, the director of the Department of Water, Air and Waste Management shall not issue, renew, or reissue permits unless the applicant shows steps are being taken to begin implementing alternative methods of solid waste disposal as set out in the plan. After July 1, 1998, a permit shall not be renewed or reissued unless the applicant documents that the alternative methods are being fully implemented and that the landfill will be used only for disposal of residues and by-products resulting from utilization of the alternative waste disposal methods. The bill also provides for a funding mechanism to assist in the development of sanitary landfill plans that are required.

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ASSUMPTIONS

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- 1 House File 2397 stipulates that 25% of the annual receipts to the Groundwater Fund shall be used to provide grants to cities and counties for plan development and updating.
- 2 The Department of Water, Air and Waste Management will require an Environmental Engineer III and additional support to administer the grant program.

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FISCAL EFFECT

It is estimated that the annual balance of the Groundwater Fund will average \$700,000. Therefore, the Groundwater Fund will support about \$153,000 per year in grants. The estimated cost to the Department of Water, Air and Waste Management for additional salary and support is \$37,700.

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SOURCE: Department of Water, Air and Waste Management (LSB 8276H, R/S)
FILED MARCH 11, 1986 BY DENNIS PROUTY, FISCAL DIRECTOR

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HF 2397

1 Section 1. Section 455B.301, subsection 4, Code Supplement
2 1985, is amended by striking the subsection and inserting the
3 following:

4 4. "Sanitary landfill" means a sanitary disposal project
5 where solid waste is buried between layers of earth.

6 Sec. 2. Section 455B.305, Code 1985, is amended to read as
7 follows:

8 455B.305 CERTIFICATION OF PLANS BY DIRECTOR.

9 1. The executive director shall issue, revoke, suspend,
10 modify, or deny permits for the construction and operation of
11 sanitary disposal projects.

12 A permit shall be issued by the executive director or at
13 the executive director's direction, by a local board of
14 health, for each sanitary disposal project operated in this
15 state. The permit shall be issued in the name of the city or
16 county or, where applicable, in the name of the public or
17 private agency operating the project. Each sanitary disposal
18 project shall be inspected annually by the department or a
19 local board of health. The permits issued pursuant to this
20 section ~~shall be~~ are in addition to any other licenses,
21 permits or variances authorized or required by law, including,
22 but not limited to, ~~the provisions of~~ chapter 358A. A permit
23 may be suspended or revoked by the executive director if a
24 sanitary disposal project is found not to meet the
25 requirements of part 1 ~~of this division~~ or rules issued under
26 part 1 ~~of this division~~. The suspension or revocation of a
27 permit may be appealed to the commission.

28 2. Beginning July 1, 1988, the executive director shall
29 not issue a permit for the construction or operation of a new
30 sanitary landfill unless the permit applicant has filed a plan
31 as required by section 455B.306.

32 3. Beginning July 1, 1988, the executive director shall
33 not renew or reissue a permit which had been initially issued
34 prior to that date for a sanitary landfill, unless the permit
35 applicant has filed a plan as required by section 455B.306.

1 4. Beginning July 1, 1993, the executive director shall
2 not renew or reissue a permit which had been initially issued
3 or renewed prior to that date for a sanitary landfill, unless
4 and until the permit applicant documents that steps are being
5 taken to begin implementing alternative methods of solid waste
6 disposal other than use of a sanitary landfill as set forth in
7 the plan filed pursuant to section 455B.306. However, a
8 permit may be issued for the construction and operation of a
9 new sanitary landfill in accordance with subsection 2.

10 5. Beginning July 1, 1998, the executive director shall
11 not renew or reissue a permit which had been renewed or
12 reissued prior to that date for a sanitary landfill, unless
13 and until the permit applicant documents that the alternative
14 methods of solid waste disposal other than use of a sanitary
15 landfill have been fully implemented as set forth in the plan
16 filed pursuant to section 455B.306 and that the sanitary
17 landfill will be used only for disposal of residues and by-
18 products resulting from utilization of the alternative waste
19 disposal method. However, the executive director may issue a
20 permit for the construction and operation of a new sanitary
21 landfill in accordance with subsection 2 and a permit may be
22 renewed or reissued for a sanitary landfill which had received
23 an initial permit but the permit had not been previously
24 renewed or reissued prior to July 1, 1998 in accordance with
25 subsection 3.

26 Sec. 3. Section 455B.306, Code 1985, is amended to read as
27 follows:

28 455B.306 PLANS FILED.

29 1. Every A city, county and every a private agency
30 operating or planning to operate a sanitary disposal project
31 shall file with the executive director a plan detailing the
32 method by which the city, county or private agency will comply
33 with the-provisions-of this part 1 of-division-IV. The
34 executive director shall review each plan submitted and may
35 reject, suggest modification, or approve the proposed plan.

1 The executive director shall aid in the development of plans
2 for compliance with ~~the provisions of said~~ this part. The
3 executive director shall make available to ~~each~~ a city, county
4 and private agency appropriate forms for the submission of
5 plans and may hold hearings for the purpose of implementing
6 ~~the provisions of said~~ this part. The executive director and
7 governmental agencies with primary responsibility for the
8 development and conservation of energy resources shall provide
9 research and assistance, when cities and counties operating or
10 planning to operate sanitary disposal projects request aid in
11 planning and implementing resource recovery systems.

12 2. The plan required by subsection 1 shall be filed with
13 the department at the time of initial application for the
14 construction and operation of a sanitary landfill and shall be
15 updated and refiled with the department at the time of each
16 subsequent application for renewal or reissuance of a
17 previously issued permit.

18 3. A plan filed pursuant to this section in conjunction
19 with an application for issuance, renewal, or reissuance of a
20 permit for a sanitary landfill shall address both of the
21 following:

- 22 a. The extent to which solid waste is or can be recycled.
- 23 b. The economic and technical feasibility of using other
24 existing sanitary disposal project facilities in lieu of
25 initiating or continuing the sanitary landfill for which the
26 permit is being sought.

27 4. A plan filed pursuant to this section in conjunction
28 with an application for issuance, renewal, or reissuance of a
29 permit for a sanitary landfill shall contain a specific plan
30 for implementing alternative solid waste disposal methods
31 other than use of a sanitary landfill.

32 Sec. 4. Section 455B.309, Code Supplement 1985, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 3. An amount equal to twenty-five percent
35 of the annual receipts to the groundwater fund derived from

1 the landfill tonnage fee imposed pursuant to section 455B.310
2 shall be reserved for the purpose of providing grants to
3 cities and counties required to provide for sanitary disposal
4 projects under section 455B.302 for the purpose of developing
5 or updating plans required to be filed under section 455B.306.
6 Grants shall be governed by section 455B.311.

57-47
7 Sec. 5. NEW SECTION. 455B.311 GRANTS.

8 The executive director may make grants to cities, counties,
9 or central planning agencies representing cities and counties
10 or combinations of cities, counties, or central planning
11 agencies from funds reserved under and for the purposes
12 specified in section 455B.309, subsection 3, subject to all of
13 the following conditions:

14 1. Application for grants shall be in a form and contain
15 information as prescribed by rule of the department.

16 2. Grants shall only be awarded to a city or a county;
17 however, a grant may be made to a central planning agency
18 representing more than one city or county or combination of
19 cities or counties for the purpose of planning and
20 implementing regional solid waste management facilities.

21 3. Grants shall be awarded only for an amount determined
22 by the department to be reasonable and necessary to conduct
23 the work as set forth in the grant application, but shall not
24 exceed ten thousand dollars for each grant. However, grants
25 awarded to central planning agencies representing more than
26 one city or county may receive an amount not to exceed an
27 amount determined as if each city or county had made separate
28 applications for grants.

29 4. A city, county, or central planning agency on behalf of
30 a city or county may not receive more than one grant under
31 this section in any five-year period.

32 5. The executive director may deny a grant application if
33 in the judgment of the executive director the applicant could
34 not reasonably be expected to adequately and properly complete
35 the plan for which the grant is requested, the applicant could

1 not reasonably be expected to implement a planned sanitary
2 disposal project which utilizes methods of solid waste
3 disposal other than using a sanitary landfill, or the
4 interests of the state would be better served by the applicant
5 participating in a regional solid waste management facility.

6 EXPLANATION

7 This bill establishes a timetable regarding the issuance of
8 new permits for sanitary landfills or for the reissuance or
9 renewal of an existing permit. The bill provides that after
10 July 1, 1988, new permits or renewals shall not be issued by
11 the executive director of the department of water, air and
12 waste management unless the applicant files a plan. After
13 July 1, 1993, the executive director shall not issue, renew,
14 or reissue permits unless the applicant show steps are being
15 taken to begin implementing alternative methods of solid waste
16 disposal as set out in the plan. After July 1, 1998 a permit
17 shall not be renewed or reissued unless the applicant
18 documents that the alternative methods are being fully
19 implemented and that the landfill will be used only for
20 disposal of residues and by-products resulting from
21 utilization of the alternative waste disposal methods. The
22 bill also provides for a funding mechanism to assist in the
23 development of sanitary landfill plans that are required.

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HOUSE FILE 2397

H-5297

1 Amend House File 2397 as follows:

- 2 1. Page 2, line 1, by striking the figure "1993"
3 and inserting the following: "1994".
4 2. Page 2, line 10, by striking the figure "1998"
5 and inserting the following: "1997".
6 3. Page 2, line 24, by striking the figure "1998"
7 and inserting the following: "1997".
8 4. Page 4, line 31, by striking the word "five-
9 year" and inserting the following: "three-year".

H-5297 FILED MARCH 10, 1986 BY JOHNSON of Winneshiek

Adopted 3/11 (p. 661)

HOUSE FILE 2397

H-5249

1 Amend House File 2397 as follows:

- 2 1. Page 4, by inserting after line 6 the
3 following:
4 "Sec. ____ . Section 455B.310, subsection 3, Code
5 Supplement 1985, is amended to read as follows:
6 3. Solid waste disposal facilities with special
7 provisions which limit the site to the disposal of
8 construction and demolition waste and solid waste
9 materials approved by the department for lining or
10 capping or for construction berms, dikes or roads in a
11 sanitary disposal project or sanitary landfill or
12 which limit the site to the disposal of excess fly ash
13 used in the reclamation of strip mined land are exempt
14 from the tonnage fees imposed under this section."
15 2. Renumber as necessary.

BY O'KANE of Woodbury

H-5249 FILED MARCH 6, 1986 STURGEON of Woodbury

Adopted 3/11 (p. 661)

House Summary 3/17/86 Do Pass 3/26 (p. 895)

HOUSE FILE 2397

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(As Amended and Passed by the House March 11, 1986)

Re Passed House, Date 4-14-86 (p. 1461) Passed Senate, Date 4-2-86 (p. 990)

Vote: Ayes 93 Nays 0 Vote: Ayes 46 Nays 1

Approved May 2, 1986 (p. 2320)

A BILL FOR

1 An Act relating to sanitary landfills.

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

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House Amendments _____

1 Section 1. Section 455B.301, subsection 4, Code Supplement
2 1985, is amended by striking the subsection and inserting the
3 following:

4 4. "Sanitary landfill" means a sanitary disposal project
5 where solid waste is buried between layers of earth.

6 Sec. 2. Section 455B.305, Code 1985, is amended to read as
7 follows:

8 455B.305 CERTIFICATION OF PLANS BY DIRECTOR.

9 1. The executive director shall issue, revoke, suspend,
10 modify, or deny permits for the construction and operation of
11 sanitary disposal projects.

12 A permit shall be issued by the executive director or at
13 the executive director's direction, by a local board of
14 health, for each sanitary disposal project operated in this
15 state. The permit shall be issued in the name of the city or
16 county or, where applicable, in the name of the public or
17 private agency operating the project. Each sanitary disposal
18 project shall be inspected annually by the department or a
19 local board of health. The permits issued pursuant to this
20 section ~~shall be~~ are in addition to any other licenses,
21 permits or variances authorized or required by law, including,
22 but not limited to, ~~the provisions of~~ chapter 358A. A permit
23 may be suspended or revoked by the executive director if a
24 sanitary disposal project is found not to meet the
25 requirements of part 1 ~~of this division~~ or rules issued under
26 part 1 ~~of this division~~. The suspension or revocation of a
27 permit may be appealed to the commission.

28 2. Beginning July 1, 1988, the executive director shall
29 not issue a permit for the construction or operation of a new
30 sanitary landfill unless the permit applicant has filed a plan
31 as required by section 455B.306.

32 3. Beginning July 1, 1988, the executive director shall
33 not renew or reissue a permit which had been initially issued
34 prior to that date for a sanitary landfill, unless the permit
35 applicant has filed a plan as required by section 455B.306.

55001 4. Beginning July 1, 1994, the executive director shall
2 not renew or reissue a permit which had been initially issued
3 or renewed prior to that date for a sanitary landfill, unless
4 and until the permit applicant documents that steps are being
5 taken to begin implementing alternative methods of solid waste
6 disposal other than use of a sanitary landfill as set forth in
7 the plan filed pursuant to section 455B.306. However, a
8 permit may be issued for the construction and operation of a
9 new sanitary landfill in accordance with subsection 2.

55010 5. Beginning July 1, 1997, the executive director shall
11 not renew or reissue a permit which had been renewed or
12 reissued prior to that date for a sanitary landfill, unless
13 and until the permit applicant documents that the alternative
14 methods of solid waste disposal other than use of a sanitary
15 landfill have been fully implemented as set forth in the plan
16 filed pursuant to section 455B.306 and that the sanitary
17 landfill will be used only for disposal of residues and by-
18 products resulting from utilization of the alternative waste
19 disposal method. However, the executive director may issue a
20 permit for the construction and operation of a new sanitary
21 landfill in accordance with subsection 2 and a permit may be
22 renewed or reissued for a sanitary landfill which had received
23 an initial permit but the permit had not been previously
24 renewed or reissued prior to July 1, 1997 in accordance with
25 subsection 3.

26 Sec. 3. Section 455B.306, Code 1985, is amended to read as
27 follows:

28 455B.306 PLANS FILED.

29 1. Every A city, county and every a private agency
30 operating or planning to operate a sanitary disposal project
31 shall file with the executive director a plan detailing the
32 method by which the city, county or private agency will comply
33 with the provisions of this part 1 of division IV. The
34 executive director shall review each plan submitted and may
35 reject, suggest modification, or approve the proposed plan.

1 The executive director shall aid in the development of plans
2 for compliance with ~~the-provisions-of-said~~ this part. The
3 executive director shall make available to each a city, county
4 and private agency appropriate forms for the submission of
5 plans and may hold hearings for the purpose of implementing
6 ~~the-provisions-of-said~~ this part. The executive director and
7 governmental agencies with primary responsibility for the
8 development and conservation of energy resources shall provide
9 research and assistance, when cities and counties operating or
10 planning to operate sanitary disposal projects request aid in
11 planning and implementing resource recovery systems.

12 2. The plan required by subsection 1 shall be filed with
13 the department at the time of initial application for the
14 construction and operation of a sanitary landfill and shall be
15 updated and refiled with the department at the time of each
16 subsequent application for renewal or reissuance of a
17 previously issued permit.

18 3. A plan filed pursuant to this section in conjunction
19 with an application for issuance, renewal, or reissuance of a
20 permit for a sanitary landfill shall address both of the
21 following:

22 a. The extent to which solid waste is or can be recycled.

23 b. The economic and technical feasibility of using other
24 existing sanitary disposal project facilities in lieu of
25 initiating or continuing the sanitary landfill for which the
26 permit is being sought.

27 4. A plan filed pursuant to this section in conjunction
28 with an application for issuance, renewal, or reissuance of a
29 permit for a sanitary landfill shall contain a specific plan
30 for implementing alternative solid waste disposal methods
31 other than use of a sanitary landfill.

32 Sec. 4. Section 455B.309, Code Supplement 1985, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 3. An amount equal to twenty-five percent
35 of the annual receipts to the groundwater fund derived from

1 the landfill tonnage fee imposed pursuant to section 455B.310
2 shall be reserved for the purpose of providing grants to
3 cities and counties required to provide for sanitary disposal
4 projects under section 455B.302 for the purpose of developing
5 or updating plans required to be filed under section 455B.306.
6 Grants shall be governed by section 455B.311.

7 Sec. 5. Section 455B.310, subsection 3, Code Supplement
8 1985, is amended to read as follows:

9 3. Solid waste disposal facilities with special provisions
10 which limit the site to the disposal of construction and
11 demolition waste and solid waste materials approved by the
12 department for lining or capping or for construction berms,
13 dikes or roads in a sanitary disposal project or sanitary
14 landfill or which limit the site to the disposal of excess fly
15 ash used in the reclamation of strip mined land are exempt
16 from the tonnage fees imposed under this section.

17 Sec. 6. NEW SECTION. 455B.311 GRANTS.

18 The executive director may make grants to cities, counties,
19 or central planning agencies representing cities and counties
20 or combinations of cities, counties, or central planning
21 agencies from funds reserved under and for the purposes
22 specified in section 455B.309, subsection 3, subject to all of
23 the following conditions:

24 1. Application for grants shall be in a form and contain
25 information as prescribed by rule of the department.

26 2. Grants shall only be awarded to a city or a county;
27 however, a grant may be made to a central planning agency
28 representing more than one city or county or combination of
29 cities or counties for the purpose of planning and
30 implementing regional solid waste management facilities.

31 3. Grants shall be awarded only for an amount determined
32 by the department to be reasonable and necessary to conduct
33 the work as set forth in the grant application, but shall not
34 exceed ten thousand dollars for each grant. However, grants
35 awarded to central planning agencies representing more than

1 one city or county may receive an amount not to exceed an
2 amount determined as if each city or county had made separate
3 applications for grants.

4 4. A city, county, or central planning agency on behalf of
5 a city or county may not receive more than one grant under
6 this section in any three-year period.

7 5. The executive director may deny a grant application if
8 in the judgment of the executive director the applicant could
9 not reasonably be expected to adequately and properly complete
10 the plan for which the grant is requested, the applicant could
11 not reasonably be expected to implement a planned sanitary
12 disposal project which utilizes methods of solid waste
13 disposal other than using a sanitary landfill, or the
14 interests of the state would be better served by the applicant
15 participating in a regional solid waste management facility.

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SENATE AMENDMENT TO HOUSE FILE 2397

H-5704

1 Amend House File 2397 as amended, passed, and
2 reprinted by the House as follows:

- 3 1. Page 2, by striking lines 5 and 6 and
4 inserting the following: "taken to begin
5 implementing".
- 6 2. Page 2, line 13, by striking the words "that
7 the" and inserting the following: "that".
- 8 3. Page 2, line 15, by striking the word "fully".
- 9 4. Page 2, by striking lines 16 through 19 and
10 inserting the following: "filed pursuant to section
11 455B.306. However, the executive director may issue
12 a".
- 13 5. Page 3, line 20, by striking the word "both"
14 and inserting the following: "all".
- 15 6. Page 3, by inserting after line 26 the
16 following:
17 "c. The expected environmental impact of
18 alternative solid waste disposal methods, including
19 the use of sanitary landfills.
20 d. A specific plan and schedule for implementing
21 technically and economically feasible solid waste
22 disposal methods that will result in minimal
23 environmental impact."
- 24 7. Page 3, by striking lines 27 through 31.
- 25 8. Page 3, line 34, by striking the word "twenty-
26 five" and inserting the following: "fifty".
- 27 9. Page 4, line 18, by inserting after the word
28 "director" the following: ", with the approval of the
29 commission,".
- 30 10. By striking page 4, line 33 through page 5,
31 line 3 and inserting the following: "the work as set
32 forth in the grant application. Grants for less than
33 a county-wide planning area shall be limited to
34 twenty-five percent state funds, for a single-county
35 planning area the state funds shall be limited to
36 fifty percent, and for a two-county planning area the
37 state funds shall be limited to seventy-five percent.
38 For each additional county above a two-county planning
39 area, the maximum allowable state funds shall be
40 increased by an additional five percent, up to a
41 maximum of ninety percent state funds."
- 42 11. Page 5, line 7, by inserting after the word
43 "director" the following: ", with the approval of the
44 commission,".
- 45 12. Page 5, line 10, by striking the word
46 "requested," and inserting the following: "requested
47 or".
- 48 13. Page 5, by striking lines 12 through 15 and
49 inserting the following: "disposal project."
- 50 14. By renumbering, relettering, or redesignating

Page Two

1 and correcting internal references as necessary.

H-5704 FILED APRIL 4, 1986

RECEIVED FROM THE SENATE

None occurred 4/17 (p. 140)

S-5502

1 Amend House File 2397 as amended, passed, and
 2 reprinted by the House as follows:

- 3 1. Page 2, by striking lines 5 and 6 and
 4 inserting the following: "taken to begin
 5 implementing".
- 6 2. Page 2, line 13, by striking the words "that
 7 the" and inserting the following: "that".
- 8 3. Page 2, line 15, by striking the word "fully".
- 9 4. Page 2, by striking lines 16 through 19 and
 10 inserting the following: "filed pursuant to section
 11 455B.306. However, the executive director may issue
 12 a".
- 13 5. Page 3, line 20, by striking the word "both"
 14 and inserting the following: "all".
- 15 6. Page 3, by inserting after line 26 the
 16 following:
 17 "c. The expected environmental impact of
 18 alternative solid waste disposal methods, including
 19 the use of sanitary landfills.
 20 d. A specific plan and schedule for implementing
 21 technically and economically feasible solid waste
 22 disposal methods that will result in minimal
 23 environmental impact."
- 24 7. Page 3, by striking lines 27 through 31.
- 25 8. Page 4, line 18, by inserting after the word
 26 "director" the following: ", with the approval of the
 27 commission,".
- 28 9. Page 5, line 7, by inserting after the word
 29 "director" the following: ", with the approval of the
 30 commission,".
- 31 10. Page 5, line 10, by striking the word
 32 "requested," and inserting the following: "requested
 33 or".
- 34 11. Page 5, by striking lines 12 through 15 and
 35 inserting the following: "disposal project."
- 36 12. Renumber as necessary.

S-5502 Filed April 1, 1986

BY GORNSTAL, CARR, BRUNER, HULTMAN, SOORHOLTZ, CORNING
 BROWN, COLTON, MILLER

Adopted 4/2 (p 790)

S-5532

1 Amend House File 2397 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, line 34, by striking the word "twenty-
4 five" and inserting the following: "fifty".
5 2. By striking page 4, line 33 through page 5,
6 line 3 and inserting the following: "the work as set
7 forth in the grant application. Grants for less than
8 a county-wide planning area shall be limited to
9 twenty-five percent state funds, for a single-county
10 planning area the state funds shall be limited to
11 fifty percent, and for a two-county planning area the
12 state funds shall be limited to seventy-five percent.
13 For each additional county above a two-county planning
14 area, the maximum allowable state funds shall be
15 increased by an additional five percent, up to a
16 maximum of ninety percent state funds."

S-5532 Filed and adopted April 2, 1986 BY RIFE

(p. 990)

HOUSE FILE 2397

AN ACT

RELATING TO SANITARY LANDFILLS.

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

Section 1. Section 455B.301, subsection 4, Code Supplement 1985, is amended by striking the subsection and inserting the following:

4. "Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

Sec. 2. Section 455B.305, Code 1985, is amended to read as follows:

455B.305 CERTIFICATION OF PLANS BY DIRECTOR.

1. The executive director shall issue, revoke, suspend, modify, or deny permits for the construction and operation of sanitary disposal projects.

A permit shall be issued by the executive director or at the executive director's direction, by a local board of health, for each sanitary disposal project operated in this state. The permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating the project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The permits issued pursuant to this section ~~shall be~~ are in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, ~~the provisions of~~ chapter 358A. A permit may be suspended or revoked by the executive director if a sanitary disposal project is found not to meet the requirements of part 1 ~~of this division~~ or rules issued under part 1 ~~of this division~~. The suspension or revocation of a permit may be appealed to the commission.

2. Beginning July 1, 1988, the executive director shall not issue a permit for the construction or operation of a new sanitary landfill unless the permit applicant has filed a plan as required by section 455B.306.

3. Beginning July 1, 1988, the executive director shall not renew or reissue a permit which had been initially issued prior to that date for a sanitary landfill, unless the permit applicant has filed a plan as required by section 455B.306.

4. Beginning July 1, 1994, the executive director shall not renew or reissue a permit which had been initially issued or renewed prior to that date for a sanitary landfill, unless and until the permit applicant documents that steps are being taken to begin implementing the plan filed pursuant to section 455B.306. However, a permit may be issued for the construction and operation of a new sanitary landfill in accordance with subsection 2.

5. Beginning July 1, 1997, the executive director shall not renew or reissue a permit which had been renewed or reissued prior to that date for a sanitary landfill, unless and until the permit applicant documents that alternative methods of solid waste disposal other than use of a sanitary landfill have been implemented as set forth in the plan filed pursuant to section 455B.306. However, the executive director may issue a permit for the construction and operation of a new sanitary landfill in accordance with subsection 2 and a permit may be renewed or reissued for a sanitary landfill which had received an initial permit but the permit had not been previously renewed or reissued prior to July 1, 1997 in accordance with subsection 3.

Sec. 3. Section 455B.306, Code 1985, is amended to read as follows:

455B.306 PLANS FILED.

1. Every A city, county and every a private agency operating or planning to operate a sanitary disposal project shall file with the executive director a plan detailing the method by which the city, county or private agency will comply with the ~~provisions of~~ this part 1 ~~of division IV~~. The executive director shall review each plan submitted and may

reject, suggest modification, or approve the proposed plan. The executive director shall aid in the development of plans for compliance with ~~the provisions of said~~ this part. The executive director shall make available to each a city, county and private agency appropriate forms for the submission of plans and may hold hearings for the purpose of implementing ~~the provisions of said~~ this part. The executive director and governmental agencies with primary responsibility for the development and conservation of energy resources shall provide research and assistance, when cities and counties operating or planning to operate sanitary disposal projects request aid in planning and implementing resource recovery systems.

2. The plan required by subsection 1 shall be filed with the department at the time of initial application for the construction and operation of a sanitary landfill and shall be updated and refiled with the department at the time of each subsequent application for renewal or reissuance of a previously issued permit.

3. A plan filed pursuant to this section in conjunction with an application for issuance, renewal, or reissuance of a permit for a sanitary landfill shall address all of the following:

- a. The extent to which solid waste is or can be recycled.
- b. The economic and technical feasibility of using other existing sanitary disposal project facilities in lieu of initiating or continuing the sanitary landfill for which the permit is being sought.
- c. The expected environmental impact of alternative solid waste disposal methods, including the use of sanitary landfills.
- d. A specific plan and schedule for implementing technically and economically feasible solid waste disposal methods that will result in minimal environmental impact.

Sec. 4. Section 455B.309, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An amount equal to fifty percent of the annual receipts to the groundwater fund derived from the landfill tonnage fee imposed pursuant to section 455B.310

shall be reserved for the purpose of providing grants to cities and counties required to provide for sanitary disposal projects under section 455B.302 for the purpose of developing or updating plans required to be filed under section 455B.306. Grants shall be governed by section 455B.311.

Sec. 5. Section 455B.310, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Solid waste disposal facilities with special provisions which limit the site to the disposal of construction and demolition waste and solid waste materials approved by the department for lining or capping or for construction berms, dikes or roads in a sanitary disposal project or sanitary landfill or which limit the site to the disposal of excess fly ash used in the reclamation of strip mined land are exempt from the tonnage fees imposed under this section.

Sec. 6. NEW SECTION. 455B.311 GRANTS.

The executive director, with the approval of the commission, may make grants to cities, counties, or central planning agencies representing cities and counties or combinations of cities, counties, or central planning agencies from funds reserved under and for the purposes specified in section 455B.309, subsection 3, subject to all of the following conditions:

1. Application for grants shall be in a form and contain information as prescribed by rule of the department.
2. Grants shall only be awarded to a city or a county; however, a grant may be made to a central planning agency representing more than one city or county or combination of cities or counties for the purpose of planning and implementing regional solid waste management facilities.
3. Grants shall be awarded only for an amount determined by the department to be reasonable and necessary to conduct the work as set forth in the grant application. Grants for less than a county-wide planning area shall be limited to twenty-five percent state funds, for a single-county planning area the state funds shall be limited to fifty percent, and for a two-county planning area the state funds shall be limited to seventy-five percent. For each additional county

above a two-county planning area, the maximum allowable state funds shall be increased by an additional five percent, up to a maximum of ninety percent state funds.

4. A city, county, or central planning agency on behalf of a city or county may not receive more than one grant under this section in any three-year period.

5. The executive director, with the approval of the commission, may deny a grant application if in the judgment of the executive director the applicant could not reasonably be expected to adequately and properly complete the plan for which the grant is requested or the applicant could not reasonably be expected to implement a planned sanitary disposal project.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2397, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 2, 1986

TERRY E. BRANSTAD
Governor