

MAR 28 1985

HOUSE FILE 750

Place On Calendar

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(Formerly House File 362)

Passed House, Date 4-2-85 (p. 1257) Passed Senate, Date 4-17-85 (p. 1466)
Vote: Ayes 87 Nays 11 Vote: Ayes 40 Nays 6

Approved May 31, 1985

Referred to House 4-26-85 (p. 1942)
71-23

A BILL FOR

1 An Act imposing a tonnage fee on solid waste deposited in
2 sanitary landfills to establish a groundwater fund for
3 administering a groundwater monitoring program, the
4 development of groundwater quality standards, alternative
5 methods of solid waste disposal, and emergency landfill
6 cleanup programs, and subjecting violators to a penalty.

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

S-3750

HOUSE FILE 750

- 1 Amend House File 750 as passed by the House as
- 2 follows:
- 3 1. Page 2, line 3, by inserting after the word
- 4 "cleanup." the following: "However, not more than ten
- 5 percent of the fund may be used for this purpose in
- 6 any given year without legislative authorization for
- 7 that purpose."
- 8 2. Page 2, by striking lines 13 through 16 and
- 9 inserting the following:
- 10 "3. Solid waste disposal facilities with special
- 11 provisions which limit the site to the disposal of
- 12 construction and demolition waste and solid waste
- 13 materials approved by the department for lining or
- 14 capping or for construction berms, dikes or roads in a
- 15 sanitary disposal project or sanitary landfill are
- 16 exempt from the tonnage fees imposed under this
- 17 section."
- 18 3. Page 2, line 28, by striking the word
- 19 "January" and inserting the following: "April".

S-3750 Filed April 15, 1985

By A. MILLER, BRUNER & MANN

Adopted 4/17/85 (p. 1466)

1 Section 1. Section 455B.301, subsection 4, Code 1985, is
2 amended to read as follows:

3 4. "Solid waste" means garbage, refuse, rubbish, and other
4 similar discarded solid or semisolid materials, including but
5 not limited to such materials resulting from industrial,
6 commercial, agricultural, and domestic activities. Solid waste
7 may include vehicles, as defined by section 321.1, subsection
8 1. ~~Nothing herein shall be construed as prohibiting~~ However,
9 this division does not prohibit the use of dirt, stone, brick,
10 or similar inorganic material for fill, landscaping,
11 excavation or grading at places other than a sanitary
12 disposal. Solid waste does not include hazardous waste as
13 defined in section 455B.411 or source, special nuclear, or by-
14 product material as defined in the Atomic Energy Act of 1954,
15 as amended to January 1, 1979.

16 Sec. 2. Section 455B.301, Code 1985, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. "Sanitary landfill" means a landfill
19 associated with a sanitary disposal project to facilitate the
20 final disposition of solid waste.

21 Sec. 3. NEW SECTION. 455B.309 GROUNDWATER FUND.

22 1. A groundwater fund is created in the state treasury.
23 Moneys received from the tonnage fee and from other sources
24 designated for purposes related to groundwater monitoring and
25 groundwater quality standards shall be deposited in the state
26 treasury to the credit of the fund. Any unexpended balance in
27 the groundwater fund at the end of each fiscal year shall be
28 retained in the fund.

29 2. The department may use the fund for any of the
30 following purposes:

- 31 a. The administration of a groundwater monitoring program.
- 32 b. The development of groundwater quality standards.
- 33 c. Research in alternative methods of solid waste disposal
34 including recycling programs.
- 35 d. Abatement and cleanup of threats to the public safety

1 and environment resulting from a sanitary landfill when an
2 owner or operator of the facility is unable to effectuate the
3 abatement or cleanup.

4 Sec. 4. NEW SECTION. 455B.310 TONNAGE FEE IMPOSED.

5 1. Except as provided in subsection 3, the operator of a
6 sanitary landfill shall pay to the department a tonnage fee
7 for each ton or equivalent volume of solid waste received and
8 disposed of at the sanitary landfill during the preceding
9 reporting period. The department shall determine by rule the
10 volume which is equivalent to a ton of waste.

11 2. The tonnage fee is twenty-five cents per ton of solid
12 waste.

13 3. Solid waste materials approved by the department for
14 lining or capping or for constructing berms, dikes or roads in
15 a sanitary disposal project or sanitary landfill are exempt
16 from the tonnage fees imposed under this section.

17 4. All tonnage fees received by the department under this
18 section shall be paid to a groundwater fund created under
19 section 455B.309.

20 5. Fees imposed by this section shall be paid to the
21 department on an annual basis. Fees are due on April 15 for
22 the previous calendar year. The payment shall be accompanied
23 by a return in the form prescribed by the department.

24 6. A person required to pay fees by this section who fails
25 or refuses to pay the fees imposed by this section shall be
26 assessed a penalty of fifteen percent of the fee due. The
27 penalty shall be paid in addition to the fee due.

28 Sec. 5. This Act takes effect January 1, 1986.

29

EXPLANATION

30 This bill provides a source of funding for programs related
31 to groundwater monitoring and quality standards, research in
32 alternative methods of solid waste disposal, and the abatement
33 and cleanup of threats to the public health resulting from
34 sanitary landfills when the owners are unable to correct the
35 threat. The bill creates a groundwater fund and imposes a

1 tonnage fee of twenty-five cents per ton of solid waste or its
2 equivalent on a volume basis.

3 The bill takes effect January 1, 1986.

HOUSE FILE 750

FISCAL NOTE

REQUESTED BY REPRESENTATIVE JOHNSON

In compliance with a written request received March 28, 1985, a fiscal note for HOUSE FILE 750 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.

HOUSE FILE 750 provides a source of funding for programs related to groundwater monitoring and quality standards, research in alternative methods of solid waste disposal, and the abatement and cleanup of threats to the public health resulting from sanitary landfills when the owners are unable to correct the threat. The bill creates a groundwater fund and imposes a tonnage fee of twenty-five cents per ton of solid waste or its equivalent on a volume basis. Moneys received from the tonnage fee shall be deposited in the state treasury to the credit of the groundwater fund. The bill takes effect January 1, 1986.

ASSUMPTIONS

1. Approximately 8000 tons of solid wastes are disposed each day.
2. Additional staff time will be required in FY 1986 (2.0 FTE) to develop new Departmental rules and design and develop data processing systems to handle fees. In FY 1987, a part-time systems analyst (0.5 FTE) will be needed for data processing.
3. The initial receipts estimates for the solid waste management fund are calculated on a weight basis. Actual fees will be collected on a volume basis.

FISCAL EFFECT: The table below indicates that the estimated receipts generated each year total \$730,000 for the groundwater fund. The net effect after expenditures for salaries and support is estimated to be \$639,610 in FY 1986 and \$697,000 in FY 1987.

| | <u>FY 1986</u> | <u>FY 1987</u> |
|---|----------------|----------------|
| Groundwater Fund | \$ 730,000 | \$ 730,000 |
| Less: Administrative Salaries and Support | <u>90,390</u> | <u>33,000</u> |
| NET EFFECT | \$ 639,610 | \$ 697,000 |

COUNTY AND LOCAL GOVERNMENT IMPACT: It is expected that sanitary landfills may incur some increased staff and equipment costs in collecting and accounting for the fees and in measuring solid waste. It is not possible to estimate these costs because of the differences in staffing and size of operation among landfills.

Source: Department of Water, Air and Waste Management (LSB 2860H, RLB)

FILED APRIL 2, 1985

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 2860H 71

SENATE AMENDMENT TO HOUSE FILE 750

H-3917

- 1 Amend House File 750 as passed by the House as
2 follows:
3 1. Page 2, line 3, by inserting after the word
4 "cleanup." the following: "However, not more than ten
5 percent of the fund may be used for this purpose in
6 any given year without legislative authorization for
7 that purpose."
8 2. Page 2, by striking lines 13 through 16 and
9 inserting the following:
10 "3. Solid waste disposal facilities with special
11 provisions which limit the site to the disposal of
12 construction and demolition waste and solid waste
13 materials approved by the department for lining or
14 capping or for construction berms, dikes or roads in a
15 sanitary disposal project or sanitary landfill are
16 exempt from the tonnage fees imposed under this
17 section."
18 3. Page 2, line 28, by striking the word
19 "January" and inserting the following: "April".

H-3917 FILED APRIL 19, 1985

RECEIVED FROM THE SENATE

House concurred 4/26/85 (p. 1942)

HOUSE FILE 750

H-4064

- 1 Amend the Senate amendment, H-3917, to House File
2 750, as passed by the House as follows:
3 1. Page 1, line 7, by inserting after the word
4 "purpose" the following: "and at least eighty percent
5 of the funds shall be distributed to, and used for the
6 operation of, the landfill or landfills serving the
7 service area from which waste was collected and the
8 tonnage fees paid".

H-4064 FILED APRIL 25, 1985 BY WOODS of Polk

Law 4/26 (p. 1941)

HOUSE FILE 750

AN ACT

IMPOSING A TONNAGE FEE ON SOLID WASTE DEPOSITED IN SANITARY LANDFILLS TO ESTABLISH A GROUNDWATER FUND FOR ADMINISTERING A GROUNDWATER MONITORING PROGRAM, THE DEVELOPMENT OF GROUNDWATER QUALITY STANDARDS, ALTERNATIVE METHODS OF SOLID WASTE DISPOSAL, AND EMERGENCY LANDFILL CLEANUP PROGRAMS, AND SUBJECTING VIOLATORS TO A PENALTY.

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

Section 1. Section 455B.301, subsection 4, Code 1985, is amended to read as follows:

4. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by section 321.1, subsection 1. ~~Nothing herein shall be construed as prohibiting~~ However, this division does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal. Solid waste does not include hazardous waste as defined in section 455B.411 or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

Sec. 2. Section 455B.301, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. "Sanitary landfill" means a landfill associated with a sanitary disposal project to facilitate the final disposition of solid waste.

Sec. 3. NEW SECTION. 455B.309 GROUNDWATER FUND.

1. A groundwater fund is created in the state treasury. Moneys received from the tonnage fee and from other sources

designated for purposes related to groundwater monitoring and groundwater quality standards shall be deposited in the state treasury to the credit of the fund. Any unexpended balance in the groundwater fund at the end of each fiscal year shall be retained in the fund.

2. The department may use the fund for any of the following purposes:

- a. The administration of a groundwater monitoring program.
- b. The development of groundwater quality standards.
- c. Research in alternative methods of solid waste disposal including recycling programs.
- d. Abatement and cleanup of threats to the public safety and environment resulting from a sanitary landfill when an owner or operator of the facility is unable to effectuate the abatement or cleanup. However, not more than ten percent of the fund may be used for this purpose in any given year without legislative authorization for that purpose.

Sec. 4. NEW SECTION. 455B.310 TONNAGE FEE IMPOSED.

1. Except as provided in subsection 3, the operator of a sanitary landfill shall pay to the department a tonnage fee for each ton or equivalent volume of solid waste received and disposed of at the sanitary landfill during the preceding reporting period. The department shall determine by rule the volume which is equivalent to a ton of waste.

2. The tonnage fee is twenty-five cents per ton of solid waste.

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 are exempt from the tonnage fees imposed under this section.

4. All tonnage fees received by the department under this section shall be paid to a groundwater fund created under section 455B.309.

5. Fees imposed by this section shall be paid to the department on an annual basis. Fees are due on April 15 for the previous calendar year. The payment shall be accompanied by a return in the form prescribed by the department.

6. A person required to pay fees by this section who fails or refuses to pay the fees imposed by this section shall be assessed a penalty of fifteen percent of the fee due. The penalty shall be paid in addition to the fee due.

Sec. 5. This Act takes effect April 1, 1986.

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 750, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 31, 1985

TERRY E. BRANSTAD
Governor