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HOUSE FILE 753

BY WAYS AND MEANS

WAYS & MEANS CALENDAR

(SUCCESSOR TO HF 476)

Passed House, Date 4-18-89 (p. 1679) Passed Senate, Date _____
 Vote: Ayes 94 Nays 3 Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to the establishment of a waste volume reduction
 2 and recycling network, prohibiting the disposal of certain
 3 products at sanitary landfills, promoting the use of certain
 4 recyclable products and certain recycling or reprocessing
 5 equipment, prohibiting the use of certain other products,
 6 requiring city or county solid waste management programs and
 7 plans, establishing fees and taxes, providing for
 8 appropriation and expenditure of the fee receipts and certain
 9 other moneys, providing penalties, providing an effective
 10 date, and providing for other properly related matters.

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

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HF 753

1 Section 1. NEW SECTION. 455D.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "Commission" means the environmental protection
5 commission.

6 2. "Department" means the department of natural resources
7 created pursuant to section 455A.2.

8 3. "Deposit" means the amount paid by the consumer to the
9 retailer at the time of initial purchase that is intended to
10 encourage the return of materials or containers and which is
11 returned in full to the consumer when the used material or
12 container is redeemed.

13 4. "Director" means the director of the department.

14 5. "Rebate" means the portion of the amount paid by the
15 consumer to the retailer at the time of initial purchase that
16 is returned to the consumer when the used material or
17 container is returned for disposal.

4049- 18 6. "Recycling" means the recovery of useful materials from
19 discarded waste with or without treatment, and excludes any
20 form of energy recovery or composting.

21 7. "Waste abatement fee" means the amount paid by the
22 consumer to the retailer at the time of initial purchase of a
23 product that is intended to support the cost of proper
24 disposal.

25 8. "Waste reduction" means practices which reduce, avoid,
26 or eliminate both the generation of solid waste and the use of
27 toxic materials so as to reduce risks to health and the
28 environment and to avoid, reduce, or eliminate the generation
29 of wastes or environmental pollution at the source and not
30 merely achieved by shifting a waste output or waste stream
31 from one environmental medium to another environmental medium.

32 Sec. 2. NEW SECTION. 455D.2 FINDINGS.

33 The general assembly finds that:

34 1. Iowa's environment is precious and no person has the
35 right to pollute Iowa's air, water, or soil. The environment

1 is vulnerable and irreplaceable, and all Iowans have an ongoing
2 responsibility to conserve, preserve, and enhance the state's
3 natural resources to guarantee their continued existence and
4 use by the present and future generations.

5 2. The land itself is the source of Iowa's livelihood not
6 only for the purposes of an agricultural economy, but for the
7 establishment of manufacturing plants, business offices, and
8 residences. While zoning establishes restrictions on the use
9 of land for social order, a similar system has not been
10 established to maintain environmental order below the ground.
11 Protection of the environment includes not only visible but
12 invisible threats as well.

13 3. The rapidly rising volume of waste deposited by society
14 threatens the capacity of existing and future landfills. The
15 nature of waste disposal today means that unknown quantities
16 of potentially toxic and hazardous materials are being buried
17 and pose a constant threat to the groundwater supply. In
18 addition, the nature of the waste and disposal methods
19 utilized allow the waste to remain basically inert for
20 decades, if not centuries, without decomposition.

21 4. Wastes filling Iowa's landfills may, at best, represent
22 a potential resource. However, without proper management,
23 wastes are hazards to the environment and life itself.

24 5. The reduction of solid waste at the source and the
25 recycling of reusable waste materials will reduce the flow of
26 waste to sanitary landfills and increase the supply of
27 reusable materials for the use of the public.

28 Sec. 3. NEW SECTION. 455D.3 GOAL.

4049- 29 The goal of the state is to reduce the amount of materials
30 in the waste stream twenty-five percent by July 1, 1994, and
31 fifty percent by July 1, 2000, through the practice of waste
32 volume reduction at the source and through recycling.

33 Sec. 4. NEW SECTION. 455D.4 WASTE VOLUME REDUCTION
34 POLICIES.

35 1. It is the policy of this state to encourage the

1 development of waste volume reduction programs and education
2 at the local government level through incentives, technical
3 assistance, grants, and other practical measures.

4 2. It is the policy of this state to support and encourage
5 the development of new uses and markets for recycled goods,
6 placing emphasis on the development, in Iowa, of businesses
7 relating to waste reduction and recycling.

8 3. The provision of education concerning waste volume
9 reduction at the elementary through high school levels and
10 through community organizations will enhance the success of
11 local programs requiring public involvement.

12 4. This state supports and encourages manufacturing
13 methods which are environmentally sustainable, technologically
14 safe, and ecologically sound. The state shall encourage
15 manufacturing methods which enhance waste reduction by
16 creating products with longer usage life, and by creating
17 products which are adaptable to secondary uses, require less
18 input material, and decrease resource consumption.

19 5. The people of this state recognize that a variety of
20 benefits result from a comprehensive waste reduction policy
21 including the following environmental, economic, governmental,
22 and public benefits:

23 a. Not producing waste in the first instance is the most
24 certain means for avoiding the widely recognized health and
25 environmental damage associated with waste. Although waste
26 reduction will never eliminate all wastes, to the extent that
27 waste reduction is achieved it results in the most certain
28 form of direct risk reduction.

29 b. Waste reduction results in reduced pollution control
30 costs for industry by stimulating and promoting beneficial
31 technological and management reorganization within industry in
32 place of pollution control strategies which channel capital
33 into nonproductive pollution control expenditures.

34 c. The government is better able to administer programs
35 which offer a variety of benefits to industry and which reduce

1 the overall cost of government involvement than it is to
2 administer programs which offer few benefits to industry and
3 require increasingly extensive, complex, and costly
4 governmental actions.

5 d. Public confidence in environmental policies of the
6 government is important for the effectiveness of these
7 policies. Waste reduction poses no adverse environmental and
8 public health effects and does not, therefore, lead to
9 increased public concern. Waste reduction also increases the
10 public confidence that the government and industry are doing
11 all that is possible to protect human health and the
12 environment.

13 Sec. 5. NEW SECTION. 455D.5 STATEWIDE WASTE REDUCTION
14 AND RECYCLING NETWORK -- ESTABLISHED.

15 1. The department shall establish a statewide waste
16 reduction and recycling network to promote the waste
17 management policy contained in section 455B.481 and the waste
18 management hierarchy contained in section 455B.301A. Programs
19 established shall encourage waste generators to reduce the
20 volume of waste generated and to recycle or properly dispose
21 of the waste that is generated. The programs may utilize
22 financial and legal incentives, education, technical
23 assistance, regulation, and other methods as appropriate to
24 implement the programs. The programs may involve the
25 development of public and private sector initiatives, the
26 development of markets and other opportunities for waste
27 reduction and recycling, and other related efforts.

28 2. The elements of the network shall include but are not
29 limited to all of the following:

30 a. Promotion of efforts to increase the amount of
31 recyclable materials used by the public.

32 b. Promotion of efforts to recover recyclable materials
33 from the waste stream.

34 c. Promotion of local efforts to implement recycling
35 collection centers located at disposal sites or other

1 convenient local sites.

2 d. Promotion of local efforts of curbside collection of
3 separated recyclable waste materials.

4 e. Provision of public education programs which promote
5 public awareness of waste volume reduction and the use of
6 recyclable materials.

7 f. Promotion of the creation of markets for recyclable
8 materials.

9 g. Promotion of research, manufacturing processes, and
10 product development, which provide for waste reduction through
11 decreased material input, and resource consumption.

12 Sec. 6. NEW SECTION. 455D.6 DUTIES OF THE DIRECTOR.

13 The director shall:

14 1. Unless otherwise specified in this chapter, recommend
15 rules to the commission which are necessary to implement this
16 chapter. Initial recommendations shall be made to the
17 commission no later than July 1, 1991.

18 2. Seek, receive, and accept funds in the form of
19 appropriations, grants, awards, wills, bequests, endowments,
20 and gifts for deposit in the waste reduction and recycling
21 trust fund to be used for programs relating to the duties of
22 the department under this chapter.

23 3. Administer and coordinate the waste volume reduction
24 and recycling fund created under section 455D.15.

25 4. Enter into contracts and agreements, with the approval
26 of the commission, for contracts in excess of twenty-five
27 thousand dollars, with local units of government, other state
28 agencies, governments of other states, governmental agencies
29 of the United States, other public and private contractors,
30 and other persons as may be necessary or beneficial in
31 carrying out the department's duties under this chapter.

32 5. Submit a report to the general assembly on or before
409 33 January 15, 1991, that characterizes the solid waste stream in
34 Iowa and that contains a strategy for managing each major
35 component of the waste stream. The strategy shall describe

1 the actions necessary to assure that each segment of the waste
2 stream is managed according to the highest appropriate
3 priority of the waste management hierarchy.

4 6. Develop a strategy and recommend to the commission the
5 adoption of rules necessary to implement a strategy for white
6 goods and waste oil by January 1, 1990.

7 7. Provide financial assistance through expenditure of the
8 waste volume reduction and recycling fund to public and
9 private entities to promote and enable the development and
10 implementation of markets and industries in Iowa that will
11 support and complement the state's waste reduction and
12 recycling programs.

13 8. Study the technology available for the reclamation and
14 recycling of refrigerant and make recommendations concerning
15 whether or not all persons providing refrigerator or air
16 conditioner repair services should own or have access to
17 refrigerant reclamation or recycling machinery.

18 Sec. 7. NEW SECTION. 455D.7 DUTIES OF THE COMMISSION.

19 The commission shall:

20 1. Unless otherwise specified in this chapter, adopt rules
21 necessary to implement this chapter pursuant to chapter 17A.
22 Initial rules shall be adopted no later than April 1, 1992.

23 2. Prohibit land disposal of specific components of the
24 waste stream for which the department has developed and
25 implemented a strategy for alternative disposal according to
26 the waste management hierarchy.

27 3. Establish by rule standards for the acceptance of
28 recyclable or rebatable products at redemption centers. The
29 standards may address matters of public health and handling by
30 the redemption center.

31 4. Recommend to the general assembly, annually, the
32 imposition of waste abatement fees, rebates, and deposits.

33 Sec. 8. NEW SECTION. 455D.8 DEPOSITS, REBATES, AND WASTE
34 ABATEMENT FEES.

35 The commission shall recommend to the general assembly,

1 annually, deposits, rebates, and waste abatement fees on
2 elements of the waste stream when necessary to encourage
3 recycling and recovery of useful components of that waste
4 stream element, or to encourage proper management and disposal
5 of components that cannot be recycled or recovered. In making
6 these recommendations, the commission shall not recommend the
7 imposition of a deposit, rebate, or waste abatement fee on an
8 element that is being properly managed through a market-driven
9 or publicly supported recycling, recovery, or source
10 separation program. The commission shall recommend to the
11 general assembly that a deposit, rebate, or waste abatement
12 fee is removed from an element of the waste stream when the
13 commission determines that market forces will ensure that the
14 element is recycled, recovered, or properly managed and
15 disposed.

16 Sec. 9. NEW SECTION. 455D.9 LAND DISPOSAL OF YARD WASTE
17 -- PROHIBITED.

4078-18 1. Beginning January 1, 1991, land disposal of yard waste
19 as defined by the department is prohibited. However, yard
20 waste which has been separated at its source from other solid
21 waste may be accepted by a sanitary landfill for the purposes
22 of soil conditioning or composting.

23 2. The department shall assist local communities in the
24 development of collection systems for yard waste generated
25 from residences and shall assist in the establishment of local
26 composting facilities. By July 1, 1990, each city and county
27 shall, by ordinance, require persons within the city or county
28 to separate yard waste from other solid waste generated and
29 shall provide for a collection system for yard waste which is
30 not composted.

31 3. The department shall develop rules which define yard
32 waste and provide for the safe and proper method of
33 composting.

34 4. State and local agencies responsible for the
35 maintenance of public lands in the state shall give preference

1 to the use of composted materials in all land maintenance
2 activities.

3 5. This section does not prohibit the use of yard waste as
4 land cover or as soil conditioning material.

5 6. This section prohibits the incineration of yard waste
6 at a sanitary disposal project.

7 Sec. 10. NEW SECTION. 455D.10 LAND DISPOSAL OF LEAD ACID
8 BATTERIES -- PROHIBITED -- COLLECTION FOR RECYCLING.

9 1. Beginning July 1, 1990, land disposal of lead acid
10 batteries is prohibited.

11 2. A person offering for sale or selling lead acid
12 batteries at retail in the state shall do all of the
13 following:

14 a. Accept used lead acid batteries from customers who
15 purchase new lead acid batteries, at the point of sale.

16 b. Post written notice that land disposal of lead acid
17 batteries is prohibited and that state law requires the
18 retailer to accept lead acid batteries for recycling when new
19 lead acid batteries are purchased.

20 3. A person offering for sale or selling lead acid
21 batteries at wholesale shall accept used lead acid batteries
22 from retailers who purchase new lead acid batteries for resale
23 to consumers.

24 Sec. 11. NEW SECTION. 455D.11 WASTE TIRES -- LAND
25 DISPOSAL PROHIBITED -- FEE REQUIRED.

26 1. As used in this section, unless the context otherwise
27 requires:

28 a. "Permit" means a permit issued by the department to
29 establish, construct, modify, own, or operate a tire
30 stockpiling facility.

31 b. "Processing" means producing or manufacturing usable
32 materials from waste tires.

33 c. "Processing site" means a site which is used for the
34 processing of waste tires and which is owned or operated by a
35 tire processor who has a permit for the site.

1 d. "Tire collector" means a person who owns or operates a
2 site used for the storage, collection, or deposit of more than
3 fifty waste tires.

4 e. "Tire processor" means a person engaged in the
5 processing of waste tires.

6 f. "Waste tire" means a tire that is no longer suitable
7 for its originally intended purpose due to wear, damage, or
8 defect.

9 g. "Waste tire collection site" means a site which is used
10 for the storage, collection, or deposit of waste tires.

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11 2. Beginning January 1, 1990, at the time the vehicle is
12 titled from the manufacturer's statement of origin, an owner
13 of a vehicle subject to registration pursuant to sections
14 321.17 through 321.44, shall pay an environmental assessment
15 fee of ten dollars per vehicle for vehicles up to fourteen
16 tons gross weight, and two and one-half percent of the
17 registration fee pursuant to sections 321.105 through 321.132
18 per vehicle for vehicles exceeding fourteen tons gross weight.
19 Payment of the environmental assessment fee shall be made to
20 the county treasurer at the time of payment of the
21 registration fee and use tax. The county treasurer shall
22 collect the environmental assessment fee and shall remit the
23 environmental assessment fees and a quarterly report to the
24 state treasurer. The state treasurer shall deposit the
25 environmental assessment fees collected in the waste volume
4066726 reduction and recycling fund. In addition to the requirements
27 of section 423.7, a registration receipt for a vehicle subject
28 to registration or certificate of title shall not be issued
29 until the environmental assessment fee has been paid.

407030 3. The department of revenue and finance shall prescribe
31 the type and form of records required for the reporting of
32 fees and shall prescribe the manner and means of payment of
33 the fees imposed.

34 4. Land disposal of waste tires is prohibited beginning
35 July 1, 1991, unless the tire has been processed in a manner

1 established by the department.

2 5. The department shall conduct a study and make
3 recommendations to the general assembly by January 1, 1991,
4 concerning a waste tire abatement program which includes but
5 is not limited to the following:

6 a. The number and geographic distribution of waste tires
7 generated and existing in the state.

8 b. The development of markets for the recycling and
9 processing of waste tires, in the midwestern states.

10 c. The methods to establish reliable sources of waste
11 tires for users of waste tires.

12 d. The permitting of waste tire collection sites and waste
13 tire processing facilities.

14 e. The methods for the cleanup of existing stockpiles of
15 waste tires.

16 6. Upon completion of the study pursuant to subsection 5,
17 the department shall determine the number of stockpiling
18 facilities which are necessary and shall develop rules for
19 stockpiling facilities which include but are not limited to
20 the following:

21 a. The prohibition of burning within one hundred yards of
22 a tire stockpile.

23 b. The maximum height, width, and length of a tire
24 stockpile.

25 c. Plans to control mosquitos and rodents.

26 d. A facility closure plan.

27 e. Specifications for fire lanes between stockpiles.

28 f. Limitations of the total number of tires allowed at a
29 single stockpile site.

30 7. The department shall develop criteria for the issuance
31 of permits and shall issue permits to qualified stockpiling
32 facilities.

33 8. The department shall provide financial assistance to
34 persons who establish recycling and processing sites for waste
35 tires, subject to the rules established by the department for

1 the establishment of such sites and subject to the conditions
2 prescribed by the department for application for and awarding
3 of such financial assistance.

4 9. Financial assistance shall not be awarded for
4093-5 incineration or refuse-to-energy facilities.

6 Sec. 12. NEW SECTION. 455D.12 PLASTIC CONTAINER
7 LABELING.

8 1. In this section unless the context otherwise requires:

9 a. "Label" means a molded imprint or raised symbol on or
10 near the bottom of a plastic product.

11 b. "Plastic" means any material made of polymeric organic
12 compounds and additives that can be shaped by flow.

13 c. "Plastic bottle" means a plastic container that has a
14 neck that is smaller than the body of the container, accepts a
15 screw-type, snap cap, or other closure, and has a capacity of
16 sixteen fluid ounces or more, but less than five gallons.

17 d. "Rigid plastic container" means any formed or molded
18 container, other than a bottle, intended for single use,
19 composed predominantly of plastic resin, and having a
20 relatively inflexible infinite shape or form with a capacity
21 of eight ounces or more, but less than five gallons.

22 2. Beginning July 1, 1992, a person shall not distribute,
23 sell, or offer for sale in this state a plastic bottle or
24 rigid plastic container unless the product is labeled with a
25 code indicating the plastic resin used to produce the bottle
26 or container. Rigid plastic bottles or rigid plastic
27 containers with labels and basecups of a different material
28 shall be coded by their basic material. The code shall
29 consist of a number placed within a triangle of arrows and
30 letters placed below the triangle of arrows. The triangle
31 shall be equilateral, formed by three arrows with the apex of
32 each point of the triangle at the midpoint of each arrow,
33 rounded with a short radius. The arrowhead of each arrow
34 shall be at the midpoint of each side of the triangle with a
35 short gap separating the pointer from the base of the adjacent

1 arrow. The triangle, formed by the three arrows curved at
2 their midpoints, shall depict a clockwise path around the code
3 number. The numbers and letters used shall be as follows:

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- 4 a. PETE (polyethylene terephthalate)
- 5 b. HDPE (high density polyethylene)
- 6 c. V (vinyl)
- 7 d. LDPE (low density polyethylene)
- 8 e. PP (polypropylene)
- 9 f. PS (polystyrene)
- 10 g. OTHER (includes multi-layer)

11 3. The department shall maintain a list of the label codes
12 provided in subsection 2 and shall provide a copy of that list
13 to any person upon request.

14 4. A container manufacturer or distributor who violates
15 this section is subject to a civil penalty of not more than
16 five hundred dollars for each violation.

17 Sec. 13. NEW SECTION. 455D.13 LAND DISPOSAL OF WASTE OIL
18 PROHIBITED -- COLLECTION.

19 1. A sanitary landfill shall not accept waste oil for
20 final disposal beginning July 1, 1990.

21 2. A person offering for sale or selling oil at retail in
22 the state shall do the following:

23 a. Accept at the point of sale, waste oil from customers,
24 or post notice of locations where a customer may dispose of
25 waste oil.

26 b. Post written notice that it is unlawful to dispose of
27 waste oil in a sanitary landfill.

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28 Sec. 14. NEW SECTION. 455D.14 PRODUCTS MANUFACTURED WITH
29 CHLOROFLUOROCARBONS PROHIBITED.

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30 Beginning January 1, 1990, a person shall not sell, offer
31 for sale, purchase, or use plastic foam products manufactured
32 with chlorofluorocarbons. A person violating this section is
33 guilty of a serious misdemeanor.

34 Sec. 15. NEW SECTION. 455D.15 WASTE VOLUME REDUCTION AND
35 RECYCLING FUND.

1 1. A waste volume reduction and recycling fund is created
2 within the state treasury. Moneys received by the authority
3 from fees, including general revenue, federal funds, awards,
4 wills, bequests, gifts, or other moneys designated shall be
5 deposited in the state treasury to the credit of the fund.
6 Notwithstanding section 8.33, any unexpended balance in the
7 fund at the end of each fiscal year shall be retained in the
8 fund. Any interest and earnings on investments from money in
9 the fund shall be credited to the fund, section 453.7
10 notwithstanding.

11 2. The department shall award grants based upon the solid
12 waste management hierarchy set forth in section 455B.301A,
13 subsection 1. A grant shall not be awarded to a county, city,
14 or central planning agency which has not complied with the
15 requirements of a comprehensive solid waste management program
16 and which has not complied with or demonstrated an intent to
17 comply with the requirements of section 455B.306.

4049 - 18 3. The fund shall be utilized for the following purposes:
19 a. To provide financial assistance to public and private
20 entities to develop and implement waste reduction and
21 minimization programs for Iowa industries.
22 b. To provide financial assistance to public and private
23 entities and to develop and implement programs to create and
24 enhance markets for recyclable and other waste products.
25 c. To develop and implement educational and technical
26 assistance programs that support and encourage waste reduction
27 and recycling efforts by Iowans.
28 d. To administer the provisions of chapter 455B, division
29 IV, part 1.
30 e. The department may utilize up to ten percent of the
31 fund to administer the provisions of chapter 455D.
32 f. To provide grants to local communities or private
33 individuals for projects which establish recycling collection
34 centers, establish local curbside collection of separated
35 recyclable waste materials, promote public awareness regarding

1 waste volume reduction and the use of recyclable materials,
2 and create markets for recyclable materials. Grants shall not
4049-3 be awarded for incineration or refuse-to-energy facilities.

4 g. To provide technical assistance to local communities in
5 establishing collection systems and composting facilities for
6 yard waste.

7 h. To fund the study required pursuant to section 455D.11,
8 subsection 5, and to provide loans and grants for waste tire
9 recycling and reprocessing projects.

10 i. To carry out the functions of the department of natural
11 resources concerning recycling.

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4049 12 Sec. 16. NEW SECTION. 455D.16 POLYSTYRENE PRODUCTS --
13 PROHIBITION.

14 Beginning January 1, 1994, a person shall not manufacture,
15 offer for sale, or sell any polystyrene packaging products or
4083-16 food service items in this state.

17 Sec. 17. Section 18.6, Code 1989, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 11. The director shall adopt rules which
20 require that each bid received for the purchase of items
21 purchased by the department includes a product content
22 statement which provides the percentage of the content of the
23 item which is reclaimed material.

4047-24 NEW SUBSECTION. 12. The director shall require that as a
25 condition of a contract for the purchase of items by the
26 department, the person submitting the proposed contract for
27 purchase of items shall agree to an on-site review of waste
28 management of the facility of the person submitting the
29 proposed contract by the Iowa waste reduction center for the
30 safe and economic management of solid waste and hazardous
31 substances at the university of northern Iowa, with subsequent
32 recommendations by the center regarding waste reduction and
33 recycling.

34 Sec. 18. Section 18.18, Code 1989, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 1A. a. As used in this subsection,
2 unless the context otherwise requires:

3 (1) "Recycled paper" means a paper product with not less
4 than forty percent of its total weight consisting of
5 postconsumer material and recovered paper material. At least
6 ten percent of the total weight of recycled paper shall be
7 postconsumer materials.

8 (2) "Postconsumer material" means only those products
9 generated by a business or consumer which have served their
10 intended end uses, and which have been separated or diverted
11 from solid waste for the purposes of collection, recycling,
12 and disposition.

13 (3) "Recovered paper material" means paper waste generated
14 after the completion of the papermaking process, such as
15 postconsumer material, envelope cuttings, bindery trimmings,
16 printing waste, cutting and other converting waste, butt rolls
17 and mill wrappers, obsolete inventories, and rejected unused
18 stock. "Recovered paper material" does not mean fibrous waste
19 generated during the manufacturing process such as fibers
20 recovered from waste water, or trimmings of paper machine
21 rolls; or fibrous by-products of harvesting, extractive, or
22 woodcutting processes; or forest residue such as bark.

23 b. The department, in conjunction with recommendations
24 made by the department of natural resources, shall purchase
25 and use recycled printing and writing paper so that twenty-
26 five percent by January 1, 1990, fifty percent by January 1,
27 1992, seventy-five percent by January 1, 1996, and ninety
28 percent by January 1, 2000, of the volume of printing and
29 writing paper purchased is recycled paper.

4077-30 Sec. 19. NEW SECTION. 18.20 WASTEPAPER RECYCLING
31 PROGRAM.

32 The department in accordance with recommendations made by
33 the department of natural resources shall require all state
34 agencies to establish an agency wastepaper recycling program
35 by January 1, 1990. The director shall adopt rules which

1 require a state agency to develop a program to ensure the
2 recycling of the wastepaper generated by the agency. Each
3 agency shall submit a report to the general assembly meeting
4 in January 1990, which includes a description of the program
5 plan and the agency's efforts to use recycled products. All
6 state employees shall practice conservation of paper
7 materials.

8 For the purposes of this section, "agency waste paper"
9 means wastepaper or wastepaper products generated by the
10 agency.

11 Sec. 20. NEW SECTION. 18.21 CERTAIN POLYSTYRENE PRODUCTS
12 -- PROHIBITED.

13 Beginning July 1, 1990, the department of general services
14 shall not purchase, and state agencies shall not use,
15 polystyrene products for the purpose of storing, packaging, or
16 serving food for immediate consumption.

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17 Sec. 21. Section 262.9, Code 1989, is amended by adding
18 the following new subsection:

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19 NEW SUBSECTION. 4A. In conjunction with the
20 recommendations made by the department of natural resources,
21 purchase and use recycled printing and writing paper in
22 accordance with the schedule established in section 18.18;
23 establish a wastepaper recycling program by January 1, 1990,
24 for all institutions governed by the board in accordance with
25 recommendations made by the department of natural resources
26 and the requirements of section 18.20; terminate purchase, and
27 the institutions governed by the board shall terminate use of
28 polystyrene products for the purpose of storing, packaging, or
29 serving food for immediate consumption beginning July 1, 1990;
30 and, in accordance with section 18.6, require product content
31 statements, and review of the waste stream in product bidding
32 and contract procedures.

33 Sec. 22. Section 307.21, subsection 4, Code 1989, is
34 amended to read as follows:

35 4. Provide centralized purchasing services for the

1 department, in co-operation with the department of general
2 services. The administrator shall, whenever the price is
3 reasonably competitive and the quality intended, purchase
4 soybean-based inks and starch-based plastics, including but
5 not limited to starch-based garbage can liners, and shall
6 purchase these items in accordance with the schedule
7 established in section 18.18. The administrator shall also,
8 in conjunction with recommendations made by the department of
9 natural resources, purchase and use recycled printing and
10 writing paper in accordance with the schedule established in
11 section 18.18; shall establish a wastepaper recycling program
12 by January 1, 1990, in accordance with recommendations made by
13 the department of natural resources and the requirements of
14 section 18.20; shall not purchase and the department shall not
15 use polystyrene products for the purpose of storing,
16 packaging, or serving food for immediate consumption beginning
17 July 1, 1990; and shall, in accordance with section 18.6,
18 require product content statements and waste stream review in
19 product bidding and contract procedures.

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20 Sec. 23. Section 422.45, subsection 27, Code 1989, is
21 amended to read as follows:

22 27. The gross receipts from the sale or rental, on or
23 after July 1, 1987 or on or after July 1, 1985, in the case of
24 an industry which has entered into an agreement under chapter
25 280B prior to the sale or lease, of industrial machinery,
26 equipment and computers, including replacement parts which are
27 depreciable for state and federal income tax purposes, if the
28 following conditions are met:

29 a. The industrial machinery, equipment and computers shall
30 be directly and primarily used in the manner described in
31 section 428.20 in processing tangible personal property or in
32 research and development of new products or processes of
33 manufacturing, refining, purifying, combining of different
34 materials or packing of meats to be used for the purpose of
35 adding value to products, or in processing or storage of data

1 or information by an insurance company, financial institution
2 or commercial enterprise, or in the recycling or reprocessing
3 of waste products. As used in this paragraph:

4 (1) "Insurance company" means an insurer organized or
5 operating under chapters 508, 514, 515, 518, 519, 520 or
6 authorized to do business in Iowa as an insurer and having
7 fifty or more persons employed in this state excluding
8 licensed insurance agents.

9 (2) "Financial institutions" means as defined in section
10 527.2, subsection 5.

11 (3) "Commercial enterprise" includes businesses and
12 manufacturers conducted for profit and includes centers for
13 data processing services to insurance companies, financial
14 institutions, businesses and manufacturers but excludes
15 professions and occupations and nonprofit organizations.

16 b. The industrial machinery, equipment and computers must
17 be real property within the scope of section 427A.1,
18 subsection 1, paragraphs "e" or "j", and must be subject to
19 taxation as real property. This paragraph does not apply to
20 machinery and equipment used in the recycling or reprocessing
21 of waste products qualifying for an exemption under paragraph
22 "a".

23 However, the provisions of chapters 404 and 427B which
24 result in the exemption from taxation of property for property
25 tax purposes do not preclude the property from receiving this
26 exemption if the property otherwise qualifies.

27 The gross receipts from the sale or rental of hand tools
28 are not exempt. The gross receipts from the sale or rental of
29 pollution control equipment qualifying under paragraph "a"
30 shall be exempt.

31 The gross receipts from the sale or rental of industrial
32 machinery, equipment, and computers, including pollution
33 control equipment, within the scope of section 427A.1,
34 subsection 1, paragraphs "h" and "i", shall not be exempt.

35 Sec. 24. Section 455B.302, Code 1989, is amended to read

1 as follows:

2 455B.302 DUTY OF CITIES AND COUNTIES.

3 Every city and county of this state shall provide for the
4 establishment and operation of a comprehensive solid waste
5 reduction program consistent with the waste management
6 hierarchy under section 455B.301A, and a sanitary disposal
7 project for final disposal of solid waste by its residents not
8 later than July-17-1975. Sanitary Comprehensive programs and
9 sanitary disposal projects may be established either
10 separately or through co-operative efforts for the joint use
11 of the participating public agencies as provided by law.

12 Cities and counties may execute with public and private
13 agencies contracts, leases, or other necessary instruments,
14 purchase land and do all things necessary not prohibited by
15 law for the implementation of waste management programs,
16 collection of solid waste, establishment and operation of
17 sanitary disposal projects, and general administration of the
18 same. Any agreement executed with a private agency for the
19 operation of a sanitary disposal project shall provide for the
20 posting of a sufficient surety bond by the private agency
21 conditioned upon the faithful performance of the agreement. A
22 city or county may at any time during regular working hours
23 enter upon the premises of a sanitary disposal project,
24 including the premises of a sanitary landfill, in order to
25 inspect the premises and monitor the operations and general
26 administration of the project to ensure compliance with the
27 agreement and with state and federal laws. This includes the
28 right of the city or county to enter upon the premises of a
29 former sanitary disposal project which has been closed,
30 including the premises of a former sanitary landfill, owned by
31 a private agency, for the purpose of providing required
32 postclosure care.

33 Sec. 25. Section 455B.304, Code 1989, is amended by adding
34 the following new unnumbered paragraph:

4049 35 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules

1 by January 1, 1990, which require separation of waste
2 materials at the site of a sanitary disposal project prior to
3 incineration of solid waste.

4 Sec. 26. Section 455B.305, subsections 2 through 5, Code
5 1989, are amended to read as follows:

6 2. Beginning July 1, 1988, the director shall not issue a
7 permit for the construction or operation of a new sanitary
8 ~~landfill~~ disposal project unless the permit applicant, in
9 conjunction with all local governments using the sanitary
10 disposal project, has filed a plan as required by section
4049-11 455B.306.

12 3. Beginning July 1, 1988, the director shall not renew or
13 reissue a permit which had been initially issued prior to that
14 date for a sanitary ~~landfill~~ disposal project, unless the
15 permit applicant, in conjunction with all local governments
16 using the sanitary disposal project, has filed a plan as
4049-17 required by section 455B.306.

18 4. Beginning July 1, 1994, the director shall not renew or
19 reissue a permit which had been initially issued or renewed
20 prior to that date for a sanitary ~~landfill~~ disposal project,
21 unless and until the permit applicant, in conjunction with all
22 local governments using the sanitary disposal project,
23 documents that steps are being taken to begin implementing the
4049-24 plan filed pursuant to section 455B.306. However, a permit
25 may be issued for the construction and operation of a new
26 sanitary ~~landfill~~ disposal project in accordance with
27 subsection 2.

28 5. Beginning July 1, 1997, the director shall not renew or
29 reissue a permit which had been renewed or reissued prior to
30 that date for a sanitary landfill, unless and until the permit
31 applicant, in conjunction with all local governments using the
32 landfill, documents that alternative methods of solid waste
33 disposal other than use of a sanitary landfill have been
34 implemented as set forth in the plan filed pursuant to section
35 455B.306. However, the director may issue a permit for the

1 construction and operation of a new sanitary landfill in
2 accordance with subsection 2 and a permit may be renewed or
3 reissued for a sanitary landfill which had received an initial
4 permit but the permit had not been previously renewed or
5 reissued prior to July 1, 1997 in accordance with subsection
6 3.

7 After July 1, 1997, however, no new landfill permits shall
8 be issued unless the applicant, in conjunction with all local
9 governments which will use the landfill, certifies that the
10 landfill is needed as a part of an alternative disposal
11 method, or unless the applicant provides documentation which
12 satisfies the director that alternatives have been studied and
13 are not either technically or economically feasible. The
14 decision of the director is subject to review by the
15 commission at its next meeting.

16 Sec. 27. Section 455B.306, subsections 1 through 4, Code
17 1989, are amended to read as follows:

18 1. A city, county, and a private agency operating or
19 planning to operate a sanitary disposal project shall file
20 with the director a comprehensive plan detailing the method by
21 which the city, county, or private agency will comply with
22 this part 1. All cities and counties shall also file with the
23 director a comprehensive plan detailing the method by which
24 the city or county will comply with the requirements of
25 section 455B.302 to establish and implement a comprehensive
26 solid waste reduction program for its residents. The director
27 shall review each comprehensive plan submitted and may reject,
28 suggest modification, or approve the proposed plan. The
29 director shall aid in the development of comprehensive plans
30 for compliance with this part. The director shall make
31 available to a city, county, and private agency appropriate
32 forms for the submission of comprehensive plans and may hold
33 hearings for the purpose of implementing this part. The
34 director and governmental agencies with primary responsibility
35 for the development and conservation of energy resources shall

4049

1 provide research and assistance, when cities and counties
2 operating or planning to operate sanitary disposal projects
3 request aid in planning and implementing resource recovery
4 systems. A comprehensive plan filed by a private agency
5 operating or planning to operate a sanitary disposal project
6 required pursuant to section 455B.302 shall be developed in
7 cooperation and consultation with the city or county
8 responsible to provide for the establishment and operation of
9 a sanitary disposal project.

10 2. The plan required by subsection 1 for sanitary disposal
11 projects shall be filed with the department at the time of
12 initial application for the construction and operation of a
13 sanitary disposal project and at a minimum shall be updated
14 and refiled with the department at the time of each subsequent
15 application for renewal or reissuance of a previously issued
16 permit. The department may, consistent with rules of the
17 commission, require filing or updating of a plan at other
18 times.

19 3. A comprehensive plan filed pursuant to this section in
20 ~~conjunction with an application for issuance, renewal, or~~
21 ~~reissuance of a permit for a sanitary disposal project~~ shall
22 incorporate and reflect the waste management hierarchy of the
23 state solid waste management policy and shall at a minimum
24 address the following general topics ~~to the extent appropriate~~
25 ~~to the technology employed by the applicant at the sanitary~~
26 ~~disposal project:~~

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

28 b. The economic and technical feasibility of using other
29 existing sanitary disposal project facilities in lieu of
30 initiating or continuing the sanitary landfill ~~for which the~~
31 ~~permit is being sought~~ currently used.

32 c. The expected environmental impact of alternative solid
33 waste disposal methods, including the use of sanitary
34 landfills.

35 d. A specific plan and schedule for implementing

1 technically and economically feasible solid waste disposal
2 methods that will result in minimal environmental impact.

3 4. The comprehensive plan shall provide details of a local
4 recycling program which shall contain a methodology for
5 meeting the state volume reduction goal pursuant to section
6 455B.490A, and a methodology for implementing a program of
7 separation of wastes including but not limited to glass,
8 plastic, paper, and metal.

9 4 5. In addition to the above requirements, the following
10 specific areas must be addressed in detail in the a
11 comprehensive plan filed in conjunction with the issuance,
12 renewal, or reissuance of a permit for a sanitary disposal
13 project:

14 Sec. 28. Section 455C.1, subsection 5, Code 1989, is
15 amended to read as follows:

16 5. "Distributor" means any person who engages in the sale
17 of beverages in beverage containers to a dealer in this state,
18 including any manufacturer who engages in such sales. ~~The~~
19 ~~alcoholic-beverages-division-of-the-department-of-commerce-is~~
20 ~~not-a-distributor-for-the-purpose-of-this-chapter.~~

21 Sec. 29. Section 455C.2, subsection 1, Code 1989, is
22 amended to read as follows:

23 1. Except purchases of alcoholic liquor as defined in
24 section 123.3, subsection 8, by holders of class "A", "B", and
25 "C", and "E" liquor control licenses, a refund value of not
26 less than five cents shall be paid by the consumer on each
27 beverage container sold in this state by a dealer for
28 consumption off the premises. Upon return of the empty
29 beverage container upon which a refund value has been paid to
30 the dealer or person operating a redemption center and
31 acceptance of the empty beverage container by the dealer or
32 person operating a redemption center, the dealer or person
33 operating a redemption center shall return the amount of the
34 refund value to the consumer.

35 Sec. 30. Section 455C.3, Code 1989, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5. The alcoholic beverages division of
3 the department of commerce shall enter into an agreement with
4 a private entity to meet the division's obligations under
5 subsection 2. The agreement shall include the acceptance and
6 picking up of the division's empty beverage containers and
7 payment of the refund value and reimbursement of the agreement
8 does not result in a net cost to the state. The agreement
9 shall provide that the refund paid by the dealers to the
10 division shall be assigned and transferred to the private
11 entity. Any surplus refund values retained by the dealer
12 shall be remitted to the waste volume reduction and recycling
13 fund.

4049-14 Sec. 31. Section 455C.4, subsection 4, Code 1989, is
15 amended by striking the subsection.

16 Sec. 32. NEW SECTION. 455C.15 PLASTIC CANS PROHIBITED.

17 1. A person shall not manufacture, offer for sale, or sell
18 any single-serving beverage container which is a plastic can
19 nor offer for sale or sell any beverage packaged in a single-
20 serving plastic can. For the purposes of this section, a
21 "plastic can" means a beverage container which, in addition to
22 the closure mechanism, is composed of plastic and metal.

23 2. A person violating this section is guilty of a serious
24 misdemeanor.

25 Sec. 33. NEW SECTION. 455C.16 BEVERAGE CONTAINERS --
26 DISPOSAL AT SANITARY LANDFILL PROHIBITED.

27 Beginning July 1, 1990, the final disposal of beverage
28 containers by a dealer, distributor, or manufacturer, or
29 person operating a redemption center, in a sanitary landfill,
30 is prohibited.

4049-31 Sec. 34. Section 601L.3, Code 1989, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 13. In conjunction with the
34 recommendations made by the department of natural resources,
35 purchase and use recycled printing and writing paper in

1 accordance with the schedule established in section 18.18;
2 establish a wastepaper recycling program, by January 1, 1990,
3 in accordance with the recommendations made by the department
4 of natural resources and requirements of section 18.20;
5 terminate purchase, and the department shall terminate use of
6 polystyrene products for the purpose of storing, packaging, or
7 serving food for immediate consumption, beginning July 1,
8 1990; and, in accordance with section 18.6, require product
4049 9 content statements and review of the waste stream in product
10 bidding and contract procedures.

11 Sec. 35. ALCOHOLIC BEVERAGE CONTROL -- CONTAINER
12 COLLECTION -- RECOMMENDATIONS. The alcoholic beverages
13 division of the department of commerce shall develop a plan
14 for the collection of empty beverage containers which
15 contained alcoholic liquor. The plan, including the fiscal
16 impact of the implementation of the plan, shall be presented
17 in a report to the general assembly by January 1, 1990.

4084 18 Sec. 36. Section 455B.489, Code 1989, is repealed.

19 Sec. 37. Sections 28, 29, 30, and 31 of this Act are
20 effective July 1, 1990.

21 Sec. 38. CODIFICATION. The Code editor shall codify sec-
22 tions 455D.1 through 455D.16, as enacted in this Act, as a new
23 chapter and entitle the chapter "Waste Volume Reduction and
24 Recycling", unless the Code editor determines that another
25 codification arrangement is preferable.

26 EXPLANATION

27 This bill establishes a new chapter "Waste Volume Reduction
28 and Recycling", tentatively numbered 455D. The bill provides
29 definitions, including the definition of "waste reduction."
30 The bill provides the findings of the general assembly
31 regarding waste; the goal of the state to reduce the waste
32 volume by twenty-five percent by July 1, 1994, and by fifty
33 percent by July 1, 2000; and the policies of the state
34 including the recognition of a variety of benefits which
35 result from waste reduction and recycling. A statewide waste

1 reduction and recycling network is established requiring
2 various elements including promotion of the use of recyclable
3 products, implementation of recycling collection centers,
4 curbside collection of separated recyclable materials, and the
5 promotion of research, manufacturing processes, and product
6 development which enhance waste volume reduction and recycling
7 efforts. The bill provides duties of the director of the
8 department of natural resources and the environmental
9 protection commission. The bill prohibits the land disposal
10 of yard waste beginning January 1, 1991; prohibits land
11 disposal of lead acid batteries beginning July 1, 1990, and
12 establishes a program for the collection of used lead acid
13 batteries; prohibits the land disposal of waste tires
14 beginning July 1, 1991, and establishes an environmental
15 assessment fee; provides for the permitting of tire
16 stockpiling facilities; requires the department of natural
17 resources to conduct a study and report its recommendations to
18 the general assembly by January 1, 1991, regarding a waste
19 tire abatement program; and provides for financial assistance
20 for the establishment of recycling and processing sites. The
21 bill also requires plastic container labeling by July 1, 1992;
22 prohibits land disposal of waste oil beginning July 1, 1990,
23 and establishes a used waste oil collection requirement;
24 prohibits the sale or purchase of plastic foam products
25 manufactured with chlorofluorocarbons; prohibits the
26 manufacture, offering for sale, or selling of polystyrene
27 packaging and food service items beginning January 1, 1994;
28 and establishes a waste volume reduction and recycling fund
29 and provides for expenditure of the moneys within the fund.
30 The bill also requires the department of general services,
31 the department of transportation, the board of regents, and
32 the department for the blind to purchase a specific amount of
33 recycled printing and writing paper; to require certain
34 information and review in product purchase bidding and
35 contracting procedures; to establish waste paper recycling

1 programs; and to stop the purchase or use of certain
2 polystyrene products used for the purpose of storing,
3 packaging, or serving food for immediate consumption.

4 The bill provides an exemption from the retail sales tax
5 assessment for waste recycling and reprocessing equipment.
6 The bill also requires each city and county of the state to
7 provide for the establishment and operation of a comprehensive
8 solid waste reduction program; prohibits disposal of beverage
9 containers subject to the beverage container deposit in a
10 sanitary landfill; requires cooperation between a person
11 applying for or renewing a permit for a sanitary disposal
12 project, and with all local governments using the sanitary
13 disposal project; and requires the filing of a comprehensive
14 plan which is required to include certain elements regarding a
15 local recycling program. The bill allows the alcoholic
16 beverage division of the department of commerce to act as a
17 distributor for the purpose of the beverage container chapter,
18 provides for the application of the refund value to beverage
19 containers handled by class "E" liquor control license
20 holders, and provides for the collection of empty beverage
21 containers and payment of the refund value for beverage
22 containers handled by the alcoholic beverage division of the
23 department of commerce and requires the alcoholic beverages
24 division of the department of commerce to develop a plan for
25 the collection of certain alcoholic beverage containers. The
26 bill also prohibits the manufacture or sale of plastic cans.

27 The bill establishes certain civil and criminal penalties.

28 The Bill may include a state mandate as defined in chapter
29 25B.

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HOUSE FILE 753
FISCAL NOTE

A fiscal note for HOUSE FILE 753 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 753 relates to solid waste volume reduction and recycling. The bill states that it is the goal of Iowa to reduce the volume of solid waste entering the State's landfills by twenty-five percent by FY 1995, and by fifty percent by FY 2001. The bill provides for the establishment of a waste volume reduction and recycling network, prohibits the disposal of certain items at landfills, promotes the use of certain recycled products, prohibits the use of other products, requires certain State agencies to purchase certain types of products, requires cities and counties to develop solid waste management programs and plans, and provides definitions and legislative findings.

The bill provides for the placement of a fee of \$10 on new vehicles of up to fourteen tons, or two and one-half percent of the registration fee for vehicles over fourteen tons. The revenue is used for administration of reduction and recycling programs and for grants to public and private entities.

Assumptions:

1. 135,000 vehicles under fourteen tons will be sold each year.
2. 4,000 vehicles over fourteen tons will be sold each year.

Fiscal Effect:

Board of Regents

The Board of Regents estimates that the purchasing requirements in Section 21 would have a fiscal impact of \$500,000 to \$750,000 in FY 1990 and \$785,000 in to \$1,000,000 in FY 1991.

Department of Transportation

The Department of Transportation (DOT) estimates that the purchasing requirements in Section 22 would have an average yearly fiscal impact of \$1,630,000 and would require 1.00 FTE position to administer. The Department's cost of purchasing inks, plastic bags, and recycled paper would increase \$8,000 in FY 1990 and rise to \$60,000 by FY 2000. The Department states that the requirements that product content statements and waste stream reviews be done would add at least 5% to purchasing costs. This requirement would add \$1,600,000 per year to the Department's bidding and contracting costs.

Department of General Services

The Department of General Services did not return the request for fiscal information in a timely manner. Therefore, an estimate of the fiscal impact of

-2-

House File 753 on that Department cannot be determined.

Cities and Counties

The fiscal impact of House File 753 on local governments can not be determined. There would be added money available in the form of grants, but there would also be increased costs imposed upon waste collection and disposal in cities and counties. The goal of reducing waste would decrease the amount of revenue collected by the operators of landfills. The reduced need for new landfills should have a beneficial fiscal impact on local governments.

Department of Natural Resources

The Department of Natural Resources estimates that the requirements of the bill would necessitate the addition of four FTE positions, salary, support, and indirect cost. The Department would require \$91,000 in FY 1990 to employ two FTEs, and \$182,000 in FY 1991 to fully staff the program.

Income

The fee imposed on the registration of new vehicles would generate approximately \$1,300,000 annually. Because the fee will be in affect for only one-half of FY 1990, the income generated in that Fiscal Year would be \$650,000.

In FY 1990, the Department of Natural Resources would need \$91,000 of the \$650,000 generated for operation of the program. The remaining \$559,000 would be available for waste reduction and recycling grants to local governments and private organizations. In FY 1991, the Department would need \$182,000 of the \$1,300,000 generated for operations, while the remaining \$1,118,000 would be available for grants.

The Solid Waste Account of the Groundwater Protection Fund would be adversely affected by the waste reduction provisions of this bill. Monies in this account come from a per ton fee on solid waste deposited in landfills. If the volume of waste going into landfills is reduced by 25%, the amount of revenue generated for the fund will decrease 25%. At this time \$5,200,000 in income is projected for this account in FY 1992. A reduction in waste volume of 25% would reduce this amount by \$1,300,000 to \$3,900,00. Currently, these funds are used for Department of Natural Resources administration, Department of Health administration, the Small Business Assistance Center, and grants.

Sources:

Department of Natural Resources
Board of Regents
Department of Transportation

(LSB 1904hw, JWR)

FILED APRIL 18, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 753

H-4077

- 1 Amend House File 753, as follows:
- 2 1. By striking page 15, line 30, through page 16,
- 3 line 10.
- 4 2. By renumbering as necessary.

By SIEGRIST of Pottawattamie

H-4077 FILED APRIL 18, 1989

LOST 4-18-89 (p-1678)

HOUSE FILE 753

H-4078

1 Amend House File 753, as follows:

2 1. Page 7, line 18, by striking the figure "1991"
3 and inserting the following: "1992".

By TRENT of Muscatine

H-4078 FILED APRIL 18, 1989

LOST

4-18-89 (p-1677)

HOUSE FILE 753

H-4083

1 Amend House File 753 as follows:

2 1. Page 14, by inserting after line 16 the fol-
3 lowing:4 "Sec. ____ . NEW SECTION. 455D.17 CERTAIN PRODUCTS
5 PROHIBITED FROM DISPOSAL.6 Beginning July 1, 1991, a person shall not dispose
7 of nondegradable plastic grocery or garbage bags in a
8 sanitary landfill.9 Beginning July 1, 1995, a person shall not dispose
10 of nondegradable plastic containers or bags at a
11 sanitary landfill."

12 2. By renumbering as necessary.

By PETERSEN of Muscatine
HANSON of Delaware

H-4083 FILED APRIL 18, 1989

LOST

4-18-89 (p-1678)

HOUSE FILE 753

H-4088

- 1 Amend amendment, H-4049, to House File 753, as
2 follows:
3 1. Page 3, line 22, by striking the word "fifty"
4 and inserting the following: "seventy-five".
5 2. Page 3, line 23, by striking the figure "1993"
6 and inserting the following: "1995".
7 3. Page 3, line 24, by striking the figure "1994"
8 and inserting the following: "1996".

By HANSON of Delaware

H-4088 FILED APRIL 18, 1989

LOST 4-18-89 (p.1677)

HOUSE FILE 753

H-4089

- 1 Amend the amendment, H-4049, to House File 753, as
2 follows:
3 1. By striking page 1, line 49, through page 2,
4 line 22.
5 2. By renumbering as necessary.

By VAN MAANEN of Mahaska

H-4089 FILED APRIL 18, 1989

LOST 4-18-89 (p.1675)

HOUSE FILE 753

H-4090

- 1 Amend amendment, H-4049, to House File 753 as
2 follows:
A 3 1. Page 1, by striking lines 36 through 42.
4 2. Page 3, by striking lines 12 through 27.
B 5 3. Page 4, by striking lines 3 through 7.
A 6 4. By renumbering as necessary.

By HANSON of Delaware

H-4090 FILED APRIL 18, 1989

DIVISION A - LOST, DIVISION B - ADOPTED 4-18-89 (p.1677)

HOUSE FILE 753

H-4093

- 1 Amend House File 753 as follows:
2 1. Page 11, line 5, by striking the words "or
3 refuse-to-energy".

By SIEGRIST of Pottawattamie

H-4093 FILED APRIL 18, 1989

Adopted 4-18-89 (p.1679)

HOUSE FILE 753

H-4084

- 1 Amend House File 753 as follows:
 2 1. Page 25, by inserting after line 17 the fol-
 3 lowing:
 4 "Sec. ____ . COLLECTION OF USED MOTOR OIL -- PILOT
 5 PROJECT. The state department of transportation shall
 6 expand the pilot project to collect and dispose of
 7 used motor oil from residences and farms, which was
 8 originally instituted in October 1987, to all counties
 9 in the state by October 1, 1989.
 10 Collection sites shall be located at the state
 11 department of transportation facility within a county
 12 or if no such facility is located in the county, the
 13 collection site shall be located at the county
 14 engineer garage located within the county.
 15 The state department of transportation shall report
 16 to the general assembly by March 1, 1990, regarding
 17 the progress of the pilot project in each county and
 18 shall make recommendations concerning the continuation
 19 of the individual projects.
 20 This section is repealed July 1, 1991."
 21 2. By renumbering as necessary.

By SPENNER of Henry

H-4084 FILED APRIL 18, 1989

LOST 4-18-89 (p. 1679)

HOUSE FILE 753

H-4086

- 1 Amend the amendment, H-4049, to House File 753, as
 2 follows:
 3 1. By striking page 2, line 46 through page 3,
 4 line 3.
 5 2. By striking page 4, line 28 through page 5,
 6 line 10.
 7 3. By renumbering as necessary.

By BANKS of Plymouth

H-4086 FILED APRIL 18, 1989

LOST 4-18-89 (p. 1675)

HOUSE FILE 753

H-4087

- 1 Amend the amendment, H-4049, to House File 753 as
 2 follows:
 3 1. Page 3, by striking lines 4 through 7.
 4 2. By renumbering as necessary.

By ROSENBERG of Story

H-4087 FILED APRIL 18, 1989

ADOPTED

4-18-89 (p. 1675)

HOUSE FILE 753

4070

Amend House File 753 as follows:

2 1. Page 9, by striking lines 11 through 33 and
3 inserting the following:

4 "2. Proceeds derived from the payment of taxes
5 provided for under section 98.6, subsection 2, which
6 are credited to the general fund and remitted to the
7 waste volume reduction and recycling fund, shall be
8 used to fund waste tire abatement efforts prescribed
9 under this section."

10 2. Page 16, by inserting after line 16 the
11 following:

12 "Sec. ____ . Section 98.6, subsection 2, Code 1989,
13 is amended to read as follows:

14 2. Notwithstanding subsection 1, there is imposed
15 and shall be collected and paid to the department a
16 tax on all cigarettes used or otherwise disposed of in
17 this state for any purpose at the rate of seventeen
18 mills on each cigarette ~~for the period beginning March~~
19 ~~17, 1988, and ending June 30, 1989, and at the rate of~~
20 ~~fifteen and one-half mills on each cigarette beginning~~
21 ~~July 1, 1989.~~ Beginning July 1, 1989, of the moneys
22 collected and paid for deposit in the general fund,
23 one and one-half mills on each cigarette shall be
24 remitted to the waste volume reduction and recycling
fund to fund waste tire abatement efforts prescribed
pursuant to section 455D.11."

27 3. By renumbering as necessary.

By SCHNEKLOTH of Scott

H-4070 FILED APRIL 17, 1989

out of Order 4-18-89 (p1677)

HOUSE FILE 753

H-4066

1 Amend House File 753 as follows:
2 1. Page 9, line 26, by inserting after the word
3 "fund" the following: "in a separate account which
4 shall be used solely for funding the waste tire
5 abatement program established pursuant to this section
6 and programs related to the disposal of waste oil and
7 lead acid batteries".

By CHAPMAN of Linn

H-4066 FILED APRIL 17, 1989

HOUSE FILE 753

H-4069

1 Amend the amendment, H-4049, to House File 753, as
2 follows:
3 1. By striking page 1, line 49, through page 2,
4 line 22, and inserting the following:
5 " ____ . Page 9, by striking lines 11 through 33 and
6 inserting the following:
7 "2. Proceeds derived from the payment of taxes
8 provided for under section 98.6, subsection 2, which
9 are credited to the general fund and remitted to the
10 waste volume reduction and recycling fund, shall be
11 used to fund waste tire abatement efforts prescribed
12 under this section."
13 2. Page 4, by inserting after line 2, the
14 following:
15 " ____ . Page 16, by inserting after line 16 the
16 following:
17 "Sec. ____ . Section 98.6, subsection 2, Code 1989,
18 is amended to read as follows:
19 2. Notwithstanding subsection 1, there is imposed
20 and shall be collected and paid to the department a
21 tax on all cigarettes used or otherwise disposed of in
22 this state for any purpose at the rate of seventeen
23 mills on each cigarette ~~for the period beginning March~~
24 ~~17-1988, and ending June 30, 1989, and at the rate of~~
25 ~~fifteen and one-half mills on each cigarette beginning~~
26 ~~July 1, 1989. Beginning July 1, 1989, of the moneys~~
27 collected and paid for deposit in the general fund,
28 one and one-half mills on each cigarette shall be
29 remitted to the waste volume reduction and recycling
30 fund to fund waste tire abatement efforts prescribed
31 pursuant to section 455D.11."
32 3. By renumbering as necessary.

By SCHNEKLOTH of Scott

H-4069 FILED APRIL 17, 1989

NOT Ctermare #18-89 (p. 1673)

HOUSE FILE 753

H-4056

1 Amend the amendment, H-4049, to House File 753 as
2 follows:
3 1. Page 2, line 14, by inserting after the word
4 "fund" the following: "in a separate account which
5 shall be used solely for funding the waste tire
6 abatement program established pursuant to this section
7 and programs related to disposal of waste oil and lead
8 acid batteries".

By CHAPMAN of Linn

H-4056 FILED APRIL 17, 1989

lost 4-18-89 (p.1672)

HOUSE FILE 753

H-4059

1 Amend amendment, H-4049, to House File 753 as
2 follows:
3 1. Page 1, by inserting after line 45, the
4 following:
5 "____. Page 6, by inserting after line 17, the
6 following:
7 "9. Review procurement specifications used by
8 other agencies for products including but not limited
9 to lubricating oils, retread tires, building
10 insulation materials, and recovered materials from
11 waste tires, and shall revise the specifications to
12 allow procurement of items containing recovered
13 materials. The specifications which shall be revised
14 shall include but are not limited to specifications
15 which restrict the use of alternative materials in
16 place of virgin materials, exclude recovered
17 materials, or provide performance standards which
18 exclude items containing recovered materials and which
19 standards are more stringent than necessary to satisfy
20 an agency's needs. The director shall not develop
21 specifications and an agency shall not be required to
22 use recovered materials if the agency documents that
23 the use of recovered materials will jeopardize the
24 intended end use of the item.
25 The director shall develop a preferential
26 procurement program for products made of recycled or
27 recovered materials. The program shall include the
28 development and publishing of a preferential listing
29 of products, promotion of the program, procedures for
30 obtaining and verifying estimates and certifications
31 of the recovered material content of a product, and
32 annual review and monitoring of the program."

By SHOULTZ of Black Hawk

H-4059 FILED APRIL 17, 1989

Adopted 4-18-89 (p.1672)

HOUSE FILE 753

H-4049

1 Amend House File 753 as follows:

2 1. Page 1, by striking lines 18 through 20, and
3 inserting the following:

4 "6. "Recycling" means any process by which waste,
5 or materials which would otherwise become waste, are
6 collected, separated, or processed and revised or
7 returned to use in the form of raw materials or
8 products. "Recycling" includes the composting of yard
9 waste which has been previously separated from other
10 waste, but does not include any form of energy
11 recovery."

12 2. Page 2, line 30, by inserting after the word
13 "stream" the following: ", existing as of July 1,
14 1988,".

15 3. Page 2, line 32, by inserting after the word
16 "recycling." the following: "For the purposes of this
17 section, "waste stream" means the disposal of solid
18 waste as "solid waste" is defined in section 455B.301.
19 In determination of the reduction level of the waste
20 stream, it shall be considered that each person
21 currently generates three and one-half pounds of waste
22 per day, and that this amount shall be reduced by the
23 percentages indicated in order to preserve the health
24 and safety of all Iowans."

25 4. Page 5, by inserting after line 11, the
26 following:

27 "h. Promotion of the concentration of the efforts
28 of the business and industry resource search service
29 by the small business assistance center for the safe
30 and economic management of solid waste and hazardous
31 substances at the university of northern Iowa, to
32 locate existing waste streams and materials from
33 businesses and industries which generate small amounts
34 of waste and to catalyze the reuse of these materials
35 in the production of goods and services.

4090- 36 3. The department, in cooperation with businesses
37 involved in the manufacturing and use of polystyrene
38 packaging products or food service items, shall
39 establish and implement a recycling demonstration
40 project utilizing these items by July 1, 1990. The
41 department shall submit a report of the results of the
42 project to the general assembly by July 1, 1991."

43 5. Page 5, line 33, by striking the word and
44 figures "January 15, 1991" and inserting the
45 following: "July 1, 1990".

46 6. Page 8, line 23, by inserting after the word
47 "consumers" the following: ", or from wholesale
48 customers".

4089, 4069 49 7. Page 9, by striking lines 11 through 29 and
50 inserting the following:

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Page 2

1 "2. Beginning January 1, 1990, at the time a
2 vehicle is titled from the manufacturer's statement of
3 origin, an owner of the vehicle subject to
4 registration pursuant to chapter 321 or 326, except
5 for official vehicles, shall pay an environmental
6 assessment fee of eleven dollars. Payment of the
7 environmental assessment fee shall be made in addition
8 to the certificate of title and use tax fee, to the
9 county treasurer. The county treasurer shall remit
10 the environmental assessment fees to the treasurer of
11 state and a monthly report to the department of
12 revenue and finance. The state treasurer shall
13 deposit the environmental assessment fees remitted in
4056 14 the waste volume reduction and recycling fund. Fifty
15 cents of the environmental assessment fee collected
16 for each vehicle by the county treasurer may be
17 retained by the county, and deposited in the county's
18 general fund. The director of the state department of
19 transportation, through the distributed teleprocessing
20 network, shall provide assistance to each county
21 treasurer in the collection, receipt, accounting, and
22 reporting of the environmental assessment fees."

23 8. Page 12, line 4, by inserting after the letter
24 "a." the following: "1. - "

25 9. Page 12, line 5, by inserting after the letter
26 "b." the following: "2. - "

27 10. Page 12, line 6, by inserting after the
28 letter "c." the following: "3. - "

29 11. Page 12, line 7, by inserting after the
30 letter "d." the following: "4. - "

31 12. Page 12, line 8, by inserting after the
32 letter "e." the following: "5. - "

33 13. Page 12, line 9, by inserting after the
34 letter "f." the following: "6. - "

35 14. Page 12, line 10, by inserting after the
36 letter "g." the following: "7. - "

37 15. Page 12, line 31, by striking the word
38 "products" and inserting the following: "packaging
39 products or food service items".

40 16. Page 12, line 32, by inserting after the word
41 "chlorofluorocarbons." the following: "Beginning
42 January 1, 1998, a person shall not sell, offer for
43 sale, purchase, or use plastic foam products, not
44 previously prohibited, which are manufactured with
45 fully halogenated chlorofluorocarbons."

46 17. Page 13, by inserting after line 18, the
47 following:

48 "a. The initial thirty-five thousand dollars
49 collected for deposit in the fund shall be
50 appropriated to the department for establishment of

1 the pollution hotline program established pursuant to
2 section 455B.116, and for the salary and support of
3 not more than one full-time equivalent position."

4087-4 18. Page 14, by striking line 3, and inserting
5 the following: "be awarded for incineration without
6 energy recovery or for mass refuse-to-energy
7 facilities."

8 19. Page 14, by inserting after line 11, the
9 following:

10 "j. To promote the recycling of
11 chlorofluorocarbons used as refrigerant."

4090-12 20. Page 14, by striking lines 12 through 16 and
13 inserting the following:

14 "Sec. 16. NEW SECTION. 455D.16 PACKAGING
15 PRODUCTS -- RECYCLING -- PROHIBITION OF POLYSTYRENE
16 PRODUCTS.

4088- 17 The department, in cooperation with businesses
18 involved in the manufacturing and use of packaging
19 products or food service items, shall establish a
20 recycling program to increase the recycling of
21 packaging products or food service items by twenty-
22 five percent by January 1, 1991, and by fifty percent
23 by January 1, 1993. If the recycling goals are not
24 reached, beginning January 1, 1994, a person shall not
25 manufacture, offer for sale, sell, or use any
26 polystyrene packing products or food service items in
27 this state."

28 21. Page 14, by striking lines 24 through 33 and
29 inserting the following:

30 "NEW SUBSECTION. 12. The director shall require
31 that as a condition of a contract for the purchase of
32 items by the department, the person submitting the
33 proposed contract for purchase of items shall receive
34 information regarding the availability of an on-site,
35 nonregulatory, review of waste management of the
36 facility of the person submitting the proposed
37 contract by the small business assistance center for
38 the safe and economic management of solid waste and
39 hazardous substances at the university of northern
40 Iowa. The person submitting the proposed contract
41 shall certify that the person has received and
42 examined the information on a form prescribed by the
43 department.

44 NEW SUBSECTION. 13. The director shall adopt
45 rules which require that prior to the purchase of a
46 newly manufactured durable consumer product, a
47 determination of the recyclability of the product be
48 made. The rules shall require that if a product is
49 found to present environmental risks that make
50 recycling of the product uneconomical, the product

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Page 4

1 shall not be purchased, and an alternative product
2 which is acceptable shall be found."

4469
4810 3 22. Page 16, line 29, by inserting after the
4 figure "1990" the following: "except that this
5 requirement shall not prohibit the use of such
6 products when no alternative product is available
7 through existing technology".

8 23. Page 16, by striking lines 31 and 32, and
9 inserting the following: "statements, the provision
10 of information regarding on-site review of waste
11 management in product bidding and contract procedures,
12 and determine the recyclability of durable consumer
13 products purchased by the board."

14 24. Page 17, by striking lines 18 and 19, and
15 inserting the following: "require product content
16 statements, the provision of information regarding on-
17 site review of waste management in product bidding and
18 contract procedures, and determine the recyclability
19 of durable consumer products purchased by the
20 administrator."

21 25. Page 17, by inserting before line 20, the
22 following:

23 "Sec. ____ . Section 321.20, Code 1989, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 6. The amount of the
26 environmental assessment fee to be paid pursuant to
27 section 455D.11."

4086-28 26. Page 18, by inserting after line 34, the
29 following:

30 "Sec. ____ . NEW SECTION. 455B.116 POLLUTION
31 HOTLINE PROGRAM.

32 The department shall establish a toll-free
33 telephone number to allow citizens to report incidents
34 resulting in pollution of the environment or damage to
35 natural resources. The department shall receive and
36 evaluate the reports and refer them to the appropriate
37 state or local jurisdiction for initial investigation.
38 The agency receiving a referral shall investigate the
39 complaint, attempt to resolve the problem, and upon
40 completion of the investigation, report to the
41 department on the disposition of each complaint
42 indicating how the problem was resolved.

43 The department shall use moneys appropriated to the
44 waste volume reduction and recycling fund for the
45 purpose of implementation of the program and shall use
46 the moneys appropriated under section 455E.11 for the
47 program to provide financial assistance to counties
48 for investigation of complaints and to provide
49 compensation to persons who materially assist in the
50 conviction of persons who have caused pollution of or

1 damage to the environment. The amount of compensation
2 shall be ten percent, but not more than five hundred
3 dollars of each penalty assessed shall be provided to
4 the person filing the complaint if the complaint had a
5 material effect upon the conviction of the person
6 found to have caused the pollution or damage. An
7 employee of a state agency which has responsibility
8 for the environment is not eligible for any
9 compensation based upon the conviction of a person who
10 causes pollution of or damage to the environment."

11 27. By striking page 19, line 35, through page
12 20, line 3, and inserting the following:

13 "NEW UNNUMBERED PARAGRAPH. The commission shall
14 adopt rules for the certification of operators of
15 incinerators. The criteria for certification shall
16 include, but is not limited to, an operator's
17 technical competency and operation and maintenance of
18 incinerators."

19 28. Page 20, line 11, by inserting after the
20 figure "455B.306." the following: "For those sections
21 for which the department has not developed rules, the
22 permit shall contain conditions and a schedule for
23 meeting all applicable requirements of section
24 455B.306."

25 29. Page 20, line 17, by inserting after the
26 figure "455B.306." the following: "For those sections
27 for which the department has not developed rules, the
28 permit shall contain conditions and a schedule for
29 meeting all applicable requirements of section
30 455B.306."

31 30. Page 20, line 24, by inserting after the
32 figure "455B.306." the following: "For those sections
33 for which the department has not developed rules, the
34 permit shall contain conditions and a schedule for
35 meeting all applicable requirements of section
36 455B.306."

37 31. Page 21, line 26, by inserting after the word
38 "residents." the following: "For the purposes of this
39 section, a public agency managing the waste stream for
40 cities or counties pursuant to chapter 28E, shall file
41 one comprehensive plan on behalf of its members, which
42 constitutes full compliance by the public agency's
43 members with the filing requirements of this section."

44 32. Page 23, by inserting after line 13, the
45 following:

46 "Sec. ____ . NEW SECTION. 455B.314 INCINERATION AT
47 SANITARY DISPOSAL PROJECTS.

48 Beginning January 1, 1990, a sanitary disposal
49 project that includes incineration as a part of its
50 disposal process shall separate from the materials to

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1 be incinerated recyclable and reusable materials,
2 materials which will result in uncontrolled toxic or
3 hazardous air emissions when burned, and hazardous or
4 toxic materials which are not rendered nonhazardous or
5 nontoxic by incineration. The removed materials shall
6 be recycled, reused, or treated and disposed in a
7 manner approved by the department. Separation of
8 waste includes magnetic separation."

9 33. Page 24, by striking lines 14 through 24.

10 34. Page 24, by inserting after line 30, the
11 following:

12 "Sec. ____ . Section 455E.11, subsection 2,
13 paragraph c, Code 1989, is amended to read as follows:

14 c. A household hazardous waste account. The
15 moneys collected pursuant to section 455F.7 shall be
16 deposited in the household hazardous waste account.
17 Except for the first one hundred thousand dollars
18 received annually for deposit in the ~~general fund,~~
19 waste volume reduction and recycling fund to be used
20 by the department to provide financial assistance to
21 counties in investigation of complaints and to provide
22 compensation to persons who materially assist in the
23 conviction of persons who pollute or damage the
24 environment under the pollution hotline program
25 established pursuant to section 455B.116; and the next
26 one hundred thousand dollars received annually for
27 deposit in the emergency response fund, the treasurer
28 of state shall deposit moneys received from civil
29 penalties and fines imposed by the court pursuant to
30 sections 455B.146, 455B.191, 455B.386, 455B.417,
31 455B.454, 455B.466, and 455B.477, in the household
32 hazardous waste account. Two thousand dollars is
33 appropriated annually to the Iowa department of public
34 health to carry out departmental duties under section
35 135.11, subsections 20 and 21, and section 139.35,
36 eighty thousand dollars is appropriated to the
37 department of natural resources for city, county, or
38 service organization project grants relative to
39 recycling and reclamation events, and eight thousand
40 dollars is appropriated to the department of
41 transportation for the period of October 1, 1987,
42 through June 30, 1989, for the purpose of conducting
43 the used oil collection pilot project. The remainder
44 of the account shall be used to fund Toxic Cleanup
45 Days programs, education programs, and other
46 activities pursuant to chapter 455F, including the
47 administration of the household hazardous materials
48 permit program by the department of revenue and
49 finance.

50 The department shall submit to the general

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1 assembly, annually on or before January 1, an itemized
2 report which includes but is not limited to the total
3 amount of moneys collected and the sources of the
4 moneys collected, the amount of moneys expended for
5 administration of the programs funded within the
6 account, and an itemization of any other expenditures
7 made within the previous fiscal year.

8 35. Page 25, by striking lines 9 and 10, and
9 inserting the following: "content statements, the
10 provision of information regarding on-site review of
11 waste management in product bidding and contract
12 procedures, and determine the recyclability of durable
13 consumer products purchased by the department."

14 36. By renumbering, relettering, and correcting
15 internal references as necessary.

By SHOULTZ of Black Hawk

H-4049 FILED APRIL 14, 1989

adopted 4-18-89 (p1677)

HOUSE FILE 753

H-3859

- 1 Amend House File 753 as follows:
- 2 1. Page 12, by striking lines 28 through 33.
- 3 2. By renumbering as necessary.

By TYRRELL of Iowa

H-3859 FILED APRIL 5, 1989

Withdrawn 4-18-89 (p.1677)

HOUSE FILE 753

H-3874

- 1 Amend House File 753 as follows:
- 2 1. Page 9, by striking lines 11 through 33 and
- 3 inserting the following:
- 4 "2. Proceeds derived from the payment of taxes
- 5 provided for under section 98.6, subsection 2, which
- 6 are credited to the general fund and remitted to the
- 7 waste volume reduction and recycling fund, shall be
- 8 used to fund waste tire abatement efforts prescribed
- 9 under this section."
- 10 2. Page 16, by inserting after line 16 the
- 11 following:
- 12 "Sec. ____ . Section 98.6, subsection 2, Code 1989,
- 13 is amended to read as follows:
- 14 2. Notwithstanding subsection 1, there is imposed
- 15 and shall be collected and paid to the department a
- 16 tax on all cigarettes used or otherwise disposed of in
- 17 this state for any purpose at the rate of seventeen
- 18 mills on each cigarette ~~for the period beginning March~~
- 19 ~~17, 1988, and ending June 30, 1989, and at the rate of~~
- 20 ~~fifteen and one-half mills on each cigarette beginning~~
- 21 ~~July 1, 1989.~~ Beginning July 1, 1989, of the moneys
- 22 collected and paid for deposit in the general fund,
- 23 one and one-half mills shall be remitted to the waste
- 24 volume reduction and recycling fund to fund waste tire
- 25 abatement efforts prescribed pursuant to section
- 26 455D.11."
- 27 3. By renumbering as necessary.

By SCHNEKLOTH of Scott

H-3874 FILED APRIL 6, 1989

Out of Order 4-18-89 (p.1677)

HOUSE FILE 753

H-3961

- 1 Amend the amendment, H-3874, to House File 753 as
- 2 follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "mills" the following: "on each cigarette".

By SCHNEKLOTH of Scott

H-3961 FILED APRIL 11, 1989

out of Order 4-18-89 (p.1677)

Gen. Ways & Means
Do pass per amend 3909 4-25-89 (p.1667)
Gen. Environment & Energy Utilities
Do pass per amend
3995 4-28-89 (p.1756) HOUSE FILE 753
BY WAYS AND MEANS

(SUCCESSOR TO HF 476)

(As Amended and Passed by the House April 18, 1989)

RE Passed House, Date 5-5-89 (p.2549) Passed Senate, Date 5-4-89 (p.1926)
Vote: Ayes 83 Nays 17 Vote: Ayes 35 Nays 14
Approved Item Voted 5/31/89

Repealed Senate 5-5-89 (p.2007)
Ays 41 Nays 4

A BILL FOR

1 An Act relating to the establishment of a waste volume reduction
2 and recycling network, prohibiting the disposal of certain
3 products at sanitary landfills, promoting the use of certain
4 recyclable products and certain recycling or reprocessing
5 equipment, prohibiting the use of certain other products,
6 requiring city or county solid waste management programs and
7 plans, establishing fees and taxes, providing for
8 appropriation and expenditure of the fee receipts and certain
9 other moneys, providing penalties, providing an effective
10 date, and providing for other properly related matters.

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

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21

House Amendments _____
Deleted Language *

1 Section 1. NEW SECTION. 455D.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "Commission" means the environmental protection
5 commission.

6 2. "Department" means the department of natural resources
7 created pursuant to section 455A.2.

8 3. "Deposit" means the amount paid by the consumer to the
9 retailer at the time of initial purchase that is intended to
10 encourage the return of materials or containers and which is
11 returned in full to the consumer when the used material or
12 container is redeemed.

13 4. "Director" means the director of the department.

14 5. "Rebate" means the portion of the amount paid by the
15 consumer to the retailer at the time of initial purchase that
16 is returned to the consumer when the used material or
17 container is returned for disposal.

18 6. "Recycling" means any process by which waste, or
19 materials which would otherwise become waste, are collected,
20 separated, or processed and revised or returned to use in the
21 form of raw materials or products. "Recycling" includes the
22 composting of yard waste which has been previously separated
23 from other waste, but does not include any form of energy
24 recovery.

3445

25 7. "Waste abatement fee" means the amount paid by the
26 consumer to the retailer at the time of initial purchase of a
27 product that is intended to support the cost of proper
28 disposal.

29 8. "Waste reduction" means practices which reduce, avoid,
30 or eliminate both the generation of solid waste and the use of
31 toxic materials so as to reduce risks to health and the
32 environment and to avoid, reduce, or eliminate the generation
33 of wastes or environmental pollution at the source and not
34 merely achieved by shifting a waste output or waste stream
35 from one environmental medium to another environmental medium.

1 Sec. 2. NEW SECTION. 455D.2 FINDINGS.

2 The general assembly finds that:

3 1. Iowa's environment is precious and no person has the
4 right to pollute Iowa's air, water, or soil. The environment
5 is vulnerable and irreplaceable, and all Iowans have an ongoing
6 responsibility to conserve, preserve, and enhance the state's
7 natural resources to guarantee their continued existence and
8 use by the present and future generations.

9 2. The land itself is the source of Iowa's livelihood not
10 only for the purposes of an agricultural economy, but for the
11 establishment of manufacturing plants, business offices, and
12 residences. While zoning establishes restrictions on the use
13 of land for social order, a similar system has not been
14 established to maintain environmental order below the ground.
15 Protection of the environment includes not only visible but
16 invisible threats as well.

17 3. The rapidly rising volume of waste deposited by society
18 threatens the capacity of existing and future landfills. The
19 nature of waste disposal today means that unknown quantities
20 of potentially toxic and hazardous materials are being buried
21 and pose a constant threat to the groundwater supply. In
22 addition, the nature of the waste and disposal methods
23 utilized allow the waste to remain basically inert for
24 decades, if not centuries, without decomposition.

25 4. Wastes filling Iowa's landfills may, at best, represent
26 a potential resource. However, without proper management,
27 wastes are hazards to the environment and life itself.

28 5. The reduction of solid waste at the source and the
29 recycling of reusable waste materials will reduce the flow of
30 waste to sanitary landfills and increase the supply of
31 reusable materials for the use of the public.

32 Sec. 3. NEW SECTION. 455D.3 GOAL.

33 The goal of the state is to reduce the amount of materials
34 in the waste stream, existing as of July 1, 1988, twenty-five
35 percent by July 1, 1994, and fifty percent by July 1, 2000,

1 through the practice of waste volume reduction at the source
2 and through recycling. For the purposes of this section,
3 "waste stream" means the disposal of solid waste as "solid
4 waste" is defined in section 455B.301. In determination of
5 the reduction level of the waste stream, it shall be
6 considered that each person currently generates three and one-
7 half pounds of waste per day, and that this amount shall be
8 reduced by the percentages indicated in order to preserve the
9 health and safety of all Iowans.

10 Sec. 4. NEW SECTION. 455D.4 WASTE VOLUME REDUCTION
11 POLICIES.

12 1. It is the policy of this state to encourage the
13 development of waste volume reduction programs and education
14 at the local government level through incentives, technical
15 assistance, grants, and other practical measures.

16 2. It is the policy of this state to support and encourage
17 the development of new uses and markets for recycled goods,
18 placing emphasis on the development, in Iowa, of businesses
19 relating to waste reduction and recycling.

20 3. The provision of education concerning waste volume
21 reduction at the elementary through high school levels and
22 through community organizations will enhance the success of
23 local programs requiring public involvement.

24 4. This state supports and encourages manufacturing
25 methods which are environmentally sustainable, technologically
26 safe, and ecologically sound. The state shall encourage
27 manufacturing methods which enhance waste reduction by
28 creating products with longer usage life, and by creating
29 products which are adaptable to secondary uses, require less
30 input material, and decrease resource consumption.

31 5. The people of this state recognize that a variety of
32 benefits result from a comprehensive waste reduction policy
33 including the following environmental, economic, governmental,
34 and public benefits:

35 a. Not producing waste in the first instance is the most

1 certain means for avoiding the widely recognized health and
2 environmental damage associated with waste. Although waste
3 reduction will never eliminate all wastes, to the extent that
4 waste reduction is achieved it results in the most certain
5 form of direct risk reduction.

375- 6 b. Waste reduction results in reduced pollution control
7 costs for industry by stimulating and promoting beneficial
8 technological and management reorganization within industry in
9 place of pollution control strategies which channel capital
10 into nonproductive pollution control expenditures.

11 c. The government is better able to administer programs
12 which offer a variety of benefits to industry and which reduce
13 the overall cost of government involvement than it is to
14 administer programs which offer few benefits to industry and
15 require increasingly extensive, complex, and costly
16 governmental actions.

17 d. Public confidence in environmental policies of the
18 government is important for the effectiveness of these
19 policies. Waste reduction poses no adverse environmental and
20 public health effects and does not, therefore, lead to
21 increased public concern. Waste reduction also increases the
22 public confidence that the government and industry are doing
23 all that is possible to protect human health and the
24 environment.

25 Sec. 5. NEW SECTION. 455D.5 STATEWIDE WASTE REDUCTION
26 AND RECYCLING NETWORK -- ESTABLISHED.

27 1. The department shall establish a statewide waste
28 reduction and recycling network to promote the waste
29 management policy contained in section 455B.481 and the waste
30 management hierarchy contained in section 455B.301A. Programs
31 established shall encourage waste generators to reduce the
32 volume of waste generated and to recycle or properly dispose
33 of the waste that is generated. The programs may utilize
34 financial and legal incentives, education, technical
35 assistance, regulation, and other methods as appropriate to

1 implement the programs. The programs may involve the
2 development of public and private sector initiatives, the
3 development of markets and other opportunities for waste
4 reduction and recycling, and other related efforts.

5 2. The elements of the network shall include but are not
6 limited to all of the following:

7 a. Promotion of efforts to increase the amount of
8 recyclable materials used by the public.

9 b. Promotion of efforts to recover recyclable materials
10 from the waste stream.

11 c. Promotion of local efforts to implement recycling
12 collection centers located at disposal sites or other
13 convenient local sites.

14 d. Promotion of local efforts of curbside collection of
15 separated recyclable waste materials.

16 e. Provision of public education programs which promote
17 public awareness of waste volume reduction and the use of
18 recyclable materials.

19 f. Promotion of the creation of markets for recyclable
20 materials.

21 g. Promotion of research, manufacturing processes, and
22 product development, which provide for waste reduction through
23 decreased material input, and resource consumption.

24 h. Promotion of the concentration of the efforts of the
25 business and industry resource search service by the small
26 business assistance center for the safe and economic
27 management of solid waste and hazardous substances at the
28 university of northern Iowa, to locate existing waste streams
29 and materials from businesses and industries which generate
30 small amounts of waste and to catalyze the reuse of these
31 materials in the production of goods and services.

32 3. The department, in cooperation with businesses involved
33 in the manufacturing and use of polystyrene packaging products
34 or food service items, shall establish and implement a
35 recycling demonstration project utilizing these items by July

3975-

1, 1990. The department shall submit a report of the results of the project to the general assembly by July 1, 1991.

3 Sec. 6. NEW SECTION. 455D.6 DUTIES OF THE DIRECTOR.

4 The director shall:

5 1. Unless otherwise specified in this chapter, recommend
6 rules to the commission which are necessary to implement this
7 chapter. Initial recommendations shall be made to the
8 commission no later than July 1, 1991.

9 2. Seek, receive, and accept funds in the form of
10 appropriations, grants, awards, wills, bequests, endowments,
11 and gifts for deposit in the waste reduction and recycling
12 trust fund to be used for programs relating to the duties of
13 the department under this chapter.

14 3. Administer and coordinate the waste volume reduction
15 and recycling fund created under section 455D.15.

16 4. Enter into contracts and agreements, with the approval
17 of the commission, for contracts in excess of twenty-five
18 thousand dollars, with local units of government, other state
19 agencies, governments of other states, governmental agencies
20 of the United States, other public and private contractors,
21 and other persons as may be necessary or beneficial in
22 carrying out the department's duties under this chapter.

23 5. Submit a report to the general assembly on or before
24 July 1, 1990, that characterizes the solid waste stream in
25 Iowa and that contains a strategy for managing each major
26 component of the waste stream. The strategy shall describe
27 the actions necessary to assure that each segment of the waste
28 stream is managed according to the highest appropriate
29 priority of the waste management hierarchy.

30 6. Develop a strategy and recommend to the ~~commission~~ the
31 adoption of rules necessary to implement a strategy for white
32 goods and waste oil by January 1, 1990.

33 7. Provide financial assistance through expenditure of the
34 waste volume reduction and recycling fund to public and
35 private entities to promote and enable the development and

1 implementation of markets and industries in Iowa that will
2 support and complement the state's waste reduction and
3 recycling programs.

4 8. Study the technology available for the reclamation and
5 recycling of refrigerant and make recommendations concerning
6 whether or not all persons providing refrigerator or air
7 conditioner repair services should own or have access to
8 refrigerant reclamation or recycling machinery.

3995- 9 9. Review procurement specifications used by other
10 agencies for products including but not limited to lubricating
11 oils, retread tires, building insulation materials, and
12 recovered materials from waste tires, and shall revise the
13 specifications to allow procurement of items containing
14 recovered materials. The specifications which shall be
15 revised shall include but are not limited to specifications
16 which restrict the use of alternative materials in place of
17 virgin materials, exclude recovered materials, or provide
18 performance standards which exclude items containing recovered
19 materials and which standards are more stringent than
20 necessary to satisfy an agency's needs. The director shall
21 not develop specifications and an agency shall not be required
22 to use recovered materials if the agency documents that the
23 use of recovered materials will jeopardize the intended end
24 use of the item.

25 The director shall develop a preferential procurement
26 program for products made of recycled or recovered materials.
27 The program shall include the development and publishing of a
28 preferential listing of products, promotion of the program,
29 procedures for obtaining and verifying estimates and
30 certifications of the recovered material content of a product,
31 and annual review and monitoring of the program.

32 Sec. 7. NEW SECTION. 455D.7 DUTIES OF THE COMMISSION.

33 The commission shall:

34 1. Unless otherwise specified in this chapter, adopt rules
35 necessary to implement this chapter pursuant to chapter 17A.

1 Initial rules shall be adopted no later than April 1, 1992.

2 2. Prohibit land disposal of specific components of the
3 waste stream for which the department has developed and
4 implemented a strategy for alternative disposal according to
5 the waste management hierarchy.

6 3. Establish by rule standards for the acceptance of
7 recyclable or rebatable products at redemption centers. The
8 standards may address matters of public health and handling by
9 the redemption center.

10 4. Recommend to the general assembly, annually, the
11 imposition of waste abatement fees, rebates, and deposits.

12 Sec. 8. NEW SECTION. 455D.8 DEPOSITS, REBATES, AND WASTE
13 ABATEMENT FEES.

14 The commission shall recommend to the general assembly,
15 annually, deposits, rebates, and waste abatement fees on
3995-16 elements of the waste stream when necessary to encourage
17 recycling and recovery of useful components of that waste
18 stream element, or to encourage proper management and disposal
19 of components that cannot be recycled or recovered. In making
20 these recommendations, the commission shall not recommend the
21 imposition of a deposit, rebate, or waste abatement fee on an
22 element that is being properly managed through a market-driven
23 or publicly supported recycling, recovery, or source
24 separation program. The commission shall recommend to the
25 general assembly that a deposit, rebate, or waste abatement
26 fee is removed from an element of the waste stream when the
27 commission determines that market forces will ensure that the
28 element is recycled, recovered, or properly managed and
29 disposed.

30 Sec. 9. NEW SECTION. 455D.9 LAND DISPOSAL OF YARD WASTE
31 -- PROHIBITED.

32 1. Beginning January 1, 1991, land disposal of yard waste
33 as defined by the department is prohibited. However, yard
34 waste which has been separated at its source from other solid
35 waste may be accepted by a sanitary landfill for the purposes

1 of soil conditioning or composting.

3995-2 2. The department shall assist local communities in the
3 development of collection systems for yard waste generated
4 from residences and shall assist in the establishment of local
5 composting facilities. By July 1, 1990, each city and county
6 shall, by ordinance, require persons within the city or county
7 to separate yard waste from other solid waste generated and
8 shall provide for a collection system for yard waste which is
9 not composted.

10 3. The department shall develop rules which define yard
11 waste and provide for the safe and proper method of
12 composting.

13 4. State and local agencies responsible for the
14 maintenance of public lands in the state shall give preference
15 to the use of composted materials in all land maintenance
16 activities.

17 5. This section does not prohibit the use of yard waste as
18 land cover or as soil conditioning material.

19 6. This section prohibits the incineration of yard waste
20 at a sanitary disposal project.

21 Sec. 10. NEW SECTION. 455D.10 LAND DISPOSAL OF LEAD ACID
22 BATTERIES -- PROHIBITED -- COLLECTION FOR RECYCLING.

23 1. Beginning July 1, 1990, land disposal of lead acid
24 batteries is prohibited.

25 2. A person offering for sale or selling lead acid
26 batteries at retail in the state shall do all of the
27 following:

28 a. Accept used lead acid batteries from customers who
29 purchase new lead acid batteries, at the point of sale.

4/21 30 b. Post written notice that land disposal of lead acid
31 batteries is prohibited and that state law requires the
32 retailer to accept lead acid batteries for recycling when new
33 lead acid batteries are purchased.

34 3. A person offering for sale or selling lead acid
35 batteries at wholesale shall accept used lead acid batteries

1 from retailers who purchase new lead acid batteries for resale
2 to consumers, or from wholesale customers.

3 Sec. 11. NEW SECTION. 455D.11 WASTE TIRES -- LAND
4 DISPOSAL PROHIBITED -- FEE REQUIRED.

5 1. As used in this section, unless the context otherwise
6 requires:

7 a. "Permit" means a permit issued by the department to
8 establish, construct, modify, own, or operate a tire
9 stockpiling facility.

10 b. "Processing" means producing or manufacturing usable
11 materials from waste tires.

12 c. "Processing site" means a site which is used for the
13 processing of waste tires and which is owned or operated by a
14 tire processor who has a permit for the site.

15 d. "Tire collector" means a person who owns or operates a
16 site used for the storage, collection, or deposit of more than
17 fifty waste tires.

18 e. "Tire processor" means a person engaged in the
19 processing of waste tires.

20 f. "Waste tire" means a tire that is no longer suitable
21 for its originally intended purpose due to wear, damage, or
22 defect.

23 g. "Waste tire collection site" means a site which is used
24 for the storage, collection, or deposit of waste tires.

4111, 4102 25 2. Beginning January 1, 1990, at the time a vehicle is
26 titled from the manufacturer's statement of origin, an owner
27 of the vehicle subject to registration pursuant to chapter 321
28 or 326, except for official vehicles, shall pay an
29 environmental assessment fee of eleven dollars. Payment of
30 the environmental assessment fee shall be made in addition to
31 the certificate of title and use tax fee, to the county
32 treasurer. The county treasurer shall remit the environmental
33 assessment fees to the treasurer of state and a monthly report
34 to the department of revenue and finance. The state treasurer
35 shall deposit the environmental assessment fees remitted in

1 the waste volume reduction and recycling fund. Fifty cents of
2 the environmental assessment fee collected for each vehicle by
3 the county treasurer may be retained by the county, and
4 deposited in the county's general fund. The director of the
5 state department of transportation, through the distributed
6 teleprocessing network, shall provide assistance to each
7 county treasurer in the collection, receipt, accounting, and
8 reporting of the environmental assessment fees.

3909 →
4102,
411' 9 3. The department of revenue and finance shall prescribe
10 the type and form of records required for the reporting of
11 fees and shall prescribe the manner and means of payment of
12 the fees imposed.

13 4. Land disposal of waste tires is prohibited beginning
14 July 1, 1991, unless the tire has been processed in a manner
15 established by the department.

16 5. The department shall conduct a study and make
17 recommendations to the general assembly by January 1, 1991,
18 concerning a waste tire abatement program which includes but
19 is not limited to the following:

20 a. The number and geographic distribution of waste tires
21 generated and existing in the state.

22 b. The development of markets for the recycling and
23 processing of waste tires, in the midwestern states.

24 c. The methods to establish reliable sources of waste
25 tires for users of waste tires.

3095-26 d. The permitting of waste tire collection sites and waste
27 tire processing facilities.

28 e. The methods for the cleanup of existing stockpiles of
29 waste tires.

30 6. Upon completion of the study pursuant to subsection 5,
31 the department shall determine the number of stockpiling
32 facilities which are necessary and shall develop rules for
33 stockpiling facilities which include but are not limited to
34 the following:

35 a. The prohibition of burning within one hundred yards of

1 a tire stockpile.

2 b. The maximum height, width, and length of a tire
3 stockpile.

4 c. Plans to control mosquitos and rodents.

5 d. A facility closure plan.

6 e. Specifications for fire lanes between stockpiles.

7 f. Limitations of the total number of tires allowed at a
8 single stockpile site.

9 7. The department shall develop criteria for the issuance
10 of permits and shall issue permits to qualified stockpiling
11 facilities.

12 8. The department shall provide financial assistance to
13 persons who establish recycling and processing sites for waste
14 tires, subject to the rules established by the department for
15 the establishment of such sites and subject to the conditions
16 prescribed by the department for application for and awarding
17 of such financial assistance.

18 9. Financial assistance shall not be awarded for
*19 incineration facilities.

20 Sec. 12. NEW SECTION. 455D.12 PLASTIC CONTAINER
21 LABELING.

22 1. In this section unless the context otherwise requires:

23 a. "Label" means a molded imprint or raised symbol on or
24 near the bottom of a plastic product.

25 b. "Plastic" means any material made of polymeric organic
26 compounds and additives that can be shaped by flow.

27 c. "Plastic bottle" means a plastic container that has a
28 neck that is smaller than the body of the container, accepts a
29 screw-type, snap cap, or other closure, and has a capacity of
30 sixteen fluid ounces or more, but less than five gallons.

31 d. "Rigid plastic container" means any formed or molded
32 container, other than a bottle, intended for single use,
33 composed predominantly of plastic resin, and having a
34 relatively inflexible infinite shape or form with a capacity
35 of eight ounces or more, but less than five gallons.

1 2. Beginning July 1, 1992, a person shall not distribute,
2 sell, or offer for sale in this state a plastic bottle or
3 rigid plastic container unless the product is labeled with a
4 code indicating the plastic resin used to produce the bottle
5 or container. Rigid plastic bottles or rigid plastic
6 containers with labels and basecups of a different material
7 shall be coded by their basic material. The code shall
8 consist of a number placed within a triangle of arrows and
9 letters placed below the triangle of arrows. The triangle
10 shall be equilateral, formed by three arrows with the apex of
11 each point of the triangle at the midpoint of each arrow,
12 rounded with a short radius. The arrowhead of each arrow
13 shall be at the midpoint of each side of the triangle with a
14 short gap separating the pointer from the base of the adjacent
15 arrow. The triangle, formed by the three arrows curved at
16 their midpoints, shall depict a clockwise path around the code
17 number. The numbers and letters used shall be as follows:

- 18 a. 1. -PETE (polyethylene terephthalate)
- 19 b. 2. -HDPE (high density polyethylene)
- 20 c. 3. -V (vinyl)
- 21 d. 4. -LDPE (low density polyethylene)
- 22 e. 5. -PP (polypropylene)
- 23 f. 6. -PS (polystyrene)
- 24 g. 7. -OTHER (includes multi-layer)

25 3. The department shall maintain a list of the label codes
26 provided in subsection 2 and shall provide a copy of that list
27 to any person upon request.

28 4. A container manufacturer or distributor who violates
29 this section is subject to a civil penalty of not more than
30 five hundred dollars for each violation.

31 Sec. 13. NEW SECTION. 455D.13 LAND DISPOSAL OF WASTE OIL
32 PROHIBITED -- COLLECTION.

33 1. A sanitary landfill shall not accept waste oil for
34 final disposal beginning July 1, 1990.

35 2. A person offering for sale or selling oil at retail in

1 the state shall do the following:

2 a. Accept at the point of sale, waste oil from customers,
3 or post notice of locations where a customer may dispose of
4 waste oil.

412/ 5 b. Post written notice that it is unlawful to dispose of
6 waste oil in a sanitary landfill.

7 Sec. 14. NEW SECTION. 455D.14 PRODUCTS MANUFACTURED WITH
8 CHLOROFLUOROCARBONS PROHIBITED.

9 Beginning January 1, 1990, a person shall not sell, offer
10 for sale, purchase, or use plastic foam packaging products or
11 food service items manufactured with chlorofluorocarbons.

12 Beginning January 1, 1998, a person shall not sell, offer for
13 sale, purchase, or use plastic foam products, not previously
14 prohibited, which are manufactured with fully halogenated
15 chlorofluorocarbons. A person violating this section is
16 guilty of a serious misdemeanor.

17 Sec. 15. NEW SECTION. 455D.15 WASTE VOLUME REDUCTION AND
18 RECYCLING FUND.

19 1. A waste volume reduction and recycling fund is created
20 within the state treasury. Moneys received by the authority
21 from fees, including general revenue, federal funds, awards,
22 wills, bequests, gifts, or other moneys designated shall be
23 deposited in the state treasury to the credit of the fund.
24 Notwithstanding section 8.33, any unexpended balance in the
25 fund at the end of each fiscal year shall be retained in the
26 fund. Any interest and earnings on investments from money in
27 the fund shall be credited to the fund, section 453.7
28 notwithstanding.

29 2. The department shall award grants based upon the solid
30 waste management hierarchy set forth in section 455B.301A,
31 subsection 1. A grant shall not be awarded to a county, city,
32 or central planning agency which has not complied with the
33 requirements of a comprehensive solid waste management program
34 and which has not complied with or demonstrated an intent to
35 comply with the requirements of section 455B.306.

1 3. The fund shall be utilized for the following purposes:

2 a. The initial thirty-five thousand dollars collected for
3 deposit in the fund shall be appropriated to the department
4 for establishment of the pollution hotline program established
5 pursuant to section 455B.116, and for the salary and support
6 of not more than one full-time equivalent position.

7 b. To provide financial assistance to public and private
8 entities to develop and implement waste reduction and
9 minimization programs for Iowa industries.

10 c. To provide financial assistance to public and private
11 entities and to develop and implement programs to create and
12 enhance markets for recyclable and other waste products.

13 d. To develop and implement educational and technical
14 assistance programs that support and encourage waste reduction
15 and recycling efforts by Iowans.

16 e. To administer the provisions of chapter 455B, division
17 IV, part 1.

18 f. The department may utilize up to ten percent of the
19 fund to administer the provisions of chapter 455D.

20 g. To provide grants to local communities or private
21 individuals for projects which establish recycling collection
22 centers, establish local curbside collection of separated
23 recyclable waste materials, promote public awareness regarding
24 waste volume reduction and the use of recyclable materials,
25 and create markets for recyclable materials. Grants shall not
395 26 be awarded for incineration or refuse-to-energy facilities.

27 h. To provide technical assistance to local communities in
28 establishing collection systems and composting facilities for
29 yard waste.

30 i. To fund the study required pursuant to section 455D.11,
31 subsection 5, and to provide loans and grants for waste tire
32 recycling and reprocessing projects.

33 j. To carry out the functions of the department of natural
34 resources concerning recycling.

35 k. To promote the recycling of chlorofluorocarbons used as

1 refrigerant.

2 Sec. 16. NEW SECTION. 455D.16 PACKAGING PRODUCTS --
3 RECYCLING -- PROHIBITION OF POLYSTYRENE PRODUCTS.

395- 4 The department, in cooperation with businesses involved in
5 the manufacturing and use of packaging products or food
6 service items, shall establish a recycling program to increase
7 the recycling of packaging products or food service items by
8 twenty-five percent by January 1, 1991, and by fifty percent
9 by January 1, 1993. If the recycling goals are not reached,
10 beginning January 1, 1994, a person shall not manufacture,
11 offer for sale, sell, or use any polystyrene packing products
12 or food service items in this state.

395- 13 Sec. 17. Section 18.6, Code 1989, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 11. The director shall adopt rules which
16 require that each bid received for the purchase of items
17 purchased by the department includes a product content
18 statement which provides the percentage of the content of the
19 item which is reclaimed material.

395- 20 NEW SUBSECTION. 12. The director shall require that as a
21 condition of a contract for the purchase of items by the
22 department, the person submitting the proposed contract for
23 purchase of items shall receive information regarding the
24 availability of an on-site, nonregulatory, review of waste
25 management of the facility of the person submitting the
26 proposed contract by the small business assistance center for
27 the safe and economic management of solid waste and hazardous
28 substances at the university of northern Iowa. The person
29 submitting the proposed contract shall certify that the person
30 has received and examined the information on a form prescribed
31 by the department.

395- 32 NEW SUBSECTION. 13. The director shall adopt rules which
33 require that prior to the purchase of a newly manufactured
34 durable consumer product, a determination of the recyclability
35 of the product be made. The rules shall require that if a

1 product is found to present environmental risks that make
2 recycling of the product uneconomical, the product shall not
3 be purchased, and an alternative product which is acceptable
4 shall be found.

5 Sec. 18. Section 18.18, Code 1989, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 1A. a. As used in this subsection,
8 unless the context otherwise requires:

9 (1) "Recycled paper" means a paper product with not less
10 than forty percent of its total weight consisting of
11 postconsumer material and recovered paper material. At least
12 ten percent of the total weight of recycled paper shall be
13 postconsumer materials.

14 (2) "Postconsumer material" means only those products
15 generated by a business or consumer which have served their
16 intended end uses, and which have been separated or diverted
17 from solid waste for the purposes of collection, recycling,
18 and disposition.

19 (3) "Recovered paper material" means paper waste generated
20 after the completion of the papermaking process, such as
21 postconsumer material, envelope cuttings, bindery trimmings,
22 printing waste, cutting and other converting waste, butt rolls
23 and mill wrappers, obsolete inventories, and rejected unused
24 stock. "Recovered paper material" does not mean fibrous waste
25 generated during the manufacturing process such as fibers
26 recovered from waste water, or trimmings of paper machine
27 rolls; or fibrous by-products of harvesting, extractive, or
28 woodcutting processes; or forest residue such as bark.

29 b. The department, in conjunction with recommendations
30 made by the department of natural resources, shall purchase
31 and use recycled printing and writing paper so that twenty-
32 five percent by January 1, 1990, fifty percent by January 1,
33 1992, seventy-five percent by January 1, 1996, and ninety
34 percent by January 1, 2000, of the volume of printing and
35 writing paper purchased is recycled paper.

1 Sec. 19. NEW SECTION. 18.20 WASTEPAPER RECYCLING
2 PROGRAM.

3 The department in accordance with recommendations made by
4 the department of natural resources shall require all state
5 agencies to establish an agency wastepaper recycling program
6 by January 1, 1990. The director shall adopt rules which
7 require a state agency to develop a program to ensure the
8 recycling of the wastepaper generated by the agency. Each
9 agency shall submit a report to the general assembly meeting
10 in January 1990, which includes a description of the program
11 plan and the agency's efforts to use recycled products. All
12 state employees shall practice conservation of paper
13 materials.

14 For the purposes of this section, "agency waste paper"
15 means wastepaper or wastepaper products generated by the
16 agency.

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³⁹⁴ 17 Sec. 20. NEW SECTION. 18.21 CERTAIN POLYSTYRENE PRODUCTS -
18 -PROHIBITED.

19 Beginning July 1, 1990, the department of general services
20 shall not purchase, and state agencies shall not use,
21 polystyrene products for the purpose of storing, packaging, or
22 serving food for immediate consumption.

23 Sec. 21. Section 262.9, Code 1989, is amended by adding
24 the following new subsection:

³⁹⁵ 25 NEW SUBSECTION. 4A. In conjunction with the
26 recommendations made by the department of natural resources,
27 purchase and use recycled printing and writing paper in
28 accordance with the schedule established in section 18.18;
29 establish a wastepaper recycling program by January 1, 1990,
30 for all institutions governed by the board in accordance with
31 recommendations made by the department of natural resources
32 and the requirements of section 18.20; terminate purchase, and
33 the institutions governed by the board shall terminate use of
34 polystyrene products for the purpose of storing, packaging, or
35 serving food for immediate consumption beginning July 1, 1990;

1 and, in accordance with section 18.6, require product content
2 statements, the provision of information regarding on-site
3 review of waste management in product bidding and contract
4 procedures, and determine the recyclability of durable
5 consumer products purchased by the board.

6 Sec. 22. Section 307.21, subsection 4, Code 1989, is
7 amended to read as follows:

345-8 4. Provide centralized purchasing services for the
9 department, in co-operation with the department of general
10 services. The administrator shall, whenever the price is
11 reasonably competitive and the quality intended, purchase
12 soybean-based inks and starch-based plastics, including but
13 not limited to starch-based garbage can liners, and shall
14 purchase these items in accordance with the schedule
15 established in section 18.18. The administrator shall also,
16 in conjunction with recommendations made by the department of
17 natural resources, purchase and use recycled printing and
18 writing paper in accordance with the schedule established in
19 section 18.18; shall establish a wastepaper recycling program
20 by January 1, 1990, in accordance with recommendations made by
21 the department of natural resources and the requirements of
22 section 18.20; shall not purchase and the department shall not
23 use polystyrene products for the purpose of storing,
24 packaging, or serving food for immediate consumption beginning
25 July 1, 1990; and shall, in accordance with section 18.6,
26 require product content statements, the provision of
27 information regarding on-site review of waste management in
28 product bidding and contract procedures, and determine the
29 recyclability of durable consumer products purchased by the
30 administrator.

4/// 31 Sec. 23. Section 321.20, Code 1989, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 6. The amount of the environmental
34 assessment fee to be paid pursuant to section 455D.11.

35 Sec. 24. Section 422.45, subsection 27, Code 1989, is

1 amended to read as follows:

2 27. The gross receipts from the sale or rental, on or
3 after July 1, 1987 or on or after July 1, 1985, in the case of
4 an industry which has entered into an agreement under chapter
5 280B prior to the sale or lease, of industrial machinery,
6 equipment and computers, including replacement parts which are
7 depreciable for state and federal income tax purposes, if the
8 following conditions are met:

9 a. The industrial machinery, equipment and computers shall
10 be directly and primarily used in the manner described in
11 section 428.20 in processing tangible personal property or in
12 research and development of new products or processes of
13 manufacturing, refining, purifying, combining of different
14 materials or packing of meats to be used for the purpose of
15 adding value to products, or in processing or storage of data
16 or information by an insurance company, financial institution
17 or commercial enterprise, or in the recycling or reprocessing
18 of waste products. As used in this paragraph:

19 (1) "Insurance company" means an insurer organized or
20 operating under chapters 508, 514, 515, 518, 519, 520 or
21 authorized to do business in Iowa as an insurer and having
22 fifty or more persons employed in this state excluding
23 licensed insurance agents.

24 (2) "Financial institutions" means as defined in section
25 527.2, subsection 5.

26 (3) "Commercial enterprise" includes businesses and
27 manufacturers conducted for profit and includes centers for
28 data processing services to insurance companies, financial
29 institutions, businesses and manufacturers but excludes
30 professions and occupations and nonprofit organizations.

31 b. The industrial machinery, equipment and computers must
32 be real property within the scope of section 427A.1,
33 subsection 1, paragraphs "e" or "j", and must be subject to
34 taxation as real property. This paragraph does not apply to
35 machinery and equipment used in the recycling or reprocessing

1 of waste products qualifying for an exemption under paragraph
2 "a".

3 However, the provisions of chapters 404 and 427B which
4 result in the exemption from taxation of property for property
5 tax purposes do not preclude the property from receiving this
6 exemption if the property otherwise qualifies.

7 The gross receipts from the sale or rental of hand tools
8 are not exempt. The gross receipts from the sale or rental of
9 pollution control equipment qualifying under paragraph "a"
10 shall be exempt.

11 The gross receipts from the sale or rental of industrial
12 machinery, equipment, and computers, including pollution
13 control equipment, within the scope of section 427A.1,
14 subsection 1, paragraphs "h" and "i", shall not be exempt.

15 Sec. 25. NEW SECTION. 455B.116 POLLUTION HOTLINE
16 PROGRAM.

17 The department shall establish a toll-free telephone number
18 to allow citizens to report incidents resulting in pollution
19 of the environment or damage to natural resources. The
20 department shall receive and evaluate the reports and refer
21 them to the appropriate state or local jurisdiction for
22 initial investigation. The agency receiving a referral shall
23 investigate the complaint, attempt to resolve the problem, and
24 upon completion of the investigation, report to the department
25 on the disposition of each complaint indicating how the
26 problem was resolved.

3945 27 The department shall use moneys appropriated to the waste
28 volume reduction and recycling fund for the purpose of
29 implementation of the program and shall use the moneys
30 appropriated under section 455E.11 for the program to provide
31 financial assistance to counties for investigation of
32 complaints and to provide compensation to persons who
33 materially assist in the conviction of persons who have caused
34 pollution of or damage to the environment. The amount of
35 compensation shall be ten percent, but not more than five

1 hundred dollars of each penalty assessed shall be provided to
2 the person filing the complaint if the complaint had a
3 material effect upon the conviction of the person found to
4 have caused the pollution or damage. An employee of a state
5 agency which has responsibility for the environment is not
6 eligible for any compensation based upon the conviction of a
7 person who causes pollution of or damage to the environment.

8 Sec. 26. Section 455B.302, Code 1989, is amended to read
9 as follows:

10 455B.302 DUTY OF CITIES AND COUNTIES.

11 Every city and county of this state shall provide for the
12 establishment and operation of a comprehensive solid waste
13 reduction program consistent with the waste management
14 hierarchy under section 455B.301A, and a sanitary disposal
15 project for final disposal of solid waste by its residents not
16 later than July 1, 1975. Sanitary Comprehensive programs and
17 sanitary disposal projects may be established either
18 separately or through co-operative efforts for the joint use
19 of the participating public agencies as provided by law.

20 Cities and counties may execute with public and private
21 agencies contracts, leases, or other necessary instruments,
22 purchase land and do all things necessary not prohibited by
23 law for the implementation of waste management programs,
24 collection of solid waste, establishment and operation of
25 sanitary disposal projects, and general administration of the
26 same. Any agreement executed with a private agency for the
27 operation of a sanitary disposal project shall provide for the
28 posting of a sufficient surety bond by the private agency
29 conditioned upon the faithful performance of the agreement. A
30 city or county may at any time during regular working hours
31 enter upon the premises of a sanitary disposal project,
32 including the premises of a sanitary landfill, in order to
33 inspect the premises and monitor the operations and general
34 administration of the project to ensure compliance with the
35 agreement and with state and federal laws. This includes the

1 right of the city or county to enter upon the premises of a
2 former sanitary disposal project which has been closed,
3 including the premises of a former sanitary landfill, owned by
4 a private agency, for the purpose of providing required
5 postclosure care.

6 Sec. 27. Section 455B.304, Code 1989, is amended by adding
7 the following new unnumbered paragraph:

3945-8 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules
9 for the certification of operators of incinerators. The
10 criteria for certification shall include, but is not limited
11 to, an operator's technical competency and operation and
12 maintenance of incinerators.

13 Sec. 28. Section 455B.305, subsections 2 through 5, Code
14 1989, are amended to read as follows:

15 2. Beginning July 1, 1988, the director shall not issue a
16 permit for the construction or operation of a new sanitary
17 ~~landfill~~ disposal project unless the permit applicant, in
18 conjunction with all local governments using the sanitary
19 disposal project, has filed a plan as required by section
20 455B.306. For those sections for which the department has not
21 developed rules, the permit shall contain conditions and a
22 schedule for meeting all applicable requirements of section
23 455B.306.

24 3. Beginning July 1, 1988, the director shall not renew or
25 reissue a permit which had been initially issued prior to that
26 date for a sanitary ~~landfill~~ disposal project, unless the
27 permit applicant, in conjunction with all local governments
28 using the sanitary disposal project, has filed a plan as
29 required by section 455B.306. For those sections for which
30 the department has not developed rules, the permit shall
31 contain conditions and a schedule for meeting all applicable
32 requirements of section 455B.306.

33 4. Beginning July 1, 1994, the director shall not renew or
34 reissue a permit which had been initially issued or renewed
35 prior to that date for a sanitary ~~landfill~~ disposal project,

1 unless and until the permit applicant, in conjunction with all
2 local governments using the sanitary disposal project,
3 documents that steps are being taken to begin implementing the
4 plan filed pursuant to section 455B.306. For those sections
5 for which the department has not developed rules, the permit
6 shall contain conditions and a schedule for meeting all
7 applicable requirements of section 455B.306. However, a
8 permit may be issued for the construction and operation of a
9 new sanitary ~~landfill~~ disposal project in accordance with
10 subsection 2.

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

25 After July 1, 1997, however, no new landfill permits shall
26 be issued unless the applicant, in conjunction with all local
27 governments which will use the landfill, certifies that the
28 landfill is needed as a part of an alternative disposal
29 method, or unless the applicant provides documentation which
30 satisfies the director that alternatives have been studied and
31 are not either technically or economically feasible. The
32 decision of the director is subject to review by the
33 commission at its next meeting.

34 Sec. 29. Section 455B.306, subsections 1 through 4, Code
35 1989, are amended to read as follows:

1 1. A city, county, and a private agency operating or
2 planning to operate a sanitary disposal project shall file
3 with the director a comprehensive plan detailing the method by
4 which the city, county, or private agency will comply with
5 this part 1. All cities and counties shall also file with the
6 director a comprehensive plan detailing the method by which
7 the city or county will comply with the requirements of
8 section 455B.302 to establish and implement a comprehensive
9 solid waste reduction program for its residents. For the
10 purposes of this section, a public agency managing the waste
11 stream for cities or counties pursuant to chapter 28E, shall
12 file one comprehensive plan on behalf of its members, which
13 constitutes full compliance by the public agency's members
14 with the filing requirements of this section. The director
15 shall review each comprehensive plan submitted and may reject,
16 suggest modification, or approve the proposed plan. The
17 director shall aid in the development of comprehensive plans
18 for compliance with this part. The director shall make
19 available to a city, county, and private agency appropriate
20 forms for the submission of comprehensive plans and may hold
21 hearings for the purpose of implementing this part. The
22 director and governmental agencies with primary responsibility
23 for the development and conservation of energy resources shall
24 provide research and assistance, when cities and counties
25 operating or planning to operate sanitary disposal projects
26 request aid in planning and implementing resource recovery
27 systems. A comprehensive plan filed by a private agency
28 operating or planning to operate a sanitary disposal project
29 required pursuant to section 455B.302 shall be developed in
30 cooperation and consultation with the city or county
31 responsible to provide for the establishment and operation of
32 a sanitary disposal project.

33 2. The plan required by subsection 1 for sanitary disposal
34 projects shall be filed with the department at the time of
35 initial application for the construction and operation of a

1 sanitary disposal project and at a minimum shall be updated
2 and refiled with the department at the time of each subsequent
3 application for renewal or reissuance of a previously issued
4 permit. The department may, consistent with rules of the
5 commission, require filing or updating of a plan at other
6 times.

7 3. A comprehensive plan filed pursuant to this section ~~in~~
8 ~~conjunction-with-an-application-for-issuance, renewal, or~~
9 ~~reissuance-of-a-permit-for-a-sanitary-disposal-project~~ shall
10 incorporate and reflect the waste management hierarchy of the
11 state solid waste management policy and shall at a minimum
12 address the following general topics ~~to-the-extent-appropriate~~
13 ~~to-the-technology-employed-by-the-applicant-at-the-sanitary~~
14 ~~disposal-project:~~

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

16 b. The economic and technical feasibility of using other
17 existing sanitary disposal project facilities in lieu of
18 initiating or continuing the sanitary landfill ~~for-which-the~~
19 ~~permit-is-being-sought~~ currently used.

20 c. The expected environmental impact of alternative solid
21 waste disposal methods, including the use of sanitary
22 landfills.

23 d. A specific plan and schedule for implementing
24 technically and economically feasible solid waste disposal
25 methods that will result in minimal environmental impact.

26 4. The comprehensive plan shall provide details of a local
27 recycling program which shall contain a methodology for
28 meeting the state volume reduction goal pursuant to section
29 455B.490A, and a methodology for implementing a program of
30 separation of wastes including but not limited to glass,
31 plastic, paper, and metal.

32 4 5. In addition to the above requirements, the following
33 specific areas must be addressed in detail in the a
34 comprehensive plan filed in conjunction with the issuance,
35 renewal, or reissuance of a permit for a sanitary disposal

4120,
4122

1 project:

2 Sec. 30. NEW SECTION. 455B.314 INCINERATION AT SANITARY
3 DISPOSAL PROJECTS.

4 Beginning January 1, 1990, a sanitary disposal project that
5 includes incineration as a part of its disposal process shall
6 separate from the materials to be incinerated recyclable and
7 reusable materials, materials which will result in
8 uncontrolled toxic or hazardous air emissions when burned, and
9 hazardous or toxic materials which are not rendered
10 nonhazardous or nontoxic by incineration. The removed
11 materials shall be recycled, reused, or treated and disposed
12 in a manner approved by the department. Separation of waste
13 includes magnetic separation.

14 Sec. 31. Section 455C.1, subsection 5, Code 1989, is
15 amended to read as follows:

16 5. "Distributor" means any person who engages in the sale
17 of beverages in beverage containers to a dealer in this state,
18 including any manufacturer who engages in such sales. The
19 ~~alcoholic-beverages-division-of-the-department-of-commerce-is~~
20 ~~not-a-distributor-for-the-purpose-of-this-chapter.~~

21 Sec. 32. Section 455C.2, subsection 1, Code 1989, is
22 amended to read as follows:

23 1. Except purchases of alcoholic liquor as defined in
24 section 123.3, subsection 8, by holders of class "A", "B", and
25 "C", ~~and "E"~~ liquor control licenses, a refund value of not
26 less than five cents shall be paid by the consumer on each
27 beverage container sold in this state by a dealer for
28 consumption off the premises. Upon return of the empty
29 beverage container upon which a refund value has been paid to
30 the dealer or person operating a redemption center and
31 acceptance of the empty beverage container by the dealer or
32 person operating a redemption center, the dealer or person
33 operating a redemption center shall return the amount of the
34 refund value to the consumer.

35 Sec. 33. Section 455C.3, Code 1989, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5. The alcoholic beverages division of
 3 the department of commerce shall enter into an agreement with
 4 a private entity to meet the division's obligations under
 5 subsection 2. The agreement shall include the acceptance and
 6 picking up of the division's empty beverage containers and
 7 payment of the refund value and reimbursement of the agreement
 8 does not result in a net cost to the state. The agreement
 9 shall provide that the refund paid by the dealers to the
 10 division shall be assigned and transferred to the private
 11 entity. Any surplus refund values retained by the dealer
 12 shall be remitted to the waste volume reduction and recycling
 13 fund.

3995 * 14 Sec. 34. NEW SECTION. 455C.16 BEVERAGE CONTAINERS --
 15 DISPOSAL AT SANITARY LANDFILL PROHIBITED.

16 Beginning July 1, 1990, the final disposal of beverage
 17 containers by a dealer, distributor, or manufacturer, or
 18 person operating a redemption center, in a sanitary landfill,
 19 is prohibited.

20 Sec. 35. Section 455E.11, subsection 2, paragraph c, Code
 21 1989, is amended to read as follows:

3995-22 c. A household hazardous waste account. The moneys
 23 collected pursuant to section 455F.7 shall be deposited in the
 24 household hazardous waste account. Except for the first one
 25 hundred thousand dollars received annually for deposit in the
 26 general-fund, waste volume reduction and recycling fund to be
 27 used by the department to provide financial assistance to
 28 counties in investigation of complaints and to provide
 29 compensation to persons who materially assist in the
 30 conviction of persons who pollute or damage the environment
 31 under the pollution hotline program established pursuant to
 32 section 455B.116; and the next one hundred thousand dollars
 33 received annually for deposit in the emergency response fund,
 34 the treasurer of state shall deposit moneys received from
 35 civil penalties and fines imposed by the court pursuant to

1 sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454,
2 455B.466, and 455B.477, in the household hazardous waste
3 account. Two thousand dollars is appropriated annually to the
4 Iowa department of public health to carry out departmental
5 duties under section 135.11, subsections 20 and 21, and
6 section 139.35, eighty thousand dollars is appropriated to the
7 department of natural resources for city, county, or service
8 organization project grants relative to recycling and
9 reclamation events, and eight thousand dollars is appropriated
10 to the department of transportation for the period of October
11 1, 1987, through June 30, 1989, for the purpose of conducting
12 the used oil collection pilot project. The remainder of the
13 account shall be used to fund Toxic Cleanup Days programs,
14 education programs, and other activities pursuant to chapter
15 455F, including the administration of the household hazardous
16 materials permit program by the department of revenue and
17 finance.

18 The department shall submit to the general assembly,
19 annually on or before January 1, an itemized report which
20 includes but is not limited to the total amount of moneys
21 collected and the sources of the moneys collected, the amount
22 of moneys expended for administration of the programs funded
23 within the account, and an itemization of any other
24 expenditures made within the previous fiscal year.

25 Sec. 36. Section 601L.3, Code 1989, is amended by adding
26 the following new subsection:

3995 27 NEW SUBSECTION. 13. In conjunction with the
28 recommendations made by the department of natural resources,
29 purchase and use recycled printing and writing paper in
30 accordance with the schedule established in section 18.18;
31 establish a wastepaper recycling program, by January 1, 1990,
32 in accordance with the recommendations made by the department
33 of natural resources and requirements of section 18.20;
34 terminate purchase, and the department shall terminate use of
35 polystyrene products for the purpose of storing, packaging, or

1 serving food for immediate consumption, beginning July 1,
2 1990; and, in accordance with section 18.6, require product
3 content statements, the provision of information regarding on-
4 site review of waste management in product bidding and
5 contract procedures, and determine the recyclability of
6 durable consumer products purchased by the department.

7 Sec. 37. ALCOHOLIC BEVERAGE CONTROL -- CONTAINER
8 COLLECTION -- RECOMMENDATIONS. The alcoholic beverages
9 division of the department of commerce shall develop a plan
10 for the collection of empty beverage containers which
11 contained alcoholic liquor. The plan, including the fiscal
12 impact of the implementation of the plan, shall be presented
13 in a report to the general assembly by January 1, 1990.

4111 >
14 Sec. 38. Section 455B.489, Code 1989, is repealed.

3995
15 Sec. 39. Sections 31, 32, and 33 of this Act are effective
16 July 1, 1990.

4110, 3989 >
17 Sec. 40. CODIFICATION. The Code editor shall codify sec-
18 tions 455D.1 through 455D.16, as enacted in this Act, as a new
19 chapter and entitle the chapter "Waste Volume Reduction and
20 Recycling", unless the Code editor determines that another
21 codification arrangement is preferable.

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HOUSE FILE 753
AMENDMENT H-4049 TO HOUSE FILE 753
FISCAL NOTE

A fiscal note for AMENDMENT H-4049 TO H.F. 753 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-4049 would change the fiscal effect of H.F. 753 in several ways. The amendment alters the fee charged on new vehicle registrations to a flat \$11 per vehicle, with the county treasurer retaining fifty cents per registration. The amendment also requires the initial \$35,000 generated through that fee to be used for the establishment of a pollution reporting hotline, provides compensation to certain individuals who turn in polluters, makes revisions in the purchasing requirements of certain state agencies, and alters the distribution of funds generated through the Household Hazardous Waste Account of the Groundwater Protection Fund.

Assumption:

139,000 new vehicles are registered in the State each year.

Fiscal Effect:

Each full Fiscal Year, the \$11 fee on new vehicle registrations would generate \$1,460,000 for the Waste Volume Reduction and Recycling Fund, and \$70,000 for county governments. Because the fee will not be instituted until January 1, 1990, the fiscal effect in FY 1990 would be one-half of this amount.

Section 34 makes available \$100,000 in funds credited to the Household Hazardous Waste Account, generated through household hazardous waste fees and civil fines and penalties relating to illegal disposal of hazardous waste, to the Department of Natural Resources for rewards and financial assistance relating to the pollution reporting hotline. These funds are currently deposited in the General Fund.

The amendment's changes in the purchasing requirements are expected to reduce the bill's fiscal impact on state agencies. However, the amount of reduction is not available at this time.

Sources:

Department of Natural Resources
Department of Transportation

(LSB 1904hw.3, JWR)

FILED APRIL 18, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 753

S-3995

1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 21, by inserting after the word
4 "includes" the following: "but is not limited to".

5 2. Page 4, line 6, by striking the word "results"
6 and inserting the following: "may result".

7 3. Page 6, line 1, by striking the figure "1990"
8 and inserting the following: "1991".

9 4. Page 6, line 2, by striking the word and
10 figures "July 1, 1991" and inserting the following:
11 "January 1, 1992".

12 5. Page 7, line 5, by inserting after the word
13 "refrigerant" the following: ", including the
14 findings of nationwide industry surveys,".

15 6. Page 7, by striking lines 9 through 31, and
16 inserting the following:

17 "9. Identify products made from recycled or
18 recovered materials and provide a list of these
19 products to the department of general services and to
20 all other state agencies to assist in the development
21 and review of procurement specifications. The
22 director shall also develop, in cooperation with the
23 director of the department of general services, a
24 program to promote the procurement of listed products
25 and seek information from state agencies using
26 products containing recycled or recovered materials to
27 evaluate their performance. The program shall also
28 provide that the director seek information from
29 suppliers regarding product performance and recovered
30 material content of products offered for sale. Based
31 on the above evaluation, and information regarding the
32 recyclability of the components of products and their
33 longevity, and, where applicable, the energy
34 efficiency of such products, the department shall
35 publish information on recommended products for
36 procurement. This information shall be provided to
37 all state agencies as well as city and county
38 purchasing agencies."

39 7. Page 8, line 16, by inserting after the word
40 "encourage" the following: "waste reduction, and
41 the".

42 8. Page 9, by striking lines 7 through 9 and in-
43 serting the following: "to separate yard waste from
44 other solid waste generated. Municipalities which
45 provide a collection system for solid waste shall
46 provide for a collection system for yard waste which
47 is not composted."

48 9. Page 11, line 15, by inserting after the word
49 "department." the following: "A sanitary landfill
50 shall not refuse to accept a waste tire which has been

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Page 2

1 properly processed."
2 10. Page 11, by striking lines 26 and 27 and
3 inserting the following:
4 "d. The permitting of waste tire collection sites,
5 waste tire processing facilities, and waste tire
6 haulers."
7 11. Page 15, line 26, by striking the words "or
8 refuse-to-energy facilities".
9 12. Page 16, line 8, by striking the figure
10 "1991" and inserting the following: "1992".
11 13. Page 16, by inserting after line 12 the
12 following:
13 "Sec. . NEW SECTION. 455D.17 PLASTIC BAG AND
14 PACKAGE LABELING.
15 1. Effective July 1, 1992, a person shall not sell
16 or offer for sale a disposable plastic bag or
17 packaging material that does not comply with the
18 labeling requirements of this section.
19 2. The commission shall adopt rules to establish
20 the labeling requirements for disposable plastic bags
21 and packaging materials. The labeling shall be
22 designed to inform consumers and users of the products
23 about the degradability of the bag or packaging
24 material.
25 Sec. . NEW SECTION. 455D.18 NONDEGRADABLE
26 GROCERY BAGS AND TRASH BAGS.
27 Effective July 1, 1992, a person shall not land
28 dispose of nondegradable plastic grocery bags or trash
29 bags in this state unless the department determines
30 that degradable plastic bags pose an environmental
31 hazard."
32 14. Page 16, by striking lines 28 through 31 and
33 inserting the following: "substances at the
34 university of northern Iowa."
35 15. Page 16, by inserting after line 31, the
36 following:
37 "NEW SUBSECTION. 13. The director shall review
38 and, where necessary, revise specifications used by
39 state agencies to procure products including but not
40 limited to lubricating oils, retread tires, building
41 insulation materials, and recovered materials from
42 waste tires to ensure that the specifications allow
43 the procurement of items containing recovered
44 materials. Specifications shall be revised if they
45 restrict the use of alternative materials, exclude
46 recovered materials, or require performance standards
47 which exclude items containing recovered materials
48 unless the agency seeking the item can document that
49 the use of recovered materials will hamper the
50 intended use of the item."

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Page 3

1 16. By striking page 16, line 32, through page
2 17, line 4.

3 17. Page 18, by striking lines 18 through 22, and
4 inserting the following:

5 "RECYCLING -- PROHIBITION.

6 The department of general services shall comply
7 with the recycling goal, recycling schedule, and
8 ultimate termination, of the purchase and use of
9 polystyrene products for the purpose of storing,
10 packaging, or serving food for immediate consumption
11 pursuant to section 455D.16."

12 18. Page 18, line 27, by inserting after the word
13 "paper" the following: ", with the exception of
14 specialized paper when no recyclable product is
15 available,".

16 19. By striking page 18, line 32, through page
17 19, line 5, and inserting the following: "and the
18 requirements of section 18.20; comply with, and the
19 institutions governed by the board shall also comply
20 with the recycling goal, recycling schedule, and
21 ultimate termination of purchase and use of
22 polystyrene products for the purpose of storing,
23 packaging, or serving food for immediate consumption
24 pursuant to section 455D.16; and shall, in accordance
25 with the requirements of section 18.6, require product
26 content statements, the provision of information
27 regarding on-site review of waste management in
28 product bidding and contract procedures, and
29 compliance with requirements regarding procurement
30 specifications."

31 20. Page 19, by striking lines 22 through 30, and
32 inserting the following: "section 18.20; shall comply
33 with the recycling goal, recycling schedule, and
34 ultimate termination of purchase and use of
35 polystyrene products for the purpose of storing,
36 packaging, or serving food for immediate consumption
37 pursuant to section 455D.16; and shall, in accordance
38 with section 18.6, require product content statements,
39 the provision of information regarding on-site review
40 of waste management in product bidding and contract
41 procedures, and compliance with requirements regarding
42 procurement specifications."

43 21. By striking page 21, line 32 through page 22,
44 line 7, and inserting the following: "complaints."

45 22. Page 23, line 9, by inserting after the words
46 "operators of" the following: "solid waste".

47 23. Page 23, line 12, by inserting after the word
48 "of" the following: "solid waste".

49 24. Page 28, by inserting after line 13, the
50 following:

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Page 4

1 "Sec. 100. Section 455C.4, subsection 4, Code
2 1989, is amended by striking the subsection."

3 25. Page 28, by striking lines 28 through 32, and
4 inserting the following: "counties in investigation
5 of complaints; and the next one hundred thousand
6 dollars".

7 26. By striking page 29, line 34 through page 30,
8 line 6, and inserting the following: "comply with the
9 recycling goal, recycling schedule, and ultimate
10 termination of purchase and use of polystyrene
11 products for the purpose of storing, packaging, or
12 serving food for immediate consumption pursuant to
13 section 455D.16; and, in accordance with section 18.6,
14 require product content statements, the provision of
15 information regarding on-site review of waste
16 management in product bidding and contract procedures,
17 and compliance with requirements regarding contract
18 bidding."

4054 19 27. Page 30, line 15, by striking the word and
20 figure "and 33" and inserting the following: "33, and
21 100".

22 28. By renumbering, relettering, and correcting
23 internal references as necessary.

By COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PAT DELUHERY, Chairperson

S-3995 FILED APRIL 28, 1989

HOUSE FILE 753

S-3994

1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 4, line 33, by inserting after the word
4 "generated." the following: "The network shall
5 utilize existing recycling companies when possible."

By MICHAEL E. GRONSTAL
PAT DELUHERY

S-3994 FILED APRIL 28, 1989

adopted 5-4-89 (p.1919)

HOUSE FILE 753

S-4052

- 1 Amend House File 753 as follows:
2 1. Page 18, by inserting after line 16 the fol-
3 lowing:
4 "The rules adopted by the director shall provide
5 for the continuation of existing state agency
6 contracts which provide for alternative waste
7 management not including incineration or land burial
8 of agency waste paper."

By MICHAEL GRONSTAL
PAT DELUHERY
CHARLES BRUNER

S-4052 FILED MAY 2, 1989

adopted 5-4-89 (p. 1920)

HOUSE FILE 753

S-4054

- 1 Amend the amendment, S-3995, to House File 753, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 3, line 49, through page 4,
5 line 2.
6 2. Page 4, by striking lines 19 through 21.
7 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL
PAT DELUHERY

PAUL D. PATE
MARK R. HAGERLA

S-4054 FILED MAY 2, 1989

adopted 5-4-89 (p. 1919)

HOUSE FILE 753

S-3909

1 Amend House File 753, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by inserting after line 8 the
4 following:
5 "Sixty percent of the environmental assessment fees
6 collected by the treasurer of state shall be deposited
7 in an account established in the waste volume
8 reduction and recycling fund and designated to be used
9 for waste abatement programs related to waste tires,
10 lead acid batteries, and waste oil for at least three
11 years or until such time as three million dollars has
12 been deposited in the account."

By COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3909 FILED APRIL 25, 1989

out of order 5-4-89 (p-1921)

HOUSE FILE 753

S-3989

1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 30, by inserting after line 16 the
4 following:
5 "Sec. ____ . STATE AGENCIES -- CONFLICTING RULES.
6 It is the intent of the general assembly that the
7 department of natural resources make recommendations
8 to state agencies regarding agency policies which
9 conflict with the purposes of this Act. All state
10 agencies shall review rules which govern the state
11 agency, and, in accordance with recommendations made
12 by the department of natural resources, and when
13 possible, shall amend rules which conflict with the
14 purposes of this Act."
15 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3989 FILED APRIL 28, 1989

adopted 5-4-89 (p-1920)

HOUSE FILE 753

S-4102

1 Amend House File 753, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, by striking line 26.

4 2. Page 10, line 27, by striking the words "of
5 the vehicle".

6 3. Page 10, line 28, by inserting after the word
7 "vehicles," the following: "the owner".

8 4. Page 10, line 29, by striking the words
9 "eleven dollars" and inserting the following: "one
10 dollar".

11 5. Page 10, line 31, by striking the words "the
12 certificate of title and use tax fee" and inserting
13 the following: "any other fees".

14 6. Page 11, line 1, by striking the words "waste
15 volume reduction and recycling" and inserting the
16 following: "road use tax".

17 7. Page 11, by inserting after line 8 the
18 following:

19 "_____. Notwithstanding section 423.24, there is
20 transferred to the waste volume reduction and
21 recycling fund from revenues collected under chapter
22 423, during each calendar year beginning on or after
23 January 1, 1990, from the use tax imposed on motor
24 vehicles, trailers, and motor vehicle accessories and
25 equipment under section 423.7, the amount deposited
26 into the road use tax fund under subsection 2 during
27 the same calendar year."

28 8. By numbering, renumbering, and correcting
29 internal references.

By RICHARD VARN
WILLIAM PALMER

MICHAEL GRONSTAL
PAT DELUHERY

S-4102 FILED MAY 4, 1989
ADOPTED 5-4-89 (p. 121)

HOUSE FILE 753

S-4110

1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:

3 1. By striking page 10, line 25, through page 11,
4 line 12.

5 2. Page 30, by inserting after line 16 the fol-
6 lowing:

7 "Sec. ____ . APPROPRIATION -- WASTE VOLUME REDUCTION

8 AND RECYCLING FUND. There is appropriated from the

9 general fund of the state for deposit in the waste

10 volume reduction and recycling fund, for the fiscal

11 year beginning July 1, 1989, and ending June 30, 1990,

12 the following amount, or so much thereof as is neces-

13 sary, for the purposes prescribed pursuant to section

14 455D.15:

15 \$ 1,450,000".

16 3. By renumbering, relettering, and correcting
17 internal references as necessary.

By JACK RIFE

S-4110 FILED MAY 4, 1989

RULED OUT OF ORDER 5-4-89 (p 192)

HOUSE FILE 753

S-4111

1 Amend House File 753, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 10, line 25, through page 11,
4 line 12.

5 2. Page 19, by striking lines 31 through 34.

6 3. Page 30, by inserting after line 13, the
7 following:

8 "Sec. ____ . APPROPRIATION -- PETROLEUM OVERCHARGE

9 FUNDS.

10 There is appropriated for the fiscal year beginning

11 July 1, 1989, and ending June 30, 1990, from the

12 Stripper well fund of the energy conservation trust

13 created pursuant to section 93.11, the following

14 amount, to be deposited in the waste volume reduction

15 and recycling fund established pursuant to section

16 455D.15, for the uses prescribed under section

17 455D.15:

18 \$ 1,400,000".

19 4. By renumbering as necessary.

By JOE WELSH

WILLIAM D. PALMER

BERL E. PRIEBE

RICHARD F. DRAKE

JOY CORNING

KEN SCOTT

JOHN SOORHOLTZ

ALVIN MILLER

WALLY E. HORN

RICHARD V. RUNNING

DON GETTINGS

CALVIN O. HULTMAN

MAGGIE TINSMAN

JOHN KIBBIE

LINN FUHRMAN

JOHN JENSEN

LEONARD BOSWELL

BOB CARR

S-4111 FILED MAY 4, 1989

RULED OUT OF ORDER 5-4-89 (p 192)

HOUSE FILE 753

S-4122

1 Amend House File 753 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 27, by inserting after line 1, the
4 following:

5 "Sec. ____ . Section 455B.306, Code 1989, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 6. Beginning January 1, 1989,
8 during any stage of the review process of a proposed
9 plan filed pursuant to this section, the proposed plan
10 shall not be modified, unless, following modification,
11 the proposed plan is resubmitted as a new proposal."

12 2. By renumbering as necessary.

By RICHARD RUNNING

S-4122 FILED MAY 4, 1989

ADOPTED

5-4-89 (p 1926)

HOUSE FILE 753

S-4118

1 Amend amendment, S-4102, to House File 753, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 16, the
 5 following:
 6 "____. Page 11, line 4, by inserting after the
 7 word "fund" the following: "to be used for waste
 8 volume reduction and recycling projects which projects
 9 may be done in cooperation with the efforts of other
 10 local units of government. The use of the moneys by
 11 the county for these projects may demonstrate an
 12 intent to comply with the requirements of section
 13 455B.306 which would enable the county to be eligible
 14 for grants from the waste volume reduction and
 15 recycling fund under section 455D.15. In order for
 16 the county to ensure that the department will be aware
 17 of these projects, the county shall file an annual
 18 report with the department delineating the uses for
 19 which the moneys retained from the environmental
 20 assessment fee were spent."

By PATRICK DELUHERY
 RICHARD VARN
 WILLIAM D. PALMER

MICHAEL GRONSTAL
 BERL E. PRIEBE

S-4118 FILED MAY 4, 1989

ADOPTED

5-489 (p.1920)

HOUSE FILE 753

S-4120

1 Amend House File 753 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 27, by inserting after line 1, the
 4 following:
 5 "Sec. ____ . Section 455B.306, Code 1989, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 6. During any stage of the review
 8 process of a proposed plan filed pursuant to this
 9 section, the proposed plan shall not be modified,
 10 unless, following modification, the proposed plan is
 11 resubmitted as a new proposal."

By RICHARD V. RUNNING

S-4120 FILED MAY 4, 1989

ADOPTED, RECONSIDERED & WITHDRAWN

54-89 (p.1921)

(p.1926)

HOUSE FILE 753

S-4121

1 Amend House File 753 as amended, passed, and reprinted
 2 by the House as follows:
 3 1. Page 9, by striking lines 30 through 33.
 4 2. Page 14, by striking lines 5 and 6.

By JIM LIND

S-4121 FILED MAY 4, 1989

LOST

54-89 (p.1926)

SENATE AMENDMENT TO HOUSE FILE 753

H-4438

- 1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:
- 3 1. Page 1, line 21, by inserting after the word
4 "includes" the following: "but is not limited to".
- 5 2. Page 4, line 6, by striking the word "results"
6 and inserting the following: "may result".
- 7 3. Page 4, line 33, by inserting after the word
8 "generated." the following: "The network shall
9 utilize existing recycling companies when possible."
- 10 4. Page 6, line 1, by striking the figure "1990"
11 and inserting the following: "1991".
- 12 5. Page 6, line 2, by striking the word and
13 figures "July 1, 1991" and inserting the following:
14 "January 1, 1992".
- 15 6. Page 7, line 5, by inserting after the word
16 "refrigerant" the following: ", including the
17 findings of nationwide industry surveys,".
- 18 7. Page 7, by striking lines 9 through 31, and
19 inserting the following:
- 20 "9. Identify products made from recycled or
21 recovered materials and provide a list of these
22 products to the department of general services and to
23 all other state agencies to assist in the development
24 and review of procurement specifications. The
25 director shall also develop, in cooperation with the
26 director of the department of general services, a
27 program to promote the procurement of listed products
28 and seek information from state agencies using
29 products containing recycled or recovered materials to
30 evaluate their performance. The program shall also
31 provide that the director seek information from
32 suppliers regarding product performance and recovered
33 material content of products offered for sale. Based
34 on the above evaluation, and information regarding the
35 recyclability of the components of products and their
36 longevity, and, where applicable, the energy
37 efficiency of such products, the department shall
38 publish information on recommended products for
39 procurement. This information shall be provided to
40 all state agencies as well as city and county
41 purchasing agencies."
- 42 8. Page 8, line 16, by inserting after the word
43 "encourage" the following: "waste reduction, and
44 the".
- 45 9. Page 9, by striking lines 7 through 9 and in-
46 serting the following: "to separate yard waste from
47 other solid waste generated. Municipalities which
48 provide a collection system for solid waste shall
49 provide for a collection system for yard waste which
50 is not composted."

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Page 2

- 1 10. Page 10, by striking line 26.
2 11. Page 10, line 27, by striking the words "of
3 the vehicle".
4 12. Page 10, line 28, by inserting after the word
5 "vehicles," the following: "the owner".
6 13. Page 10, line 29, by striking the words
7 "eleven dollars" and inserting the following: "one
8 dollar".
9 14. Page 10, line 31, by striking the words "the
10 certificate of title and use tax fee" and inserting
11 the following: "any other fees".
4462 12 15. Page 11, line 1, by striking the words "waste
13 volume reduction and recycling" and inserting the
14 following: "road use tax".
4463 15 16. Page 11, line 4, by inserting after the word
16 "fund" the following: "to be used for waste volume
17 reduction and recycling projects which projects may be
18 done in cooperation with the efforts of other local
19 units of government. The use of the moneys by the
20 county for these projects may demonstrate an intent to
21 comply with the requirements of section 455B.306 which
22 would enable the county to be eligible for grants from
23 the waste volume reduction and recycling fund under
24 section 455D.15. In order for the county to ensure
25 that the department will be aware of these projects,
26 the county shall file an annual report with the
27 department delineating the uses for which the moneys
28 retained from the environmental assessment fee were
29 spent."
30 17. Page 11, by inserting after line 8 the
31 following:
4462 32 " . Notwithstanding section 423.24, there is
33 transferred to the waste volume reduction and
34 recycling fund from revenues collected under chapter
35 423, during each calendar year beginning on or after
36 January 1, 1990, from the use tax imposed on motor
37 vehicles, trailers, and motor vehicle accessories and
38 equipment under section 423.7, the amount deposited
39 into the road use tax fund under subsection 2 during
40 the same calendar year."
41 18. Page 11, line 15, by inserting after the word
42 "department." the following: "A sanitary landfill
43 shall not refuse to accept a waste tire which has been
44 properly processed."
45 19. Page 11, by striking lines 26 and 27 and
46 inserting the following:
47 "d. The permitting of waste tire collection sites,
48 waste tire processing facilities, and waste tire
49 haulers."
50 20. Page 15, line 26, by striking the words "or

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Page 3

1 refuse-to-energy facilities".

2 21. Page 16, line 8, by striking the figure
3 "1991" and inserting the following: "1992".

4 22. Page 16, by inserting after line 12 the
5 following:

6 "Sec. ____ . NEW SECTION. 455D.17 PLASTIC BAG AND
7 PACKAGE LABELING.

8 1. Effective July 1, 1992, a person shall not sell
9 or offer for sale a disposable plastic bag or
10 packaging material that does not comply with the
11 labeling requirements of this section.

12 2. The commission shall adopt rules to establish
13 the labeling requirements for disposable plastic bags
14 and packaging materials. The labeling shall be
15 designed to inform consumers and users of the products
16 about the degradability of the bag or packaging
17 material.

18 Sec. ____ . NEW SECTION. 455D.18 NONDEGRADABLE
19 GROCERY BAGS AND TRASH BAGS.

20 Effective July 1, 1992, a person shall not land
21 dispose of nondegradable plastic grocery bags or trash
22 bags in this state unless the department determines
23 that degradable plastic bags pose an environmental
24 hazard."

25 23. Page 16, by striking lines 28 through 31 and
26 inserting the following: "substances at the
27 university of northern Iowa."

28 24. Page 16, by inserting after line 31, the
29 following:

30 "NEW SUBSECTION. 13. The director shall review
31 and, where necessary, revise specifications used by
32 state agencies to procure products including but not
33 limited to lubricating oils, retread tires, building
34 insulation materials, and recovered materials from
35 waste tires to ensure that the specifications allow
36 the procurement of items containing recovered
37 materials. Specifications shall be revised if they
38 restrict the use of alternative materials, exclude
39 recovered materials, or require performance standards
40 which exclude items containing recovered materials
41 unless the agency seeking the item can document that
42 the use of recovered materials will hamper the
43 intended use of the item."

44 25. By striking page 16, line 32, through page
45 17, line 4.

46 26. Page 18, by inserting after line 16 the fol-
47 lowing:

48 "The rules adopted by the director shall provide
49 for the continuation of existing state agency
50 contracts which provide for alternative waste

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Page 4

1 management not including incineration or land burial
2 of agency waste paper."

3 27. Page 18, by striking lines 18 through 22, and
4 inserting the following:

5 "RECYCLING -- PROHIBITION.

6 The department of general services shall comply
7 with the recycling goal, recycling schedule, and
8 ultimate termination, of the purchase and use of
9 polystyrene products for the purpose of storing,
10 packaging, or serving food for immediate consumption
11 pursuant to section 455D.16."

12 28. Page 18, line 27, by inserting after the word
13 "paper" the following: ", with the exception of
14 specialized paper when no recyclable product is
15 available,".

16 29. By striking page 18, line 32, through page
17 19, line 5, and inserting the following: "and the
18 requirements of section 18.20; comply with, and the
19 institutions governed by the board shall also comply
20 with the recycling goal, recycling schedule, and
21 ultimate termination of purchase and use of
22 polystyrene products for the purpose of storing,
23 packaging, or serving food for immediate consumption
24 pursuant to section 455D.16; and shall, in accordance
25 with the requirements of section 18.6, require product
26 content statements, the provision of information
27 regarding on-site review of waste management in
28 product bidding and contract procedures, and
29 compliance with requirements regarding procurement
30 specifications."

31 30. Page 19, by striking lines 22 through 30, and
32 inserting the following: "section 18.20; shall comply
33 with the recycling goal, recycling schedule, and
34 ultimate termination of purchase and use of
35 polystyrene products for the purpose of storing,
36 packaging, or serving food for immediate consumption
37 pursuant to section 455D.16; and shall, in accordance
38 with section 18.6, require product content statements,
39 the provision of information regarding on-site review
40 of waste management in product bidding and contract
41 procedures, and compliance with requirements regarding
42 procurement specifications."

43 31. By striking page 21, line 32 through page 22,
44 line 7, and inserting the following: "complaints."

45 32. Page 23, line 9, by inserting after the words
46 "operators of" the following: "solid waste".

47 33. Page 23, line 12, by inserting after the word
48 "of" the following: "solid waste".

49 34. Page 27, by inserting after line 1, the
50 following:

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Page 5

44621 "Sec. ____ . Section 455B.306, Code 1989, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 6. Beginning January 1, 1989,
4 during any stage of the review process of a proposed
5 plan filed pursuant to this section, the proposed plan
6 shall not be modified, unless, following modification,
7 the proposed plan is resubmitted as a new proposal."
8 35. Page 28, by striking lines 28 through 32, and
9 inserting the following: "counties in investigation
10 of complaints; and the next one hundred thousand
11 dollars".

12 36. By striking page 29, line 34 through page 30,
13 line 6, and inserting the following: "comply with the
14 recycling goal, recycling schedule, and ultimate
15 termination of purchase and use of polystyrene
16 products for the purpose of storing, packaging, or
17 serving food for immediate consumption pursuant to
18 section 455D.16; and, in accordance with section 18.6,
19 require product content statements, the provision of
20 information regarding on-site review of waste
21 management in product bidding and contract procedures,
22 and compliance with requirements regarding contract
23 bidding."

24 37. Page 30, by inserting after line 16 the
25 following:

26 "Sec. ____ . STATE AGENCIES -- CONFLICTING RULES.
27 It is the intent of the general assembly that the
28 department of natural resources make recommendations
29 to state agencies regarding agency policies which
30 conflict with the purposes of this Act. All state
31 agencies shall review rules which govern the state
32 agency, and, in accordance with recommendations made
33 by the department of natural resources, and when
34 possible, shall amend rules which conflict with the
35 purposes of this Act."

36 38. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4438 FILED MAY 4, 1989

Concurred 5-5-89 (p. 2548)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 753

S-4156

- 1 Amend the Senate amendment, H-4438, to House File
2 753, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 2, by striking lines 12 through 29, and
5 inserting the following:
6 "_____. Page 11, by striking lines 1 through 4 and
7 inserting the following: "the road use tax fund. The
8 director of the".
- 9 2. Page 2, line 35, by striking the words
10 "calendar year" and inserting the following: "month".
- 11 3. Page 2, line 40, by striking the words
12 "calendar year." and inserting the following: "month.
13 One-half of the funds deposited in the waste volume
14 reduction and recycling fund during each quarter
15 beginning January 1, 1990, shall be allocated to each
16 county based on the amount of the registration fees
17 collected pursuant to this subsection and reported to
18 the department of revenue and finance by that county.
19 The allocation shall be deposited in the county's
20 general fund to be used for waste volume reduction and
21 recycling projects which projects may be done in
22 cooperation with the efforts of other local units of
23 government. The use of the moneys by the county for
24 these projects may demonstrate an intent to comply
25 with the requirements of section 455B.306 which would
26 enable the county to be eligible for grants from the
27 waste volume reduction and recycling fund under
28 section 455D.15. In order for the county to ensure
29 that the department will be aware of these projects,
30 the county shall file an annual report with the
31 department delineating the uses for which the moneys
32 retained from the environmental assessment fee were
33 spent."
- 34 4. Page 5, by striking lines 1 through 7, and
35 inserting the following:
36 "Sec. _____. Section 455B.306, Code 1989, is amended
37 by adding the following new subsection:
38 NEW SUBSECTION. 6. When a proposed plan is
39 subject to review and approval by several state and
40 local agencies, if the plan is substantially modified
41 after approval by an agency, the plan shall be
42 resubmitted as a new proposal to all other agencies to
43 ensure that all agencies have approved the same plan."
- 44 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-4156 FILED MAY 5, 1989

CONCURRED

5-5-89 (p. 2001)

HOUSE FILE 753

H-4462

1 Amend the Senate amendment, H-4438, to House File
2 753, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by striking lines 12 through 29, and
5 inserting the following:

6 "____. Page 11, by striking lines 1 through 4 and
7 inserting the following: "the road use tax fund. The
8 director of the".

9 2. Page 2, line 35, by striking the words
10 "calendar year" and inserting the following: "month".

11 3. Page 2, line 40, by striking the words
12 "calendar year." and inserting the following: "month.

13 One-half of the funds deposited in the waste volume
14 reduction and recycling fund during each quarter
15 beginning January 1, 1990, shall be allocated to each
16 county based on the amount of the registration fees
17 collected pursuant to this subsection and reported to
18 the department of revenue and finance by that county.
19 The allocation shall be deposited in the county's
20 general fund to be used for waste volume reduction and
21 recycling projects which projects may be done in
22 cooperation with the efforts of other local units of
23 government. The use of the moneys by the county for
24 these projects may demonstrate an intent to comply
25 with the requirements of section 455B.306 which would
26 enable the county to be eligible for grants from the
27 waste volume reduction and recycling fund under
28 section 455D.15. In order for the county to ensure
29 that the department will be aware of these projects,
30 the county shall file an annual report with the
31 department delineating the uses for which the moneys
32 retained from the environmental assessment fee were
33 spent."

34 4. Page 5, by striking lines 1 through 7, and
35 inserting the following:

36 "Sec. ____ . Section 455B.306, Code 1989, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 6. When a proposed plan is
39 subject to review and approval by several state and
40 local agencies, if the plan is substantially modified
41 after approval by an agency, the plan shall be
42 resubmitted as a new proposal to all other agencies to
43 ensure that all agencies have approved the same plan."

44 5. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-4462 FILED MAY 5, 1989

ADOPTED

55-81 (p. 2548)

STATE OF IOWA
FISCAL NOTE

LSB No. 1904HW.4
Staff ID. JWR

A fiscal note for H.F. 753 AS AMENDED BY S-3909 and S-3995 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment S-3909 to House File 753 requires 60 percent of the revenue, generated by the environmental assessment fee created in the bill, to be used for waste abatement involving used tires, batteries, and oil.

Amendment S-3995, impacts the fiscal effect of the bill by relaxing the purchasing requirements placed upon the Department of General Services, Department of Transportation, Board of Regents, and the Department for the Blind. The amendment removes the requirement that these departments analyze durable goods they purchase to determine if they are readily recyclable. In place of this requirement, the departments are to analyze purchasing specifications to eliminate unnecessary requirements that would preclude the use of recyclable products.

Fiscal Effect:

Board of Regents

The Board of Regents estimates that the purchasing requirements in Section 21 would have a fiscal impact of \$500,000 to \$750,000 in FY 1990 and \$785,000 in to \$1,000,000 in FY 1991.

Department of Transportation

The Department of Transportation (DOT) estimates that the purchasing requirements in Section 22 would have an average yearly fiscal impact of \$250,000 and would require 0.50 FTE position to administer.

Department of General Services

The Department of General Services estimates that H.F. 753, as amended by S-3909 and S-3995, would have a minimal fiscal impact on that Department.

Cities and Counties

The fiscal impact of House File 753 on local governments can not be determined. There would be added money available in the form of grants, but there would also be increased costs imposed upon waste collection and disposal in cities and counties. The goal of reducing waste would decrease the amount of revenue collected by the operators of landfills. The reduced need for new landfills should have a beneficial fiscal impact on local governments.

Department of Natural Resources

The Department of Natural Resources estimates that the requirements of the bill would necessitate the addition of four FTE positions, salary, support, and indirect cost. The Department would require \$90,000 in FY 1990 to employ two FTEs, and \$180,000 in FY 1991 to fully staff the program.

FISCAL NOTE

LSB No. 1904HW.4
Staff ID. JWR

-2-

Income

The fee imposed on the registration of new vehicles would generate approximately \$1,450,000 annually. Because the fee will be in affect for only one-half of FY 1990, the income generated in that year would be \$650,000.

In FY 1990, the Department of Natural Resources would need \$90,000 of the \$725,000 generated for operation of the program. Of the remaining funds, \$435,000 would be available for waste reduction and recycling activities involving used tires, batteries, and oil. The remaining \$200,000 would be available for general waste volume reduction and recycling projects.

Beginning in FY 1991, the environmental assessment fee would generate \$1,450,000 annually. \$180,000 would be needed by the Department of Natural Resources to administer the program, \$870,000 would be available for waste reduction and recycling activities involving tires, batteries, and oil, leaving \$400,000 for general recycling and reduction activities.

The Solid Waste Account of the Groundwater Protection Fund would be adversely affected by the waste reduction provisions of this bill. Monies in this account come from a per ton fee on solid waste deposited in landfills. If the volume of waste going into landfills is reduced by 25%, the amount of revenue generated for the fund will decrease 25%. At this time \$5,200,000 in income is projected for this account in FY 1992. A reduction in waste volume of 25% would reduce this amount by \$1,300,000 to \$3,900,00. Currently, these funds are used for Department of Natural Resources administration, Department of Health administration, the Small Business Assistance Center, and grants.

Waste Volume Reduction and Recycling Fund
(dollars in thousands)

	Fiscal Year 1990			Fiscal Year 1991		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
REVENUE						
Title Fee	\$ 0	\$ 725	\$ 725	\$ 0	\$ 1,450	\$ 1,450
Total	\$ 0	\$ 725	\$ 725	\$ 0	\$ 1,450	\$ 1,450
EXPENDITURES						
Salaries	\$ 0	\$ 90	\$ 90	\$ 0	\$ 180	\$ 180
(FTE's)	(0.0)	(2.0)	(2.0)	(0.0)	(4.0)	(4.0)
Grants (tires)	0	435	435	0	870	870
Grants (gen)	0	200	200	0	400	400
Total	\$ 0	\$ 725	\$ 725	\$ 0	\$ 1,450	\$ 1,450
NET EFFECT	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

Sources: Department of General Services
Department of Transportation
Department of Natural Resources
Board of Regents
Department for the Blind

(LSB 1904HW.4, JWR)

Dennis Proerty
Fiscal Director

Legislative Fiscal Bureau

Date: 5/1/89



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 31, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 753, an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters.

House File 753 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 11, subsections 2, 3 and 4, in their entirety; and Section 25 in its entirety. This item in House File 753 imposes a \$3 million per year tax on motor vehicles subject to registration in the state. Consistent with Chapter 423 of the Code of Iowa and Article VII, Section 8, the bill deposits those motor vehicle registration fees in the road use tax fund. However, this item in House File 753 then directs that the same fees be funneled into a waste volume reduction and recycling fund.

I cannot approve this substantial tax increase on Iowa motor vehicle operators. It is both unnecessary, inappropriate and very possibly an unconstitutional method of raising more state revenue.

The Honorable Elaine Baxter
May 31, 1989
Page 2

First, without this tax increase, House File 753 will move Iowa to the forefront of the recycling and waste volume reduction efforts in the country. Solid waste handling is a critical problem throughout the country. Indeed, Iowa's problems are much less severe than those of this country's larger metropolitan areas where landfill space has largely been used up. Yet, Iowa cannot afford to face similar problems in the future and this bill ensures that we will not. It combines several of my priorities for the use of biodegradables, recycling and waste reduction with legislative priorities that will give our state national recognition for dealing with solid waste.

I am particularly pleased that this bill requires the use of degradable plastic bags in Iowa by 1992. We should set a similar goal for the exclusive use of degradable plastic foams by 1995.

However, House File 753 unnecessarily raises motor vehicle registration fees for a fund to be used by the state and local communities to fund solid waste projects. Iowa already has an existing \$2.5 million landfill alternative fund, financed through landfill fees. This fund currently provides grants to local entities for waste handling or minimization purposes. Indeed, the Department of Natural Resources is currently planning to award a grant to a tire shredding operation that will have the capacity to shred more than one-half of the waste tires generated in Iowa each year. And the handling of waste tires is said to be one of the primary purposes for the proceeds of this increase in motor vehicle registration fees.

Moreover, I am convinced that if we need to put more funds into the waste reduction and recycling effort, we can do so without raising taxes. I have retained that fund in the bill for future funding consideration.

Finally, the Constitution of our state clearly requires that all motor vehicle registration fees be used for highway purposes. The laundering of these fees through the road use tax fund before they are dumped into this solid waste is not likely to be sufficient to meet constitutional muster.

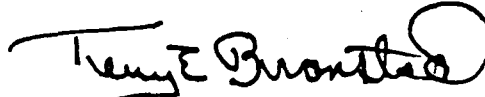
I am unable to approve the item designated as Section 11, subsection 10, which states that financial assistance shall not be awarded for waste incineration facilities. Europe and Japan make considerable use of incineration in their waste reduction efforts. While the jury is still out on the

The Honorable Elaine Baxter
May 31, 1989
Page 3

practicality and cost-effectiveness of widespread use of waste incineration, we should not rule out this waste reduction option. With proper safeguards, an incineration facility that will produce energy may well be an appropriate method of waste disposal while reducing Iowa's dependence on imported energy.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 753 are hereby approved as of this date.

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Section 1. NEW SECTION. 455D.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Commission" means the environmental protection commission.
2. "Department" means the department of natural resources created pursuant to section 455A.2.
3. "Deposit" means the amount paid by the consumer to the retailer at the time of initial purchase that is intended to encourage the return of materials or containers and which is returned in full to the consumer when the used material or container is redeemed.
4. "Director" means the director of the department.
5. "Rebate" means the portion of the amount paid by the consumer to the retailer at the time of initial purchase that is returned to the consumer when the used material or container is returned for disposal.
6. "Recycling" means any process by which waste, or materials which would otherwise become waste, are collected, separated, or processed and revised or returned to use in the form of raw materials or products. "Recycling" includes but is not limited to the composting of yard waste which has been previously separated from other waste, but does not include any form of energy recovery.
7. "Waste abatement fee" means the amount paid by the consumer to the retailer at the time of initial purchase of a product that is intended to support the cost of proper disposal.
8. "Waste reduction" means practices which reduce, avoid, or eliminate both the generation of solid waste and the use of toxic materials so as to reduce risks to health and the environment and to avoid, reduce, or eliminate the generation of wastes or environmental pollution at the source and not merely achieved by shifting a waste output or waste stream from one environmental medium to another environmental medium.

HOUSE FILE 753

AN ACT

RELATING TO THE ESTABLISHMENT OF A WASTE VOLUME REDUCTION AND RECYCLING NETWORK, PROHIBITING THE DISPOSAL OF CERTAIN PRODUCTS AT SANITARY LANDFILLS, PROMOTING THE USE OF CERTAIN RECYCLABLE PRODUCTS AND CERTAIN RECYCLING OR REPROCESSING EQUIPMENT, PROHIBITING THE USE OF CERTAIN OTHER PRODUCTS, REQUIRING CITY OR COUNTY SOLID WASTE MANAGEMENT PROGRAMS AND PLANS, ESTABLISHING FEES AND TAXES, PROVIDING FOR APPROPRIATION AND EXPENDITURE OF THE FEE RECEIPTS AND CERTAIN OTHER MONEYS, PROVIDING PENALTIES, PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.

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

Governor item vetoed: Section 11, § 2, 3, 4, & 10;
Section 25.

Sec. 2. NEW SECTION. 455D.2 FINDINGS.

The general assembly finds that:

1. Iowa's environment is precious and no person has the right to pollute Iowa's air, water, or soil. The environment is vulnerable and irreplaceable, and all Iowans have an ongoing responsibility to conserve, preserve, and enhance the state's natural resources to guarantee their continued existence and use by the present and future generations.

2. The land itself is the source of Iowa's livelihood not only for the purposes of an agricultural economy, but for the establishment of manufacturing plants, business offices, and residences. While zoning establishes restrictions on the use of land for social order, a similar system has not been established to maintain environmental order below the ground. Protection of the environment includes not only visible but invisible threats as well.

3. The rapidly rising volume of waste deposited by society threatens the capacity of existing and future landfills. The nature of waste disposal today means that unknown quantities of potentially toxic and hazardous materials are being buried and pose a constant threat to the groundwater supply. In addition, the nature of the waste and disposal methods utilized allow the waste to remain basically inert for decades, if not centuries, without decomposition.

4. Wastes filling Iowa's landfills may, at best, represent a potential resource. However, without proper management, wastes are hazards to the environment and life itself.

5. The reduction of solid waste at the source and the recycling of reusable waste materials will reduce the flow of waste to sanitary landfills and increase the supply of reusable materials for the use of the public.

Sec. 3. NEW SECTION. 455D.3 GOAL.

The goal of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, twenty-five percent by July 1, 1994, and fifty percent by July 1, 2000,

through the practice of waste volume reduction at the source and through recycling. For the purposes of this section, "waste stream" means the disposal of solid waste as "solid waste" is defined in section 455B.301. In determination of the reduction level of the waste stream, it shall be considered that each person currently generates three and one-half pounds of waste per day, and that this amount shall be reduced by the percentages indicated in order to preserve the health and safety of all Iowans.

Sec. 4. NEW SECTION. 455D.4 WASTE VOLUME REDUCTION POLICIES.

1. It is the policy of this state to encourage the development of waste volume reduction programs and education at the local government level through incentives, technical assistance, grants, and other practical measures.

2. It is the policy of this state to support and encourage the development of new uses and markets for recycled goods, placing emphasis on the development, in Iowa, of businesses relating to waste reduction and recycling.

3. The provision of education concerning waste volume reduction at the elementary through high school levels and through community organizations will enhance the success of local programs requiring public involvement.

4. This state supports and encourages manufacturing methods which are environmentally sustainable, technologically safe, and ecologically sound. The state shall encourage manufacturing methods which enhance waste reduction by creating products with longer usage life, and by creating products which are adaptable to secondary uses, require less input material, and decrease resource consumption.

5. The people of this state recognize that a variety of benefits result from a comprehensive waste reduction policy including the following environmental, economic, governmental, and public benefits:

a. Not producing waste in the first instance is the most certain means for avoiding the widely recognized health and environmental damage associated with waste. Although waste reduction will never eliminate all wastes, to the extent that waste reduction is achieved it results in the most certain form of direct risk reduction.

b. Waste reduction may result in reduced pollution control costs for industry by stimulating and promoting beneficial technological and management reorganization within industry in place of pollution control strategies which channel capital into nonproductive pollution control expenditures.

c. The government is better able to administer programs which offer a variety of benefits to industry and which reduce the overall cost of government involvement than it is to administer programs which offer few benefits to industry and require increasingly extensive, complex, and costly governmental actions.

d. Public confidence in environmental policies of the government is important for the effectiveness of these policies. Waste reduction poses no adverse environmental and public health effects and does not, therefore, lead to increased public concern. Waste reduction also increases the public confidence that the government and industry are doing all that is possible to protect human health and the environment.

Sec. 5. NEW SECTION. 455D.5 STATEWIDE WASTE REDUCTION AND RECYCLING NETWORK -- ESTABLISHED.

1. The department shall establish a statewide waste reduction and recycling network to promote the waste management policy contained in section 455B.481 and the waste management hierarchy contained in section 455B.301A. Programs established shall encourage waste generators to reduce the volume of waste generated and to recycle or properly dispose of the waste that is generated. The network shall utilize existing recycling companies when possible. The programs may

utilize financial and legal incentives, education, technical assistance, regulation, and other methods as appropriate to implement the programs. The programs may involve the development of public and private sector initiatives, the development of markets and other opportunities for waste reduction and recycling, and other related efforts.

2. The elements of the network shall include but are not limited to all of the following:

a. Promotion of efforts to increase the amount of recyclable materials used by the public.

b. Promotion of efforts to recover recyclable materials from the waste stream.

c. Promotion of local efforts to implement recycling collection centers located at disposal sites or other convenient local sites.

d. Promotion of local efforts of curbside collection of separated recyclable waste materials.

e. Provision of public education programs which promote public awareness of waste volume reduction and the use of recyclable materials.

f. Promotion of the creation of markets for recyclable materials.

g. Promotion of research, manufacturing processes, and product development, which provide for waste reduction through decreased material input, and resource consumption.

h. Promotion of the concentration of the efforts of the business and industry resource search service by the small business assistance center for the safe and economic management of solid waste and hazardous substances at the university of northern Iowa, to locate existing waste streams and materials from businesses and industries which generate small amounts of waste and to catalyze the reuse of these materials in the production of goods and services.

3. The department, in cooperation with businesses involved in the manufacturing and use of polystyrene packaging products

or food service items, shall establish and implement a recycling demonstration project utilizing these items by July 1, 1991. The department shall submit a report of the results of the project to the general assembly by January 1, 1992.

Sec. 6. NEW SECTION. 455D.6 DUTIES OF THE DIRECTOR.

The director shall:

1. Unless otherwise specified in this chapter, recommend rules to the commission which are necessary to implement this chapter. Initial recommendations shall be made to the commission no later than July 1, 1991.

2. Seek, receive, and accept funds in the form of appropriations, grants, awards, wills, bequests, endowments, and gifts for deposit in the waste reduction and recycling trust fund to be used for programs relating to the duties of the department under this chapter.

3. Administer and coordinate the waste volume reduction and recycling fund created under section 455D.15.

4. Enter into contracts and agreements, with the approval of the commission, for contracts in excess of twenty-five thousand dollars, with local units of government, other state agencies, governments of other states, governmental agencies of the United States, other public and private contractors, and other persons as may be necessary or beneficial in carrying out the department's duties under this chapter.

5. Submit a report to the general assembly on or before July 1, 1990, that characterizes the solid waste stream in Iowa and that contains a strategy for managing each major component of the waste stream. The strategy shall describe the actions necessary to assure that each segment of the waste stream is managed according to the highest appropriate priority of the waste management hierarchy.

6. Develop a strategy and recommend to the commission the adoption of rules necessary to implement a strategy for white goods and waste oil by January 1, 1990.

7. Provide financial assistance through expenditure of the waste volume reduction and recycling fund to public and private entities to promote and enable the development and implementation of markets and industries in Iowa that will support and complement the state's waste reduction and recycling programs.

8. Study the technology available for the reclamation and recycling of refrigerant, including the findings of nationwide industry surveys, and make recommendations concerning whether or not all persons providing refrigerator or air conditioner repair services should own or have access to refrigerant reclamation or recycling machinery.

9. Identify products made from recycled or recovered materials and provide a list of these products to the department of general services and to all other state agencies to assist in the development and review of procurement specifications. The director shall also develop, in cooperation with the director of the department of general services, a program to promote the procurement of listed products and seek information from state agencies using products containing recycled or recovered materials to evaluate their performance. The program shall also provide that the director seek information from suppliers regarding product performance and recovered material content of products offered for sale. Based on the above evaluation, and information regarding the recyclability of the components of products and their longevity, and, where applicable, the energy efficiency of such products, the department shall publish information on recommended products for procurement. This information shall be provided to all state agencies as well as city and county purchasing agencies.

Sec. 7. NEW SECTION. 455D.7 DUTIES OF THE COMMISSION.

The commission shall:

1. Unless otherwise specified in this chapter, adopt rules necessary to implement this chapter pursuant to chapter 17A. Initial rules shall be adopted no later than April 1, 1992.

2. Prohibit land disposal of specific components of the waste stream for which the department has developed and implemented a strategy for alternative disposal according to the waste management hierarchy.

3. Establish by rule standards for the acceptance of recyclable or rebatable products at redemption centers. The standards may address matters of public health and handling by the redemption center.

4. Recommend to the general assembly, annually, the imposition of waste abatement fees, rebates, and deposits.

Sec. 8. NEW SECTION. 455D.8 DEPOSITS, REBATES, AND WASTE ABATEMENT FEES.

The commission shall recommend to the general assembly, annually, deposits, rebates, and waste abatement fees on elements of the waste stream when necessary to encourage waste reduction, and the recycling and recovery of useful components of that waste stream element, or to encourage proper management and disposal of components that cannot be recycled or recovered. In making these recommendations, the commission shall not recommend the imposition of a deposit, rebate, or waste abatement fee on an element that is being properly managed through a market-driven or publicly supported recycling, recovery, or source separation program. The commission shall recommend to the general assembly that a deposit, rebate, or waste abatement fee is removed from an element of the waste stream when the commission determines that market forces will ensure that the element is recycled, recovered, or properly managed and disposed.

Sec. 9. NEW SECTION. 455D.9 LAND DISPOSAL OF YARD WASTE -- PROHIBITED.

1. Beginning January 1, 1991, land disposal of yard waste as defined by the department is prohibited. However, yard waste which has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting.

2. The department shall assist local communities in the development of collection systems for yard waste generated from residences and shall assist in the establishment of local composting facilities. By July 1, 1990, each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. Municipalities which provide a collection system for solid waste shall provide for a collection system for yard waste which is not composted.

3. The department shall develop rules which define yard waste and provide for the safe and proper method of composting.

4. State and local agencies responsible for the maintenance of public lands in the state shall give preference to the use of composted materials in all land maintenance activities.

5. This section does not prohibit the use of yard waste as land cover or as soil conditioning material.

6. This section prohibits the incineration of yard waste at a sanitary disposal project.

Sec. 10. NEW SECTION. 455D.10 LAND DISPOSAL OF LEAD ACID BATTERIES -- PROHIBITED -- COLLECTION FOR RECYCLING.

1. Beginning July 1, 1990, land disposal of lead acid batteries is prohibited.

2. A person offering for sale or selling lead acid batteries at retail in the state shall do all of the following:

a. Accept used lead acid batteries from customers who purchase new lead acid batteries, at the point of sale.

b. Post written notice that land disposal of lead acid batteries is prohibited and that state law requires the retailer to accept lead acid batteries for recycling when new lead acid batteries are purchased.

3. A person offering for sale or selling lead acid batteries at wholesale shall accept used lead acid batteries

from retailers who purchase new lead acid batteries for resale to consumers, or from wholesale customers.

Sec. 11. NEW SECTION. 455D.11 WASTE TIRES -- LAND DISPOSAL PROHIBITED -- FEE REQUIRED.

1. As used in this section, unless the context otherwise requires:

- a. "Permit" means a permit issued by the department to establish, construct, modify, own, or operate a tire stockpiling facility.
- b. "Processing" means producing or manufacturing usable materials from waste tires.
- c. "Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.
- d. "Tire collector" means a person who owns or operates a site used for the storage, collection, or deposit of more than fifty waste tires.
- e. "Tire processor" means a person engaged in the processing of waste tires.
- f. "Waste tire" means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect.
- g. "Waste tire collection site" means a site which is used for the storage, collection, or deposit of waste tires.

2. Beginning January 1, 1990, at the time a vehicle is subject to registration pursuant to chapter 321 or 326, except for official vehicles, the owner shall pay an environmental assessment fee of one dollar. Payment of the environmental assessment fee shall be made in addition to any other fees, to the county treasurer. The county treasurer shall remit the environmental assessment fees to the treasurer of state and a monthly report to the department of revenue and finance. The state treasurer shall deposit the environmental assessment fees remitted in the road use tax fund. The director of the state department of transportation, through the distributed

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teleprocessing network, shall provide assistance to each county treasurer in the collection, receipt, accounting, and reporting of the environmental assessment fees.

3. Notwithstanding section 423.24, there is transferred to the waste volume reduction and recycling fund from revenues collected under chapter 423, during each month beginning on or after January 1, 1990, from the use tax imposed on motor vehicles, trailers, and motor vehicle accessories and equipment under section 423.7, the amount deposited into the road use tax fund under subsection 2 during the same month. One-half of the funds deposited in the waste volume reduction and recycling fund during each quarter beginning January 1, 1990, shall be allocated to each county based on the amount of the registration fees collected pursuant to this subsection and reported to the department of revenue and finance by that county. The allocation shall be deposited in the county's general fund to be used for waste volume reduction and recycling projects which projects may be done in cooperation with the efforts of other local units of government. The use of the moneys by the county for these projects may demonstrate an intent to comply with the requirements of section 455B.306 which would enable the county to be eligible for grants from the waste volume reduction and recycling fund under section 455D.15. In order for the county to ensure that the department will be aware of these projects, the county shall file an annual report with the department delineating the uses for which the moneys retained from the environmental assessment fee were spent.

4. The department of revenue and finance shall prescribe the type and form of records required for the reporting of fees and shall prescribe the manner and means of payment of the fees imposed.

5. Land disposal of waste tires is prohibited beginning July 1, 1991, unless the tire has been processed in a manner established by the department. A sanitary landfill shall not

refuse to accept a waste tire which has been properly processed.

6. The department shall conduct a study and make recommendations to the general assembly by January 1, 1991, concerning a waste tire abatement program which includes but is not limited to the following:

- a. The number and geographic distribution of waste tires generated and existing in the state.
- b. The development of markets for the recycling and processing of waste tires, in the midwestern states.
- c. The methods to establish reliable sources of waste tires for users of waste tires.
- d. The permitting of waste tire collection sites, waste tire processing facilities, and waste tire haulers.
- e. The methods for the cleanup of existing stockpiles of waste tires.

7. Upon completion of the study pursuant to subsection 6, the department shall determine the number of stockpiling facilities which are necessary and shall develop rules for stockpiling facilities which include but are not limited to the following:

- a. The prohibition of burning within one hundred yards of a tire stockpile.
- b. The maximum height, width, and length of a tire stockpile.
- c. Plans to control mosquitos and rodents.
- d. A facility closure plan.
- e. Specifications for fire lanes between stockpiles.
- f. Limitations of the total number of tires allowed at a single stockpile site.

8. The department shall develop criteria for the issuance of permits and shall issue permits to qualified stockpiling facilities.

9. The department shall provide financial assistance to persons who establish recycling and processing sites for waste

tires, subject to the rules established by the department for the establishment of such sites and subject to the conditions prescribed by the department for application for and awarding of such financial assistance.

10. Financial assistance shall not be awarded for incineration facilities.

Sec. 12. NEW SECTION. 4550.12 PLASTIC CONTAINER LABELING.

1. In this section unless the context otherwise requires:

a. "Label" means a molded imprint or raised symbol on or near the bottom of a plastic product.

b. "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.

c. "Plastic bottle" means a plastic container that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure, and has a capacity of sixteen fluid ounces or more, but less than five gallons.

d. "Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible infinite shape or form with a capacity of eight ounces or more, but less than five gallons.

2. Beginning July 1, 1992, a person shall not distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the product is labeled with a code indicating the plastic resin used to produce the bottle or container. Rigid plastic bottles or rigid plastic containers with labels and basecups of a different material shall be coded by their basic material. The code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a

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short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

- a. 1. -PETE (polyethylene terephthalate)
- b. 2. -HDPE (high density polyethylene)
- c. 3. -V (vinyl)
- d. 4. -LDPE (low density polyethylene)
- e. 5. -PP (polypropylene)
- f. 6. -PS (polystyrene)
- g. 7. -OTHER (includes multi-layer)

3. The department shall maintain a list of the label codes provided in subsection 2 and shall provide a copy of that list to any person upon request.

4. A container manufacturer or distributor who violates this section is subject to a civil penalty of not more than five hundred dollars for each violation.

Sec. 13. NEW SECTION. 455D.13 LAND DISPOSAL OF WASTE OIL PROHIBITED -- COLLECTION.

1. A sanitary landfill shall not accept waste oil for final disposal beginning July 1, 1990.

2. A person offering for sale or selling oil at retail in the state shall do the following:

- a. Accept at the point of sale, waste oil from customers, or post notice of locations where a customer may dispose of waste oil.
- b. Post written notice that it is unlawful to dispose of waste oil in a sanitary landfill.

Sec. 14. NEW SECTION. 455D.14 PRODUCTS MANUFACTURED WITH CHLOROFLUOROCARBONS PROHIBITED.

Beginning January 1, 1990, a person shall not sell, offer for sale, purchase, or use plastic foam packaging products or food service items manufactured with chlorofluorocarbons. Beginning January 1, 1998, a person shall not sell, offer for sale, purchase, or use plastic foam products, not previously

prohibited, which are manufactured with fully halogenated chlorofluorocarbons. A person violating this section is guilty of a serious misdemeanor.

Sec. 15. NEW SECTION. 455D.15 WASTE VOLUME REDUCTION AND RECYCLING FUND.

1. A waste volume reduction and recycling fund is created within the state treasury. Moneys received by the authority from fees, including general revenue, federal funds, awards, wills, bequests, gifts, or other moneys designated shall be deposited in the state treasury to the credit of the fund. Notwithstanding section 8.33, any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Any interest and earnings on investments from money in the fund shall be credited to the fund, section 453.7 notwithstanding.

2. The department shall award grants based upon the solid waste management hierarchy set forth in section 455B.301A, subsection 1. A grant shall not be awarded to a county, city, or central planning agency which has not complied with the requirements of a comprehensive solid waste management program and which has not complied with or demonstrated an intent to comply with the requirements of section 455B.306.

3. The fund shall be utilized for the following purposes:

- a. The initial thirty-five thousand dollars collected for deposit in the fund shall be appropriated to the department for establishment of the pollution hotline program established pursuant to section 455B.116, and for the salary and support of not more than one full-time equivalent position.
- b. To provide financial assistance to public and private entities to develop and implement waste reduction and minimization programs for Iowa industries.
- c. To provide financial assistance to public and private entities and to develop and implement programs to create and enhance markets for recyclable and other waste products.

d. To develop and implement educational and technical assistance programs that support and encourage waste reduction and recycling efforts by Iowans.

e. To administer the provisions of chapter 455B, division IV, part 1.

f. The department may utilize up to ten percent of the fund to administer the provisions of chapter 455D.

g. To provide grants to local communities or private individuals for projects which establish recycling collection centers, establish local curbside collection of separated recyclable waste materials, promote public awareness regarding waste volume reduction and the use of recyclable materials, and create markets for recyclable materials. Grants shall not be awarded for incineration.

h. To provide technical assistance to local communities in establishing collection systems and composting facilities for yard waste.

i. To fund the study required pursuant to section 455D.11, subsection 6, and to provide loans and grants for waste tire recycling and reprocessing projects.

j. To carry out the functions of the department of natural resources concerning recycling.

k. To promote the recycling of chlorofluorocarbons used as refrigerant.

Sec. 16. NEW SECTION. 455D.16 PACKAGING PRODUCTS -- RECYCLING -- PROHIBITION OF POLYSTYRENE PRODUCTS.

The department, in cooperation with businesses involved in the manufacturing and use of packaging products or food service items, shall establish a recycling program to increase the recycling of packaging products or food service items by twenty-five percent by January 1, 1992, and by fifty percent by January 1, 1993. If the recycling goals are not reached, beginning January 1, 1994, a person shall not manufacture, offer for sale, sell, or use any polystyrene packing products or food service items in this state.

Sec. 17. NEW SECTION. 455D.17 PLASTIC BAG AND PACKAGE LABELING.

1. Effective July 1, 1992, a person shall not sell or offer for sale a disposable plastic bag or packaging material that does not comply with the labeling requirements of this section.

2. The commission shall adopt rules to establish the labeling requirements for disposable plastic bags and packaging materials. The labeling shall be designed to inform consumers and users of the products about the degradability of the bag or packaging material.

Sec. 18. NEW SECTION. 455D.18 NONDEGRADABLE GROCERY BAGS AND TRASH BAGS.

Effective July 1, 1992, a person shall not land dispose of nondegradable plastic grocery bags or trash bags in this state unless the department determines that degradable plastic bags pose an environmental hazard.

Sec. 19. Section 18.6, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 11. The director shall adopt rules which require that each bid received for the purchase of items purchased by the department includes a product content statement which provides the percentage of the content of the item which is reclaimed material.

NEW SUBSECTION. 12. The director shall require that as a condition of a contract for the purchase of items by the department, the person submitting the proposed contract for purchase of items shall receive information regarding the availability of an on-site, nonregulatory, review of waste management of the facility of the person submitting the proposed contract by the small business assistance center for the safe and economic management of solid waste and hazardous substances at the university of northern Iowa.

NEW SUBSECTION. 13. The director shall review and, where necessary, revise specifications used by state agencies to

procure products including but not limited to lubricating oils, retread tires, building insulation materials, and recovered materials from waste tires to ensure that the specifications allow the procurement of items containing recovered materials. Specifications shall be revised if they restrict the use of alternative materials, exclude recovered materials, or require performance standards which exclude items containing recovered materials unless the agency seeking the item can document that the use of recovered materials will hamper the intended use of the item.

Sec. 20. Section 18.18, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. a. As used in this subsection, unless the context otherwise requires:

(1) "Recycled paper" means a paper product with not less than forty percent of its total weight consisting of postconsumer material and recovered paper material. At least ten percent of the total weight of recycled paper shall be postconsumer materials.

(2) "Postconsumer material" means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from solid waste for the purposes of collection, recycling, and disposition.

(3) "Recovered paper material" means paper waste generated after the completion of the papermaking process, such as postconsumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls and mill wrappers, obsolete inventories, and rejected unused stock. "Recovered paper material" does not mean fibrous waste generated during the manufacturing process such as fibers recovered from waste water, or trimmings of paper machine rolls; or fibrous by-products of harvesting, extractive, or woodcutting processes; or forest residue such as bark.

b. The department, in conjunction with recommendations made by the department of natural resources, shall purchase and use recycled printing and writing paper so that twenty-five percent by January 1, 1990, fifty percent by January 1, 1992, seventy-five percent by January 1, 1996, and ninety percent by January 1, 2000, of the volume of printing and writing paper purchased is recycled paper.

Sec. 21. NEW SECTION. 18.20 WASTEPAPER RECYCLING PROGRAM.

The department in accordance with recommendations made by the department of natural resources shall require all state agencies to establish an agency wastepaper recycling program by January 1, 1990. The director shall adopt rules which require a state agency to develop a program to ensure the recycling of the wastepaper generated by the agency. Each agency shall submit a report to the general assembly meeting in January 1990, which includes a description of the program plan and the agency's efforts to use recycled products. All state employees shall practice conservation of paper materials.

For the purposes of this section, "agency waste paper" means wastepaper or wastepaper products generated by the agency.

The rules adopted by the director shall provide for the continuation of existing state agency contracts which provide for alternative waste management not including incineration or land burial of agency waste paper.

Sec. 22. NEW SECTION. 18.21 CERTAIN POLYSTYRENE PRODUCTS -- RECYCLING -- PROHIBITION.

The department of general services shall comply with the recycling goal, recycling schedule, and ultimate termination, of the purchase and use of polystyrene products for the purpose of storing, packaging, or serving food for immediate consumption pursuant to section 455D.16.

Sec. 23. Section 262.9, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. In conjunction with the recommendations made by the department of natural resources, purchase and use recycled printing and writing paper, with the exception of specialized paper when no recyclable product is available, in accordance with the schedule established in section 18.18; establish a wastepaper recycling program by January 1, 1990, for all institutions governed by the board in accordance with recommendations made by the department of natural resources and the requirements of section 18.20; comply with, and the institutions governed by the board shall also comply with the recycling goal, recycling schedule, and ultimate termination of purchase and use of polystyrene products for the purpose of storing, packaging, or serving food for immediate consumption pursuant to section 455D.16; and shall, in accordance with the requirements of section 18.6, require product content statements, the provision of information regarding on-site review of waste management in product bidding and contract procedures, and compliance with requirements regarding procurement specifications.

Sec. 24. Section 307.21, subsection 4, Code 1989, is amended to read as follows:

4. Provide centralized purchasing services for the department, in co-operation with the department of general services. The administrator shall, whenever the price is reasonably competitive and the quality intended, purchase soybean-based inks and starch-based plastics, including but not limited to starch-based garbage can liners, and shall purchase these items in accordance with the schedule established in section 18.18. The administrator shall also, in conjunction with recommendations made by the department of natural resources, purchase and use recycled printing and writing paper in accordance with the schedule established in section 18.18; shall establish a wastepaper recycling program

by January 1, 1990, in accordance with recommendations made by the department of natural resources and the requirements of section 18.20; shall comply with the recycling goal, recycling schedule, and ultimate termination of purchase and use of polystyrene products for the purpose of storing, packaging, or serving food for immediate consumption pursuant to section 455D.16; and shall, in accordance with section 18.6, require product content statements, the provision of information regarding on-site review of waste management in product bidding and contract procedures, and compliance with requirements regarding procurement specifications.

Sec. 25. Section 321.20, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The amount of the environmental assessment fee to be paid pursuant to section 455D.11.

Sec. 26. Section 422.45, subsection 27, Code 1989, is amended to read as follows:

27. The gross receipts from the sale or rental, on or after July 1, 1987 or on or after July 1, 1985, in the case of an industry which has entered into an agreement under chapter 280B prior to the sale or lease, of industrial machinery, equipment and computers, including replacement parts which are depreciable for state and federal income tax purposes, if the following conditions are met:

a. The industrial machinery, equipment and computers shall be directly and primarily used in the manner described in section 428.20 in processing tangible personal property or in research and development of new products or processes of manufacturing, refining, purifying, combining of different materials or packing of meats to be used for the purpose of adding value to products, or in processing or storage of data or information by an insurance company, financial institution or commercial enterprise, or in the recycling or reprocessing of waste products. As used in this paragraph:

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(1) "Insurance company" means an insurer organized or operating under chapters 508, 514, 515, 518, 519, 520 or authorized to do business in Iowa as an insurer and having fifty or more persons employed in this state excluding licensed insurance agents.

(2) "Financial institutions" means as defined in section 527.2, subsection 5.

(3) "Commercial enterprise" includes businesses and manufacturers conducted for profit and includes centers for data processing services to insurance companies, financial institutions, businesses and manufacturers but excludes professions and occupations and nonprofit organizations.

b. The industrial machinery, equipment and computers must be real property within the scope of section 427A.1, subsection 1, paragraphs "e" or "j", and must be subject to taxation as real property. This paragraph does not apply to machinery and equipment used in the recycling or reprocessing of waste products qualifying for an exemption under paragraph "a".

However, the provisions of chapters 404 and 427B which result in the exemption from taxation of property for property tax purposes do not preclude the property from receiving this exemption if the property otherwise qualifies.

The gross receipts from the sale or rental of hand tools are not exempt. The gross receipts from the sale or rental of pollution control equipment qualifying under paragraph "a" shall be exempt.

The gross receipts from the sale or rental of industrial machinery, equipment, and computers, including pollution control equipment, within the scope of section 427A.1, subsection 1, paragraphs "h" and "i", shall not be exempt.

Sec. 27. NEW SECTION. 455B.116 POLLUTION HOTLINE PROGRAM.

The department shall establish a toll-free telephone number to allow citizens to report incidents resulting in pollution

of the environment or damage to natural resources. The department shall receive and evaluate the reports and refer them to the appropriate state or local jurisdiction for initial investigation. The agency receiving a referral shall investigate the complaint, attempt to resolve the problem, and upon completion of the investigation, report to the department on the disposition of each complaint indicating how the problem was resolved.

The department shall use moneys appropriated to the waste volume reduction and recycling fund for the purpose of implementation of the program and shall use the moneys appropriated under section 455E.11 for the program to provide financial assistance to counties for investigation of complaints.

Sec. 28. Section 455B.302, Code 1989, is amended to read as follows:

455B.302 DUTY OF CITIES AND COUNTIES.

Every city and county of this state shall provide for the establishment and operation of a comprehensive solid waste reduction program consistent with the waste management hierarchy under section 455B.301A, and a sanitary disposal project for final disposal of solid waste by its residents not later than July 17, 1975. Sanitary Comprehensive programs and sanitary disposal projects may be established either separately or through co-operative efforts for the joint use of the participating public agencies as provided by law.

Cities and counties may execute with public and private agencies contracts, leases, or other necessary instruments, purchase land and do all things necessary not prohibited by law for the implementation of waste management programs, collection of solid waste, establishment and operation of sanitary disposal projects, and general administration of the same. Any agreement executed with a private agency for the operation of a sanitary disposal project shall provide for the posting of a sufficient surety bond by the private agency

conditioned upon the faithful performance of the agreement. A city or county may at any time during regular working hours enter upon the premises of a sanitary disposal project, including the premises of a sanitary landfill, in order to inspect the premises and monitor the operations and general administration of the project to ensure compliance with the agreement and with state and federal laws. This includes the right of the city or county to enter upon the premises of a former sanitary disposal project which has been closed, including the premises of a former sanitary landfill, owned by a private agency, for the purpose of providing required postclosure care.

Sec. 29. Section 455B.304, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules for the certification of operators of solid waste incinerators. The criteria for certification shall include, but is not limited to, an operator's technical competency and operation and maintenance of solid waste incinerators.

Sec. 30. Section 455B.305, subsections 2 through 5, Code 1989, are amended to read as follows:

2. Beginning July 1, 1988, the director shall not issue a permit for the construction or operation of a new sanitary ~~landfill~~ disposal project unless the permit applicant, in conjunction with all local governments using the sanitary disposal project, has filed a plan as required by section 455B.306. For those sections for which the department has not developed rules, the permit shall contain conditions and a schedule for meeting all applicable requirements of section 455B.306.

3. Beginning July 1, 1988, the director shall not renew or reissue a permit which had been initially issued prior to that date for a sanitary ~~landfill~~ disposal project, unless the permit applicant, in conjunction with all local governments using the sanitary disposal project, has filed a plan as

required by section 455B.306. For those sections for which the department has not developed rules, the permit shall contain conditions and a schedule for meeting all applicable requirements of section 455B.306.

4. Beginning July 1, 1994, the director shall not renew or reissue a permit which had been initially issued or renewed prior to that date for a sanitary ~~landfill~~ disposal project, unless and until the permit applicant, in conjunction with all local governments using the sanitary disposal project, documents that steps are being taken to begin implementing the plan filed pursuant to section 455B.306. For those sections for which the department has not developed rules, the permit shall contain conditions and a schedule for meeting all applicable requirements of section 455B.306. However, a permit may be issued for the construction and operation of a new sanitary ~~landfill~~ disposal project in accordance with subsection 2.

5. Beginning July 1, 1997, the 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, in conjunction with all local governments using the landfill, 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 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.

After July 1, 1997, however, no new landfill permits shall be issued unless the applicant, in conjunction with all local governments which will use the landfill, certifies that the landfill is needed as a part of an alternative disposal

method, or unless the applicant provides documentation which satisfies the director that alternatives have been studied and are not either technically or economically feasible. The decision of the director is subject to review by the commission at its next meeting.

Sec. 31. Section 455B.306, subsections 1 through 4, Code 1989, are amended to read as follows:

1. A city, county, and a private agency operating or planning to operate a sanitary disposal project shall file with the director a comprehensive plan detailing the method by which the city, county, or private agency will comply with this part 1. All cities and counties shall also file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents. For the purposes of this section, a public agency managing the waste stream for cities or counties pursuant to chapter 28E, shall file one comprehensive plan on behalf of its members, which constitutes full compliance by the public agency's members with the filing requirements of this section. The director shall review each comprehensive plan submitted and may reject, suggest modification, or approve the proposed plan. The director shall aid in the development of comprehensive plans for compliance with this part. The director shall make available to a city, county, and private agency appropriate forms for the submission of comprehensive plans and may hold hearings for the purpose of implementing this part. The 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. A comprehensive plan filed by a private agency operating or planning to operate a sanitary disposal project

required pursuant to section 455B.302 shall be developed in cooperation and consultation with the city or county responsible to provide for the establishment and operation of a sanitary disposal project.

2. The plan required by subsection 1 for sanitary disposal projects shall be filed with the department at the time of initial application for the construction and operation of a sanitary disposal project and at a minimum shall be updated and refiled with the department at the time of each subsequent application for renewal or reissuance of a previously issued permit. The department may, consistent with rules of the commission, require filing or updating of a plan at other times.

3. ~~A comprehensive plan filed pursuant to this section in conjunction with an application for issuance, renewal, or reissuance of a permit for a sanitary disposal project shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics to the extent appropriate to the technology employed by the applicant at the sanitary disposal project:~~

- 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~~ currently used.
- 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.

4. The comprehensive plan shall provide details of a local recycling program which shall contain a methodology for meeting the state volume reduction goal pursuant to section

455B.490A, and a methodology for implementing a program of separation of wastes including but not limited to glass, plastic, paper, and metal.

4 5. In addition to the above requirements, the following specific areas must be addressed in detail in the a comprehensive plan filed in conjunction with the issuance, renewal, or reissuance of a permit for a sanitary disposal project:

Sec. 32. Section 455B.306, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. When a proposed plan is subject to review and approval by several state and local agencies, if the plan is substantially modified after approval by an agency, the plan shall be resubmitted as a new proposal to all other agencies to ensure that all agencies have approved the same plan.

Sec. 33. NEW SECTION. 455B.314 INCINERATION AT SANITARY DISPOSAL PROJECTS.

Beginning January 1, 1990, a sanitary disposal project that includes incineration as a part of its disposal process shall separate from the materials to be incinerated recyclable and reusable materials, materials which will result in uncontrolled toxic or hazardous air emissions when burned, and hazardous or toxic materials which are not rendered nonhazardous or nontoxic by incineration. The removed materials shall be recycled, reused, or treated and disposed in a manner approved by the department. Separation of waste includes magnetic separation.

Sec. 34. Section 455C.1, subsection 5, Code 1989, is amended to read as follows:

5. "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales. ~~The alcoholic-beverages-division-of-the-department-of-commerce-is not-a-distributor-for-the-purpose-of-this-chapter.~~

Sec. 35. Section 455C.2, subsection 1, Code 1989, is amended to read as follows:

1. Except purchases of alcoholic liquor as defined in section 123.3, subsection 8, by holders of class "A", "B", and "C" and "E" liquor control licenses, a refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center, the dealer or person operating a redemption center shall return the amount of the refund value to the consumer.

Sec. 36. Section 455C.3, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The alcoholic beverages division of the department of commerce shall enter into an agreement with a private entity to meet the division's obligations under subsection 2. The agreement shall include the acceptance and picking up of the division's empty beverage containers and payment of the refund value and reimbursement of the agreement does not result in a net cost to the state. The agreement shall provide that the refund paid by the dealers to the division shall be assigned and transferred to the private entity. Any surplus refund values retained by the dealer shall be remitted to the waste volume reduction and recycling fund.

Sec. 37. NEW SECTION. 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY LANDFILL PROHIBITED.

Beginning July 1, 1990, the final disposal of beverage containers by a dealer, distributor, or manufacturer, or person operating a redemption center, in a sanitary landfill, is prohibited.

Sec. 38. Section 455E.11, subsection 2, paragraph c, Code 1989, is amended to read as follows:

c. A household hazardous waste account. The moneys collected pursuant to section 455F.7 shall be deposited in the household hazardous waste account. Except for the first one hundred thousand dollars received annually for deposit in the general-fund, waste volume reduction and recycling fund to be used by the department to provide financial assistance to counties in investigation of complaints; and the next one hundred thousand dollars received annually for deposit in the emergency response fund, the treasurer of state shall deposit moneys received from civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477, in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 20 and 21, and section 139.35, eighty thousand dollars is appropriated to the department of natural resources for city, county, or service organization project grants relative to recycling and reclamation events, and eight thousand dollars is appropriated to the department of transportation for the period of October 1, 1987, through June 30, 1989, for the purpose of conducting the used oil collection pilot project. The remainder of the account shall be used to fund Toxic Cleanup Days programs, education programs, and other activities pursuant to chapter 455F, including the administration of the household hazardous materials permit program by the department of revenue and finance.

The department shall submit to the general assembly, annually on or before January 1, an itemized report which includes but is not limited to the total amount of moneys collected and the sources of the moneys collected, the amount of moneys expended for administration of the programs funded within the account, and an itemization of any other expenditures made within the previous fiscal year.

Sec. 39. Section 601L.3, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. In conjunction with the recommendations made by the department of natural resources, purchase and use recycled printing and writing paper in accordance with the schedule established in section 18.18; establish a wastepaper recycling program, by January 1, 1990, in accordance with the recommendations made by the department of natural resources and requirements of section 18.20; comply with the recycling goal, recycling schedule, and ultimate termination of purchase and use of polystyrene products for the purpose of storing, packaging, or serving food for immediate consumption pursuant to section 455D.16; and, in accordance with section 18.6, require product content statements, the provision of information regarding on-site review of waste management in product bidding and contract procedures, and compliance with requirements regarding contract bidding.

Sec. 40. ALCOHOLIC BEVERAGE CONTROL -- CONTAINER COLLECTION -- RECOMMENDATIONS. The alcoholic beverages division of the department of commerce shall develop a plan for the collection of empty beverage containers which contained alcoholic liquor. The plan, including the fiscal impact of the implementation of the plan, shall be presented in a report to the general assembly by January 1, 1990.

Sec. 41. Section 455B.489, Code 1989, is repealed.

Sec. 42. Sections 34, 35, and 36 of this Act are effective July 1, 1990.

Sec. 43. STATE AGENCIES -- CONFLICTING RULES. It is the intent of the general assembly that the department of natural resources make recommendations to state agencies regarding agency policies which conflict with the purposes of this Act. All state agencies shall review rules which govern the state agency, and, in accordance with recommendations made by the department of natural resources, and when possible, shall amend rules which conflict with the purposes of this Act.

Sec. 44. CODIFICATION. The Code editor shall codify sections 455D.1 through 455D.16, as enacted in this Act, as a new chapter and entitle the chapter "Waste Volume Reduction and Recycling", unless the Code editor determines that another codification arrangement is preferable.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 753, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1989

TERRY E. BRANSTAD
Governor