

*Reprinted*

FEB 11 1992

HOUSE FILE 2205

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Place On Calendar

(SUCCESSOR TO HSB 515)

Passed House, Date 3/10/92 (p. 505) Passed Senate, Date 4/13/92 (P. 137)  
Vote: Ayes 92 Nays 5 Vote: Ayes 50 Nays 0  
Approved May 19, 1992

A BILL FOR

1 An Act relating to solid waste.

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

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*HF 2205*

1 Section 1. Section 455B.304, Code 1991, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 16. The commission shall adopt rules  
4 which require all sanitary landfills in which the tonnage fee  
5 pursuant to section 455B.310 is imposed, to install scales by  
6 January 1, 1995.

7 Sec. 2. Section 455B.305, subsection 6, Code 1991, is  
8 amended to read as follows:

9 6. Beginning July 1, 1992, the director shall not issue  
10 ~~renew-or-reissue~~ a permit for a sanitary landfill unless the  
11 sanitary landfill is equipped with a leachate control system.  
12 Beginning July 1, 1994, the director shall not renew or  
13 reissue a permit for an existing sanitary landfill unless the  
14 sanitary landfill is equipped with a leachate control system.  
15 During the period from July 1, 1992, through June 30, 1994,  
16 the director may require an existing sanitary landfill to  
17 install a leachate control system if leachate from the  
18 sanitary landfill is adversely impacting the public health or  
19 safety or the environment. The director may exempt a permit  
20 applicant from ~~this-requirement~~ these requirements if the  
21 director determines that certain conditions regarding, but not  
22 limited to, existing physical conditions, topography, soil,  
23 geology, and climate, are such that a leachate control system  
24 is unnecessary.

25 Sec. 3. Section 455B.306, subsection 1, Code 1991, is  
26 amended by adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. A plan for the control and  
28 treatment of leachate, submitted to meet the requirements of  
29 section 455B.305, subsection 6, shall be reviewed by the  
30 director, and the director shall reject, suggest  
31 modifications, or approve the proposed plan within six months  
32 of submittal of the plan. If no action is taken within the  
33 six-month period, the plan shall be considered approved.  
34 However, the director may require updating of the plan at the  
35 time of renewal or reissuance of a previously issued permit.

1 Sec. 4. Section 455B.306, subsection 5, Code 1991, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. A description of the service area to be  
4 served by the city, county, or private agency under the  
5 comprehensive plan. A comprehensive plan shall not include a  
6 service area, any part of which is included in another  
7 comprehensive plan.

8 Sec. 5. Section 455B.310, subsection 2, paragraph a, Code  
9 Supplement 1991, is amended to read as follows:

10 a. The tonnage fee is twenty-five cents per ton of solid  
11 waste. However, for the year beginning July 1, 1988, the  
12 tonnage fee is one dollar and fifty cents per ton of solid  
13 waste and shall increase annually in the amount of fifty cents  
14 per ton through July 1, 1992. ~~A county in which a privately  
15 operated landfill accepts solid waste from outside of the  
16 county may charge an additional tonnage fee for disposal of  
17 solid waste at the sanitary landfill which is not more than  
18 one hundred percent of the fee otherwise established in this  
19 section. The additional fee charged and the moneys collected  
20 shall be used exclusively for the development and  
21 implementation of alternatives to sanitary landfills or for  
22 the costs incurred by the county to abate problems associated  
23 with the operation of the sanitary landfill. A city, county,  
24 or private agency which files a comprehensive plan to operate  
25 a sanitary landfill under section 455B.306 and which accepts  
26 solid waste from outside of the service area included in the  
27 comprehensive plan, shall charge a tonnage fee for the  
28 disposal of the solid waste which is three hundred percent of  
29 the fee otherwise established in this section. The additional  
30 fee charged and the moneys collected shall be used in  
31 accordance with section 455E.11, subsection 2, paragraph "a",  
32 subparagraph (11), subparagraph subdivision (b).~~

33 Sec. 6. Section 455C.16, Code Supplement 1991, is amended  
34 to read as follows:

35 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY

1 LANDFILL, PROHIBITED.

2 Beginning July 1, 1990, the final disposal of beverage  
3 containers by a dealer, distributor, or manufacturer, or  
4 person operating a redemption center, in a sanitary landfill,  
5 is prohibited, ~~except for beverage containers containing~~  
6 ~~alcoholic liquor as defined in section 123.37, subsection 8.~~

7 Sec. 7. Section 455D.18, Code 1991, is repealed.

8 Sec. 8. LEACHATE CONTROL STUDY. The department shall  
9 conduct a study to determine the most efficient leachate  
10 control technology available or under development and shall  
11 make recommendations to the general assembly by January 15,  
12 1993, regarding leachate control requirements for existing  
13 landfills for which no negative environmental impact has been  
14 demonstrated.

15 EXPLANATION

16 This bill makes provisions relating to solid waste. The  
17 bill requires the installation of scales at sanitary landfills  
18 beginning January 1, 1995.

19 The bill also amends provisions relating to leachate  
20 control requirements for sanitary landfills, and amends  
21 language which is currently permissive to require that an  
22 additional tonnage fee be charged by counties which accept  
23 solid waste from outside the county and that the money be used  
24 for the development and implementation of alternatives to  
25 sanitary landfills or for costs incurred by the county to  
26 abate problems associated with a sanitary landfill. The bill  
27 also removes the exemption for alcoholic beverage containers  
28 from prohibited disposal in a sanitary landfill and repeals  
29 the prohibition of land disposal of nonbiodegradable plastic  
30 grocery bags or trash bags in the state. Finally, the bill  
31 directs the department of natural resources to conduct a study  
32 to determine the most efficient leachate control technology  
33 available and to make recommendations to the general assembly  
34 by January 15, 1993, regarding leachate control requirements  
35 for existing landfills with no demonstrated negative

1 environmental impact. This bill may create a state mandate  
2 under chapter 25B.

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HOUSE FILE 2205  
FISCAL NOTE

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A fiscal note for House File 2205 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.

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House File 2205 requires the installation of scales at sanitary landfills, changes leachate control requirements, provides for an increased tonnage fee for solid waste from outside of a landfill's service area, prohibits the disposal of alcoholic beverage bottles in sanitary landfills, and directs the Department of Natural Resources (DNR) to conduct a study to determine the most efficient leachate control technology.

Fiscal Effect:

The DNR estimates that 47 landfills in the State will need to install scales at an average cost of \$27,500 per landfill. This would result in a fiscal impact of \$1.3 million.

Delaying the requirement that all landfills receiving renewed or reissued operating permits from the DNR does not have a direct fiscal impact on landfill operations. However, certain landfills would be able to delay capital expenditures for leachate control for up to two years.

The requirement that landfills charge a fee set at 300% of the solid waste tonnage fee established in the Code of Iowa for solid waste generated outside of the landfill's service area will have some effect on both revenues and expenditures of local governments. However, this fiscal impact cannot be determine or estimated.

The prohibition against the disposal of liquor bottles in landfills would not have a fiscal impact, nor would the leachate study required of the DNR.

Sources:

Department of Natural Resource  
Alcoholic Beverage Division

(LSB 5388hv, JWR)

FILED FEBRUARY 24, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2205

H-5187

- 1 Amend House File 2205 as follows:
- 2 1. Page 1, line 6, by inserting after the date
- 3 "1995." the following: "The rules shall provide that
- 4 the sanitary landfill may retain a portion of the
- 5 tonnage fee to defray the cost of installation of a
- 6 scale."

By GIPP of Winneshiek

H-5187 FILED MARCH 4, 1992

*w/lt 3/10 (p. 504)*

HOUSE FILE 2205

H-5199

- 1 Amend House File 2205 as follows:
- 2 1. Page 2, by striking lines 26 and 27 and
- 3 inserting the following: "solid waste from a service
- 4 area not included in but contiguous to the service
- 5 area included in the comprehensive plan, shall charge
- 6 a tonnage fee for the disposal of that solid waste
- 7 which is at least the amount of the current tonnage
- 8 fee charged by the sanitary landfill representing the
- 9 receiving service area or the sanitary landfill
- 10 representing the service area from which the solid
- 11 waste originated, whichever amount is greater. A
- 12 sanitary landfill which accepts solid waste from a
- 13 service area not included in and not contiguous to the
- 14 service area included in the comprehensive plan shall
- 15 charge a tonnage fee for the".

By SCHRADER of Marion  
SHOULTZ of Black Hawk

H-5199 FILED MARCH 6, 1992

*adopted 3/10 (p. 504)*

HOUSE FILE 2205

H-5200

- 1 Amend House File 2205 as follows:
- 2 1. Page 3, by striking line 7 and inserting the
- 3 following:
- 4 "Sec. \_\_\_\_ . Sections 455D.17 and 455D.18, Code
- 5 1991, are repealed."
- 6 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-5200 FILED MARCH 6, 1992

*adopted 3/10 (p. 505)*

HOUSE FILE 2205

H-5217

1 Amend House File 2205 as follows:

2 1. Page 3, by inserting after line 6 the fol-  
3 lowing:

4 "Sec. \_\_\_\_ . Section 455E.11, subsection 2,  
5 paragraph a, Code Supplement 1991, is amended by  
6 adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (14) Notwithstanding the  
8 limitations of use of the fees imposed under section  
9 455B.310 and retained by a city, county, public  
10 agency, or private agency under this section, moneys  
11 retained by the city, county, public agency, or  
12 private agency may be used to defray the cost of  
13 installation of a scale at a sanitary landfill."

14 2. By renumbering as necessary.

By GIPP of Winneshiek  
SHOULTZ of Black Hawk

H-5217 FILED MARCH 9, 1992  
*adopted 3/10 (p. 505)*



Senate Environment 3/13, No Pass 3/25

HOUSE FILE 2205  
BY COMMITTEE ON ENERGY AND  
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 515)

(As Amended and Passed by the House March 10, 1992)

Re-Passed House, Date 4/30/92 (p. 1930) Passed Senate, Date 4/13/92 (p. 1371)

Vote: Ayes 97 Nays 0 Vote: Ayes 50 Nays 0

Approved May 19, 1992

Re-passed Senate 4/30 (p. 1734)  
Ayes 46, Nays 0

A BILL FOR

1 An Act relating to solid waste.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

1 Section 1. Section 455B.304, Code 1991, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 16. The commission shall adopt rules  
4 which require all sanitary landfills in which the tonnage fee  
5 pursuant to section 455B.310 is imposed, to install scales by  
6 January 1, 1995.

5447  
7 Sec. 2. Section 455B.305, subsection 6, Code 1991, is  
8 amended to read as follows:

9 6. Beginning July 1, 1992, the director shall not issue  
10 ~~renew, or reissue~~ a permit for a sanitary landfill unless the  
11 sanitary landfill is equipped with a leachate control system.  
12 Beginning July 1, 1994, the director shall not renew or  
13 reissue a permit for an existing sanitary landfill unless the  
14 sanitary landfill is equipped with a leachate control system.  
15 During the period from July 1, 1992, through June 30, 1994,  
16 the director may require an existing sanitary landfill to  
17 install a leachate control system if leachate from the  
18 sanitary landfill is adversely impacting the public health or  
19 safety or the environment. The director may exempt a permit  
20 applicant from ~~this requirement~~ these requirements if the  
21 director determines that certain conditions regarding, but not  
22 limited to, existing physical conditions, topography, soil,  
23 geology, and climate, are such that a leachate control system  
24 is unnecessary.

25 Sec. 3. Section 455B.306, subsection 1, Code 1991, is  
26 amended by adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. A plan for the control and  
28 treatment of leachate, submitted to meet the requirements of  
29 section 455B.305, subsection 6, shall be reviewed by the  
30 director, and the director shall reject, suggest  
31 modifications, or approve the proposed plan within six months  
32 of submittal of the plan. If no action is taken within the  
33 six-month period, the plan shall be considered approved.  
34 However, the director may require updating of the plan at the  
35 time of renewal or reissuance of a previously issued permit.

1 Sec. 4. Section 455B.306, subsection 5, Code 1991, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. A description of the service area to be  
4 served by the city, county, or private agency under the  
5 comprehensive plan. A comprehensive plan shall not include a  
6 service area, any part of which is included in another  
7 comprehensive plan.

5437

8 Sec. 5. Section 455B.310, subsection 2, paragraph a, Code  
9 Supplement 1991, is amended to read as follows:

10 a. The tonnage fee is twenty-five cents per ton of solid  
11 waste. However, for the year beginning July 1, 1988, the  
12 tonnage fee is one dollar and fifty cents per ton of solid  
13 waste and shall increase annually in the amount of fifty cents  
14 per ton through July 1, 1992. ~~A county in which a privately  
15 operated landfill accepts solid waste from outside of the  
16 county may charge an additional tonnage fee for disposal of  
17 solid waste at the sanitary landfill which is not more than  
18 one hundred percent of the fee otherwise established in this  
19 section. The additional fee charged and the moneys collected  
20 shall be used exclusively for the development and  
21 implementation of alternatives to sanitary landfills or for  
22 the costs incurred by the county to abate problems associated  
23 with the operation of the sanitary landfill.~~ A city, county,  
24 or private agency which files a comprehensive plan to operate  
25 a sanitary landfill under section 455B.306 and which accepts  
26 solid waste from a service area not included in but contiguous  
27 to the service area included in the comprehensive plan, shall  
28 charge a tonnage fee for the disposal of that solid waste  
29 which is at least the amount of the current tonnage fee  
30 charged by the sanitary landfill representing the receiving  
31 service area or the sanitary landfill representing the service  
32 area from which the solid waste originated, whichever amount  
33 is greater. A sanitary landfill which accepts solid waste  
34 from a service area not included in and not contiguous to the  
35 service area included in the comprehensive plan shall charge a

1 tonnage fee for the disposal of the solid waste which is three  
2 hundred percent of the fee otherwise established in this  
3 section. The additional fee charged and the moneys collected  
4 shall be used in accordance with section 455E.11, subsection  
5 2, paragraph "a", subparagraph (11), subparagraph subdivision  
6 (b).

5385 7 Sec. 6. Section 455C.16, Code Supplement 1991, is amended  
8 to read as follows:

9 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY  
10 LANDFILL PROHIBITED.

11 Beginning July 1, 1990, the final disposal of beverage  
12 containers by a dealer, distributor, or manufacturer, or  
13 person operating a redemption center, in a sanitary landfill,  
14 is prohibited, ~~except for beverage containers containing~~  
15 ~~alcoholic liquor as defined in section 123.37, subsection 8.~~

16 Sec. 7. Section 455E.11, subsection 2, paragraph a, Code  
17 Supplement 1991, is amended by adding the following new  
18 subparagraph:

19 NEW SUBPARAGRAPH. (14) Notwithstanding the limitations of  
20 use of the fees imposed under section 455B.310 and retained by  
21 a city, county, public agency, or private agency under this  
22 section, moneys retained by the city, county, public agency,  
23 or private agency may be used to defray the cost of  
24 installation of a scale at a sanitary landfill.

25 Sec. 8. Sections 455D.17 and 455D.18, Code 1991, are  
26 repealed.

27 Sec. 9. LEACHATE CONTROL STUDY. The department shall  
28 conduct a study to determine the most efficient leachate  
29 control technology available or under development and shall  
30 make recommendations to the general assembly by January 15,  
31 1993, regarding leachate control requirements for existing  
32 landfills for which no negative environmental impact has been  
33 demonstrated.

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HOUSE FILE 2205

S-5385

- 1 Amend House File 2205, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking lines 7 through 15.  
By JOHN W. JENSEN

S-5385 FILED MARCH 26, 1992

*Adopted 4/13/92 (p 1371)*

HOUSE FILE 2205

S-5413

- 1 Amend House File 2205, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 7, the
- 4 following:
- 5 "Sec. \_\_\_\_ . NEW SECTION. 455B.306A LOCAL APPROVAL
- 6 -- RECYCLING PROGRAM.
- 7 The city council of a city or the county board of
- 8 supervisors of a county which provides for the final
- 9 disposal of solid waste by its residents pursuant to
- 10 section 455B.302 shall call a referendum to be
- 11 conducted regarding the question of the implementation
- 12 of a local recycling program for its residents. The
- 13 city council or county board of supervisors shall give
- 14 notice of the referendum for a period of not less than
- 15 five days in the official newspaper of the county, as
- 16 selected by the county board of supervisors pursuant
- 17 to section 349.1, or the official newspaper of the
- 18 county in which the city is located, and for a similar
- 19 period in other newspapers as the city council or
- 20 county board of supervisors prescribes. A referendum
- 21 shall not be commenced prior to five days after the
- 22 last day of the period of publication. The notice of
- 23 referendum shall set forth the period and places for
- 24 voting regarding the referendum.
- 25 At the close of the referendum period, the city
- 26 council or county board of supervisors shall count and
- 27 tabulate the ballots cast during the period. If the
- 28 majority of voters favor denial of approval, the
- 29 program shall not be established. If the majority of
- 30 voters favor approval, the program shall be
- 31 established."
- 32 2. By renumbering as necessary.  
By MIKE CONNOLLY

S-5413 FILED MARCH 26, 1992

*Adopted 4/13/92 (p 1371)*

HOUSE FILE 2205

S-5447

1 Amend House File 2205, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, line 2, by striking the word  
4 "subsection" and inserting the following:  
5 "subsections".

6 2. Page 1, by inserting after line 6 the follow-  
7 ing:

8 "NEW SUBSECTION. 17. The commission shall adopt  
9 rules which prohibit the land application of petroleum  
10 contaminated soils on flood plains."

By MICHAEL E. GRONSTAL

S-5447 FILED MARCH 31, 1992

*Adopted 4/13/92 (p 1270)*

## HOUSE FILE 2205

S-5438

1 Amend House File 2205, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Section 1. Section 123.24, Code 1991, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 5. Notwithstanding subsection 4,  
8 the division shall assess a bottle surcharge to be  
9 included in the price of alcoholic liquor of five  
10 cents for each container sold. The amount collected  
11 pursuant to this subsection shall be deposited in the  
12 beer and liquor control fund established under section  
13 123.53.

14 Sec. 2. Section 123.53, Code 1991, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 4. The treasurer of state, after  
17 making the transfer provided in subsection 3, shall  
18 transfer to the division from the beer and liquor  
19 control fund and before any other transfer to the  
20 general fund, an amount sufficient to pay the costs of  
21 properly disposing of liquor containers returned to  
22 the division."

23 2. Page 3, by inserting after line 6, the  
24 following:

25 "Sec. \_\_\_\_ . Section 455C.3, subsection 2, Code  
26 Supplement 1991, is amended to read as follows:

27 2. A distributor shall accept and pick up from a  
28 dealer served by the distributor or a redemption  
29 center for a dealer served by the distributor at least  
30 weekly, or when the distributor delivers the beverage  
31 product if deliveries are less frequent than weekly,  
32 any empty beverage container of the kind, size, and  
33 brand sold by the distributor, and shall pay to the  
34 dealer or person operating a redemption center the  
35 refund value of a beverage container and the  
36 reimbursement as provided under section 455C.2, except  
37 that no refund or reimbursement shall be paid by a  
38 distributor for a beverage container used for  
39 alcoholic liquor as defined in section 123.3,  
40 subsection 8, within one week following pickup of the  
41 containers or when the dealer or redemption center  
42 normally pays the distributor for the deposit on  
43 beverage products purchased from the distributor if  
44 less frequent than weekly. A distributor or employee  
45 or agent of a distributor is not in violation of this  
46 subsection if a redemption center is closed when the  
47 distributor attempts to make a regular delivery or a  
48 regular pickup of empty beverage containers. This  
49 subsection does not apply to a distributor selling  
50 alcoholic liquor to the alcoholic beverages division

S-5438

S-5438

Page 2

1 of the department of commerce.

2 Sec. \_\_\_\_ . Section 455C.4, subsection 4, Code 1991,  
3 is amended to read as follows:

4 4. A class "E" liquor control licensee may refuse  
5 to accept and to pay the refund value on an empty  
6 alcoholic liquor container from a dealer or a  
7 redemption center or from a person acting on behalf of  
8 or who has received empty alcoholic liquor containers  
9 from a dealer or a redemption center. However, a  
10 class "E" liquor control licensee shall not refuse to  
11 accept an empty alcoholic liquor container from  
12 holders of class "A", "B", and "C" liquor control  
13 licenses, if returned. The class "E" liquor control  
14 licensee shall not pay a refund for such containers,  
15 but shall hold such containers for pickup by the  
16 distributor. The class "E" liquor control licensee  
17 shall inform all liquor control licensees served by  
18 the class "E" liquor control licensee that the  
19 containers will be accepted."

20 3. Page 3, by inserting after line 24, the  
21 following:

22 "Sec. \_\_\_\_ . 1989 Iowa Acts, chapter 272, section  
23 42, as amended by 1990 Iowa Acts, chapter 1261,  
24 section 43, and 1991 Iowa Acts, chapter 268, section  
25 442, is amended to read as follows:

26 SEC. 42. Sections Section 347-357-and-36 of this  
27 Act are is effective July 1, 1992."

28 4. Page 3, by inserting after line 26, the  
29 following:

30 "Sec. \_\_\_\_ . 1969 Iowa Acts, chapter 272, sections  
31 35 and 36, are repealed."

32 5. Title page, line 1, by inserting after the  
33 word "waste" the following: "and providing for  
34 repeals".

35 6. By numbering and renumbering as necessary.

By LARRY MURPHY

S-5438 FILED MARCH 30, 1992

*W/D 4/13 (p 1370)*

HOUSE FILE 2205

S-5439

1 Amend House File 2205, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 27, by inserting after the word  
4 "A" the following: "completed".

5 2. Page 1, line 31, by striking the word  
6 "proposed" and inserting the following: "completed".

By BEVERLY A. HANNON

S-5439 FILED MARCH 30, 1992

*Adopted 4/13 (p 1370)*



## HOUSE FILE 2205

S-5572

1 Amend House File 2205, as amended, passed, and re-  
2 printed by the House, as follows:

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

5 "Section 1. Section 9B.1, subsection 7, Code  
6 Supplement 1991, is amended to read as follows:

7 7. A person who knowingly and willfully violates a  
8 provision of this section is subject to a civil  
9 penalty in an amount not to exceed ten thousand  
10 dollars. Moneys collected from the penalties imposed  
11 shall be deposited in the ~~waste-volume-reduction-and~~  
12 recycling hazardous substance remedial fund  
13 established pursuant to section ~~455B.15~~ 455B.423.

14 Sec. \_\_\_\_\_. Section 455B.109, subsection 4, Code  
15 1991, is amended to read as follows:

16 4. All civil penalties assessed by the department  
17 and interest on the penalties shall be deposited in  
18 the ~~general-fund-of-the-state~~ hazardous substance  
19 remedial fund created pursuant to section 455B.423.

20 Sec. \_\_\_\_\_. Section 455B.146, Code Supplement 1991,  
21 is amended to read as follows:

22 455B.146 CIVIL ACTION FOR COMPLIANCE -- LOCAL  
23 PROGRAM ACTIONS.

24 If any order, permit, or rule of the department is  
25 being violated, the attorney general shall, at the  
26 request of the department or the director, institute a  
27 civil action in any district court for injunctive  
28 relief to prevent any further violation of the order,  
29 permit, or rule, or for the assessment of a civil  
30 penalty as determined by the court, not to exceed ten  
31 thousand dollars per day for each day such violation  
32 continues, or both such injunctive relief and civil  
33 penalty. Moneys collected under this section shall be  
34 deposited in the hazardous substance remedial fund  
35 established pursuant to section 455B.423.

36 Notwithstanding sections 331.302 and 331.307, a city  
37 or county which maintains air pollution control  
38 programs authorized by certificate of acceptance under  
39 this division may provide civil penalties consistent  
40 with the amount established for such penalties under  
41 this division.

42 Sec. \_\_\_\_\_. Section 455B.172, subsection 5,  
43 unnumbered paragraph 2, Code Supplement 1991, is  
44 amended to read as follows:

45 The department shall by rule adopt standards for  
46 the commercial cleaning of private sewage disposal  
47 facilities, including but not limited to septic tanks  
48 and pits used to collect waste in livestock  
49 confinement structures, and for the disposal of waste  
50 from the facilities. The standards shall not be in

S-5572

S-5572

Page 2

1 conflict with the state building code. A person shall  
2 not commercially clean such facilities or dispose of  
3 waste from such facilities unless the person has been  
4 issued a license by the department. The department  
5 ~~shall be~~ is exclusively responsible for adopting the  
6 standards and issuing licenses. However, county  
7 boards of health shall enforce the standards and  
8 licensing requirements established by the department.  
9 Application for the license shall be made in the  
10 manner provided by the department. Licenses expire  
11 one year from the date of issue unless revoked and may  
12 be renewed in the manner provided by the department.  
13 The license or license renewal fee is twenty-five  
14 dollars. A person violating this section or the rules  
15 adopted pursuant to this section, is subject to a  
16 civil penalty of not more than twenty-five dollars.  
17 Each day that a violation continues constitutes a  
18 separate offense. However, the total civil penalty  
19 shall not exceed five hundred dollars per year. The  
20 penalty shall be assessed for a violation occurring  
21 ten days following written notice of the violation  
22 delivered to the person by the department or a county  
23 board of health. Moneys collected by the department  
24 or a county board of health from the imposition of  
25 civil penalties shall be deposited in the ~~general fund~~  
26 ~~of the state~~ hazardous substance remedial fund created  
27 in section 455B.423.

28 Sec. \_\_\_\_\_. Section 455B.191, Code 1991, is amended  
29 by adding the following new subsection:

30 NEW SUBSECTION. 7. All moneys collected under  
31 this section shall be deposited in the hazardous  
32 substance remedial fund created pursuant to section  
33 455B.423.

34 Sec. \_\_\_\_\_. Section 455B.279, subsection 2, Code  
35 1991, is amended to read as follows:

36 2. A person who violates a provision of this part  
37 or a rule or order adopted or promulgated or the  
38 conditions of a permit issued pursuant to this part is  
39 subject to a civil penalty not to exceed five hundred  
40 dollars for each day that a violation occurs. Moneys  
41 collected under this section shall be deposited in the  
42 hazardous substance remedial fund created pursuant to  
43 section 455B.423."

44 2. Page 3, by inserting after line 6 the fol-  
45 lowing:

46 "Sec. \_\_\_\_\_. Section 455B.340, Code 1991, is amended  
47 to read as follows:

48 455B.340 PENALTY.

49 Any person who violates any provisions of this part  
50 2 of division IV or rules adopted under said this part

S-5572

-2-

S-5572

Page 3

1 2 of division IV, or any order of the department or  
2 director issued pursuant to said this part 2 of  
3 division IV, shall be guilty of a serious misdemeanor  
4 and, in addition, the person may be enjoined from  
5 continuing such violation. Each day of continued  
6 violation after notice that a violation is being  
7 committed shall constitute a separate violation. All  
8 moneys collected under this section shall be deposited  
9 in the hazardous substance remedial fund created  
10 pursuant to section 455B.423.

11 Sec. \_\_\_\_ . Section 455B.386, Code 1991, is amended  
12 to read as follows:

13 455B.386 NOTIFICATION OF SPILLS -- PENALTY.

14 A person manufacturing, storing, handling,  
15 transporting, or disposing of a hazardous substance  
16 shall notify the department and the local police  
17 department or the office of the sheriff of the  
18 affected county of the occurrence of a hazardous  
19 condition as soon as possible but not later than six  
20 hours after the onset of the hazardous condition or  
21 discovery of the hazardous condition. A sheriff or  
22 police chief who has been notified of a hazardous  
23 condition shall immediately notify the department.  
24 The department, upon receiving notice of a hazardous  
25 condition, shall immediately notify the operator of  
26 any public water supply system or private water supply  
27 system which may be affected by the hazardous  
28 condition. If requested, a person shall submit within  
29 thirty days of the department's request a written  
30 report of particulars of the incident. A person  
31 violating this section is subject to a civil penalty  
32 of not more than one thousand dollars. All moneys  
33 collected under this section shall be deposited in the  
34 hazardous substance remedial fund created pursuant to  
35 section 455B.423.

36 Sec. \_\_\_\_ . Section 455B.417, subsection 3, Code  
37 1991, is amended to read as follows:

38 3. A person who violates a provision of this part  
39 or a rule, permit, or order adopted or issued under  
40 this part is subject to a civil penalty not to exceed  
41 ten thousand dollars for each violation. Each day of  
42 violation constitutes a separate violation. All  
43 moneys collected under this section shall be deposited  
44 in the hazardous substance remedial fund created  
45 pursuant to section 455B.423.

46 Sec. \_\_\_\_ . Section 455B.423, subsection 2, Code  
47 Supplement 1991, is amended to read as follows:

48 2. The director may use the fund for any of the  
49 following purposes:

50 a. Administrative services for the identification,

S-5572

S-5572

Page 4

1 assessment and cleanup of hazardous waste or hazardous  
2 substance disposal sites.

3 b. Payments to other state agencies for services  
4 consistent with the management of hazardous waste or  
5 hazardous substance disposal sites.

6 c. Emergency response activities as provided in  
7 part 4 of this division.

8 d. Financing the nonfederal share of the cost of  
9 cleanup and site rehabilitation activities as well as  
10 postclosure operation and maintenance costs, pursuant  
11 to the federal Comprehensive Environmental Response,  
12 Compensation and Liability Act of 1980.

13 e. Financing the cost of cleanup and site  
14 rehabilitation activities as well as postclosure  
15 operation and maintenance costs of hazardous waste or  
16 hazardous substance disposal sites that do not qualify  
17 for federal cost-sharing pursuant to the federal  
18 Comprehensive Environmental Response, Compensation and  
19 Liability Act of 1980.

20 ~~f. Through agreements or contracts with other~~  
21 ~~state agencies, work with private industry to develop~~  
22 ~~alternatives to land disposal of hazardous waste or~~  
23 ~~hazardous substances including, but not limited to,~~  
24 ~~resource recovery, recycling, neutralization, and~~  
25 ~~reduction.~~

26 f. Administration of the waste reduction  
27 assistance program or other activities related to  
28 assisting Iowa business and industry to reduce,  
29 recycle, or otherwise reclaim waste materials  
30 generated or processed.

31 g. Administration of the toxics pollution  
32 prevention program created in division VII.

33 ~~However, at least seventy-five percent of the fund~~  
34 ~~shall be used for the purposes stated in paragraphs~~  
35 ~~"d" and "e".~~

36 At least fifty percent of the fund shall be used  
37 for the purposes stated in paragraphs "d" and "e".  
38 Fifty thousand dollars shall be used for the purposes  
39 stated in paragraph "f" and fifty thousand dollars  
40 shall be used for the purposes stated in paragraph  
41 "g". The remainder shall be used for the purposes  
42 stated in paragraphs "a", "b", and "c".

43 Sec. \_\_\_\_ . Section 455B.454, Code 1991, is amended  
44 to read as follows:

45 455B.454 PENALTIES.

46 A person required to obtain a site license under  
47 this part 6 of division IV who constructs a facility  
48 without having first obtained the license is subject  
49 to a civil penalty of not more than ten thousand  
50 dollars for each violation or for each day of

S-5572

-4-

1 continuing violation. Civil penalties collected  
2 pursuant to this subsection shall be forwarded by the  
3 clerk of court to the treasurer of state for deposit  
4 in the ~~general-fund-of-the-state~~ hazardous substance  
5 remedial fund created pursuant to section 455B.423.

6 Sec. \_\_\_\_\_. Section 455B.466, Code 1991, is amended  
7 to read as follows:

8 455B.466 CIVIL PENALTIES.

9 A person who violates a provision of this part is  
10 subject to a civil penalty of not more than ten  
11 thousand dollars for each violation and for each day  
12 of continuing violation. Civil penalties collected  
13 pursuant to this section shall be forwarded by the  
14 clerk of the district court to the treasurer of state  
15 for deposit in the ~~general-fund-of-the-state~~ hazardous  
16 substance remedial fund created pursuant to section  
17 455B.423.

18 Sec. \_\_\_\_\_. Section 455B.477, Code 1991, is amended  
19 by adding the following new subsection:

20 NEW SUBSECTION. 8. Penalties collected under this  
21 section shall be deposited in the hazardous substance  
22 remedial fund created pursuant to section 455B.423.

23 Sec. \_\_\_\_\_. Section 455B.477, subsection 7, Code  
24 1991, is amended to read as follows:

25 7. ~~The civil-penalties-or-other~~ damages or-moneys  
26 recovered by the state or the petroleum underground  
27 storage tank fund in connection with a petroleum  
28 underground storage tank under this part of this  
29 division or chapter 455G shall be credited to the fund  
30 created in section 455G.3 and allocated between fund  
31 accounts according to the fund budget. Any federal  
32 moneys, including but not limited to federal  
33 underground storage tank trust fund moneys, received  
34 by the state or the department of natural resources in  
35 connection with a release occurring on or after May 5,  
36 1989, or received generally for underground storage  
37 tank programs on or after May 5, 1989, shall be  
38 credited to the fund created in section 455G.3 and  
39 allocated between fund accounts according to the fund  
40 budget, unless such use would be contrary to federal  
41 law. The department shall cooperate with the board of  
42 the Iowa comprehensive petroleum underground storage  
43 tank fund to maximize the state's eligibility for and  
44 receipt of federal funds for underground storage tank  
45 related purposes."

46 3. Page 3, by inserting after line 24 the  
47 following:

48 "Sec. \_\_\_\_\_. NEW SECTION. 716B.6 DEPOSIT OF MONEYS  
49 COLLECTED.

50 Moneys collected under sections 716B.2, 716B.3, and

1 716B.4 shall be forwarded to the treasurer of state  
2 for deposit in the hazardous substance remedial fund  
3 created pursuant to section 455B.423."

4 4. Page 3, line 25, by inserting after the word  
5 "Sections" the following: "29C.8A,".

6 5. By renumbering as necessary.

By BEVERLY HANNON

## HOUSE FILE 2205

S-5557

1 Amend House File 2205, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 7 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 455B.307A DISCARDING OF  
6 SOLID WASTE -- PROHIBITIONS -- PENALTY.

7 1. For the purposes of this section, "discard"  
8 means to place, cause to be placed, throw, deposit, or  
9 drop.

10 2. A person shall not discard solid waste onto or  
11 in any water or land of the state, or into areas or  
12 receptacles provided for such purposes which are under  
13 the control of or used by a person who has not  
14 authorized the use of the receptacle by the person  
15 discarding the solid waste.

16 3. A person who violates this section is subject  
17 to a civil penalty not to exceed five hundred dollars  
18 for each violation."

19 2. Page 3, by inserting after line 15 the  
20 following:

21 "Sec. \_\_\_\_ . NEW SECTION. 455D.20 LOCAL ORDINANCE  
22 -- CURBSIDE COLLECTION.

23 A city council or county board of supervisors which  
24 provides for the collection of solid waste by its  
25 residents shall consider as a proposed ordinance, the  
26 mandatory curbside collection of recyclable materials  
27 which have been separated from other solid waste. The  
28 proposed ordinance shall be considered in accordance  
29 with chapter 331 or 380."

30 3. By renumbering as necessary.

By BEVERLY A. HANNON

S-5557 FILED APRIL 3, 1992

*Adopted 4/13 (p. 1371)*

HOUSE FILE 2205

S-5607

1 Amend House File 2205, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 7, the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 455B.306A LOCAL APPROVAL -  
6 - RECYCLING PROGRAM.

7 The city council of a city or the county board of  
8 supervisors of a county which provides for the final  
9 disposal of solid waste by its residents pursuant to  
10 section 455B.302 shall call a referendum to be  
11 conducted regarding the question of the implementation  
12 of a local curbside recycling program for its  
13 residents. The city council or county board of  
14 supervisors shall give notice of the referendum for a  
15 period of not less than five days in the official  
16 newspaper of the county, as selected by the county  
17 board of supervisors pursuant to section 349.1, or the  
18 official newspaper of the county in which the city is  
19 located, and for a similar period in other newspapers  
20 as the city council or county board of supervisors  
21 prescribes. A referendum shall not be commenced prior  
22 to five days after the last day of the period of  
23 publication. The notice of referendum shall set forth  
24 the period and places for voting regarding the  
25 referendum.

26 At the close of the referendum period, the city  
27 council or county board of supervisors shall count and  
28 tabulate the ballots cast during the period. If the  
29 majority of voters favor denial of approval, the  
30 program shall not be established. If the majority of  
31 voters favor approval, the program shall be  
32 established.

33 This section does not abrogate the responsibility  
34 of a city or a county to comply with state waste  
35 reduction and recycling requirements pursuant to  
36 section 455B.306 and chapter 455D."

37 2. By renumbering as necessary.

By MIKE CONNOLLY

S-5607 FILED APRIL 8, 1992

W/D 4/13 (p 137)

HOUSE FILE 2205

S-5605

- 1 Amend House File 2205, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 6, by striking the figure "1995"  
4 and inserting the following: "1994".  
5 2. Page 1, line 19, by inserting after the word  
6 "environment." the following: "During the period from  
7 July 1, 1992, through June 30, 1994, the director  
8 shall require an existing sanitary landfill to install  
9 a leachate control system if the sanitary landfill has  
10 not submitted a completed hydrogeological plan to the  
11 department."  
12 3. Page 3, by inserting after line 6, the  
13 following:  
14 "Sec. \_\_\_\_ . Section 455B.311, Code 1991, is amended  
15 by adding the following new subsection:  
16 NEW SUBSECTION. 3A. Grants shall not be awarded  
17 to a city, county, or central planning agency if the  
18 entity has not submitted a completed hydrogeological  
19 plan to the department."  
20 4. Page 3, line 24, by inserting after the word  
21 "landfill" the following: "or to defray the costs of  
22 closure of the sanitary landfill, the costs related to  
23 the establishment of a transfer station, or the costs  
24 of a hydrogeological plan."  
25 5. By renumbering as necessary.

By RALPH ROSENBERG

S-5605 FILED APRIL 8, 1992

*(Adopted 4/13/92 (p. 1370))*



HOUSE FILE 2205

S-5629

1 Amend House File 2205 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, by inserting after line 6 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 455B.310, subsection 10, Code  
6 Supplement 1991, is amended by striking the subsection  
7 and inserting the following:  
8 10. a. Notwithstanding the tonnage fee schedule  
9 prescribed under subsection 2, foundry sand used by a  
10 sanitary landfill as daily cover, road base, or berm  
11 material or for other purposes defined as beneficial  
12 use by rule of the department, is exempt from  
13 imposition of the tonnage fee imposed under this  
14 section.  
15 b. Sanitary landfills shall use foundry sand for  
16 beneficial use as defined by rule of the department as  
17 a replacement for earthen material, if the foundry  
18 sand is generated by a foundry located within the  
19 state and if the foundry sand is provided to the  
20 sanitary landfill at no cost to the sanitary landfill.  
21 c. Beginning on or after July 1, 1994, foundry  
22 sand disposed of at a sanitary landfill is subject to  
23 the tonnage fee prescribed pursuant to subsection 2."  
24 2. By renumbering as necessary.

By BEVERLY A. HANNON  
RALPH ROSENBERG

S-5629 FILED APRIL 10, 1992

*4/10 4/13 (p 1370)*

HOUSE FILE 2205

S-5657

1 Amend House File 2205, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 3, by inserting after line 6 the fol-  
4 lowing:  
5 "Sec. \_\_\_\_ . Section 455B.310, subsection 10, Code  
6 Supplement 1991, is amended by striking the subsection  
7 and inserting in lieu thereof the following:  
8 10. a. Notwithstanding the tonnage fee schedule  
9 prescribed under subsection 2, foundry sand used by a  
10 sanitary landfill as daily cover, road base, or berm  
11 material or for other purposes defined as beneficial  
12 uses by rule of the department is exempt from  
13 imposition of the tonnage fee imposed under this  
14 section.  
15 b. Sanitary landfills shall use foundry sand for  
16 beneficial uses as defined by rule of the department  
17 as a replacement for earthen material, if the foundry  
18 sand is generated by a foundry located within the  
19 state and if the foundry sand is provided to the  
20 sanitary landfill at no cost to the sanitary  
21 landfill."  
22 2. By renumbering as necessary.

By JIM LIND

EMIL J. HUSAK

HARRY SLIFE

JOHN P. KIBBIE

RICHARD F. DRAKE

DON GETTINGS

S-5657 FILED APRIL 13, 1992

ADOPTED (p 1370)

## HOUSE FILE 2205

S-5618

1 Amend House File 2205, as amended, passed; and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 35, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 455B.306, subsection 3, Code  
6 1991, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. e. The extent to which the city,  
9 county, or private agency will incorporate or has  
10 incorporated the waste management hierarchy of the  
11 state solid waste management policy and the basis for  
12 not incorporating any elements of the waste management  
13 hierarchy."

14 2. Page 2, by inserting after line 7, the  
15 following:

16 "Sec. \_\_\_\_\_. Section 455B.306, Code 1991, is amended  
17 by adding the following new subsections:

18 NEW SUBSECTION. 8. If a city, county, or private  
19 agency does not incorporate the elements of the solid  
20 waste hierarchy of the state solid waste management  
21 policy in a proposed initial or adopted comprehensive  
22 plan, the city council or county board of supervisors  
23 governing the city or county in which the sanitary  
24 landfill is proposed to be located or is located shall  
25 hold a public hearing to address the basis for not  
26 including any of the elements in the plan.

27 NEW SUBSECTION. 9. A city council or county board  
28 of supervisors governing the area in which a sanitary  
29 disposal project is proposed to be located or is  
30 located shall hold a public hearing to address the  
31 issue of including or not including local curbside  
32 recycling in the comprehensive plan."

33 3. By renumbering as necessary.

By BEVERLY A. HANNON

S-5618 FILED APRIL 9, 1992

B-Adopted, A-4/10 7/13 (1310)

## SENATE AMENDMENT TO HOUSE FILE 2205

E-5889

1 Amend House File 2205, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, line 2, by striking the word

4 "subsection" and inserting the following:

5 "subsections".

6 2. Page 1, line 6, by striking the figure "1995"  
7 and inserting the following: "1994".

8 3. Page 1, by inserting after line 6 the follow-  
9 ing:

10 "NEW SUBSECTION. 17. The commission shall adopt  
11 rules which prohibit the land application of petroleum  
12 contaminated soils on flood plains."

13 4. Page 1, line 19, by inserting after the word  
14 "environment." the following: "During the period from  
15 July 1, 1992, through June 30, 1994, the director  
16 shall require an existing sanitary landfill to install  
17 a leachate control system if the sanitary landfill has  
18 not submitted a completed hydrogeological plan to the  
19 department."

20 5. Page 1, line 27, by inserting after the word  
21 "A" the following: "completed".

22 6. Page 1, line 31, by striking the word  
23 "proposed" and inserting the following: "completed".

24 7. Page 2, by inserting after line 7, the  
25 following:

26 "Sec. \_\_\_\_ . Section 455B.306, Code 1991, is amended  
27 by adding the following new subsections:

28 NEW SUBSECTION. 8. If a city, county, or private  
29 agency does not incorporate the elements of the solid  
30 waste hierarchy of the state solid waste management  
31 policy in a proposed initial or adopted comprehensive  
32 plan, the city council or county board of supervisors  
33 governing the city or county in which the sanitary  
34 landfill is proposed to be located or is located shall  
35 hold a public hearing to address the basis for not  
36 including any of the elements in the plan.

37 NEW SUBSECTION. 9. A city council or county board  
38 of supervisors governing the area in which a sanitary  
39 disposal project is proposed to be located or is  
40 located shall hold a public hearing to address the  
41 issue of including or not including local curbside  
42 recycling in the comprehensive plan."

43 8. Page 2, by inserting after line 7 the  
44 following:

45 "Sec. \_\_\_\_ . NEW SECTION. 455B.307A DISCARDING OF  
46 SOLID WASTE -- PROHIBITIONS -- PENALTY.

47 1. For the purposes of this section, "discard"  
48 means to place, cause to be placed, throw, deposit, or  
49 drop.

50 2. A person shall not discard solid waste onto or

E-5889

1 in any water or land of the state, or into areas or  
2 receptacles provided for such purposes which are under  
3 the control of or used by a person who has not  
4 authorized the use of the receptacle by the person  
5 discarding the solid waste.

6 3. A person who violates this section is subject  
7 to a civil penalty not to exceed five hundred dollars  
8 for each violation."

9 9. Page 3, by inserting after line 6 the fol-  
10 lowing:

11 "Sec. \_\_\_\_\_. Section 455B.310, subsection 10, Code  
12 Supplement 1991, is amended by striking the subsection  
13 and inserting in lieu thereof the following:

14 10. a. Notwithstanding the tonnage fee schedule  
15 prescribed under subsection 2, foundry sand used by a  
16 sanitary landfill as daily cover, road base, or berm  
17 material or for other purposes defined as beneficial  
18 uses by rule of the department is exempt from  
19 imposition of the tonnage fee imposed under this  
20 section.

21 b. Sanitary landfills shall use foundry sand for  
22 beneficial uses as defined by rule of the department  
23 as a replacement for earthen material, if the foundry  
24 sand is generated by a foundry located within the  
25 state and if the foundry sand is provided to the  
26 sanitary landfill at no cost to the sanitary  
27 landfill."

28 10. Page 3, by inserting after line 6, the  
29 following:

30 "Sec. \_\_\_\_\_. Section 455B.311, Code 1991, is amended  
31 by adding the following new subsection:

32 NEW SUBSECTION. 3A. Grants shall not be awarded  
33 to a city, county, or central planning agency if the  
34 entity has not submitted a completed hydrogeological  
35 plan to the department."

36 11. Page 3, by striking lines 7 through 15.

37 12. Page 3, by inserting after line 15 the  
38 following:

39 "Sec. \_\_\_\_\_. NEW SECTION. 455D.20 LOCAL ORDINANCE  
40 -- CURBSIDE COLLECTION.

41 A city council or county board of supervisors which  
42 provides for the collection of solid waste by its  
43 residents shall consider as a proposed ordinance, the  
44 mandatory curbside collection of recyclable materials  
45 which have been separated from other solid waste. The  
46 proposed ordinance shall be considered in accordance  
47 with chapter 331 or 380."

48 13. Page 3, line 24, by inserting after the word  
49 "landfill" the following: "or to defray the costs of  
50 closure of the sanitary landfill, the costs related to

1 the establishment of a transfer station, or the costs  
2 of a hydrogeological plan."

3 14. By renumbering, relettering, or redesignating  
4 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6080

Page 7

1 in and processed or disposed of as part of mixed  
2 municipal solid waste, pursuant to section 455D.10A.

3 d. The consumer product manufacturer has in  
4 operation a program to recycle used batteries in an  
5 environmentally sound manner.

6 3. An exemption granted by the department under  
7 subsection 2, paragraph "a" is limited to a maximum of  
8 two years, but may be renewed."

9 5. Title page, line 1, by inserting after the  
10 word "waste" the following: "and providing a  
11 penalty".

12 6. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-6080 FILED APRIL 30, 1992

DIVISION A - ADOPTED, DIVISION B - LOST

HOUSE FILE 2205

H-6081

1 Amend the amendment, H-5889, to House File 2205, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, by striking line 35 and inserting the  
5 following: "plan to the department.

6 Sec. \_\_\_\_ . Section 455B.313, subsection 1, Code  
7 1991, is amended to read as follows:

8 1. A distributor as defined in section 455C.1,  
9 subsection 5, shall not sell or offer to sell any  
10 beverage container if the beverage container is  
11 connected to another beverage container by a device  
12 constructed of a material which is not biodegradable,  
13 or photodegradable, or recyclable.

14 Recyclable connectors which are not biodegradable  
15 or photodegradable, shall not have openings greater  
16 than one and three-quarter inches in diameter.

17 Recyclable connectors shall be composed of at least  
18 twenty-five percent recycled resins by July 1, 1995.  
19 Prior to July 1, 1995, distributors of recyclable  
20 connectors shall attempt, as a goal, to achieve a ten  
21 percent recycled resin content for connectors."

22 2. By renumbering as necessary.

By BLACK of Jasper  
BISIGNANO of Polk  
BROWN of Lucas  
MERTZ of Kossuth  
LUNDBY of Linn  
PETERSEN of Muscatine  
BARTZ of Worth

SHERZAN of Polk  
BENNETT of Ida  
HANSON of Black Hawk  
GRUHN of Dickinson  
WEIDMAN of Cass  
BEAMAN of Clarke

H-6081 FILED APRIL 30, 1992

NOT GERMANE (p. 1430)

HOUSE FILE 2205

H-6080

1 Amend the Senate amendment, H-5889, to House File  
2 2205, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 2 the fol-  
5 lowing:

6 "\_\_\_\_\_. Page 1, by inserting before line 1 the  
7 following:

8 "Section 1. Section 28G.1, Code 1991, is amended  
9 to read as follows:

10 28G.1 PURPOSE.

11 The purpose of this chapter is to allow two or more  
12 local governments to form a public service monopoly  
13 when they find that a public service monopoly is an  
14 effective means to protect the public health and  
15 welfare, and the environment through adequate any of  
16 the following:

17 1. Adequate solid waste collection,  
18 transportation, storage and disposal practices and-its  
19 which are the only effective means of allowing the  
20 construction and utilization of a resource recovery  
21 facility for the recycling of solid waste for use as  
22 an energy source.

23 2. The implementation of other solid waste  
24 management projects, such as source reduction and  
25 recycling, which are part of an approved comprehensive  
26 plan required under section 455B.306, and if the  
27 formation of a public service monopoly is the only  
28 effective means of accomplishing solid waste reduction  
29 and recycling. The public service monopoly shall  
30 utilize private recycling industries in the service  
31 area when possible.

32 Sec. 2. Section 28G.2, Code 1991, is amended by  
33 adding the following new subsection:

34 NEW SUBSECTION. 3. "Solid waste management  
35 project" means a project which is part of the  
36 comprehensive plan, approved by the director of the  
37 department of natural resources pursuant to section  
38 455B.306, to establish and implement the comprehensive  
39 solid waste reduction program of a city or county.

40 Sec. 3. Section 28G.3, Code 1991, is amended to  
41 read as follows:

42 28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.

43 If two or more local governments find that the only  
44 effective means of allowing the construction and  
45 utilization of a resource recovery facility for the  
46 recycling of solid waste for use as an energy source  
47 or to implement solid waste management projects as  
48 defined in section 28G.2 is to create a public service  
49 monopoly, a legal entity shall be created pursuant to  
50 chapter 28E by agreement of two or more local

H-6080

H-6080

Page 2

1 governments to displace competition with regulation  
2 and monopoly of a public service for the collection,  
3 transportation, storage, and disposal, or diversion of  
4 solid waste to the extent reasonably necessary to  
5 carry out these functions. The agreement is subject  
6 to approval of the environmental protection commission  
7 before it becomes effective.

8 Sec. 4. Section 28G.4, subsections 3 and 4, Code  
9 1991, are amended to read as follows:

10 3. Enter into contracts for construction and may  
11 contract, license, or permit the construction of  
12 resource recovery facilities for recycling of solid  
13 waste for an energy source or of facilities necessary  
14 to implement solid waste management projects as  
15 defined in section 28G.2.

16 4. Require the use of the resource recovery  
17 facilities or of facilities necessary to implement  
18 solid waste management projects as defined in section  
19 28G.2, by any person who can be effectively served by  
20 the facilities. However, this subsection does not  
21 prohibit a private agency from dumping or depositing  
22 solid waste resulting from its own residential,  
23 farming, manufacturing, mining, or commercial  
24 activities on land owned or leased by it if the action  
25 does not violate any statute of this state or rules  
26 promulgated adopted by the environmental protection  
27 commission or local boards of health or local  
28 ordinances.""

29 2. Page 2, by striking lines 11 through 27 and  
30 inserting the following:

31 "Sec. \_\_\_\_ . Section 455B.310, subsection 10, Code  
32 Supplement 1991, is amended to read as follows:

33 10. Notwithstanding the tonnage fee schedule  
34 prescribed under subsection 2, foundry material that  
35 is deposited at a permitted sanitary landfill and used  
36 to replace material that would otherwise be purchased  
37 and transported from off-site for daily cover, shall  
38 be subject to the following fees:

39 a. For the fiscal year beginning July 1, 1991  
40 1992, and ending June 30, 1992 1993, the tonnage fee  
41 is one dollar for each ton of foundry material which  
42 ~~is not more than forty percent of the total amount of~~  
43 ~~foundry material deposited at the sanitary landfill~~  
44 ~~for daily cover by any one source. The amount of~~  
45 ~~foundry material deposited at the sanitary landfill~~  
46 ~~which is greater than forty percent of the total~~  
47 ~~amount deposited by any one source is subject to the~~  
48 ~~tonnage fee imposed in subsection 2 on other solid~~  
49 ~~waste.~~

50 The fees collected pursuant to this paragraph shall



H-6080

Page 3

1 be deposited in the groundwater protection fund  
2 established pursuant to section 455E.11. Of each  
3 dollar per ton of foundry material collected, fifty  
4 cents shall be used in accordance with section  
5 455E.11, subsection 2, paragraph "a", subparagraph (8)  
6 and fifty cents shall be used in accordance with  
7 section 455E.11, subsection 2, paragraph "a",  
8 subparagraph (9).

9 b. For the fiscal year beginning July 1, 1992  
10 1993, and ending June 30, 1993 1994, the tonnage fee  
11 is one dollar and fifty cents for each ton of foundry  
12 material ~~which is not more than forty percent of the~~  
13 ~~total amount of foundry material~~ deposited at the  
14 sanitary landfill for daily cover by any one source.  
15 ~~The amount of foundry material deposited at the~~  
16 ~~sanitary landfill which is greater than forty percent~~  
17 ~~of the total amount deposited by any one source is~~  
18 ~~subject to the tonnage fee imposed in subsection 2 on~~  
19 ~~other solid waste.~~

20 The fees collected pursuant to this paragraph shall  
21 be deposited in the groundwater protection fund  
22 established pursuant to section 455E.11. Of each  
23 dollar and fifty cents per ton of foundry material  
24 collected, fifty cents shall be used in accordance  
25 with section 455E.11, subsection 2, paragraph "a",  
26 subparagraph (8) and one dollar shall be used in  
27 accordance with section 455E.11, subsection 2,  
28 paragraph "a", subparagraph (9).

29 c. For each fiscal year beginning on or after July  
30 1, 1993 1994, the tonnage fee imposed is the tonnage  
31 fee imposed in subsection 2 on other solid waste."

32 3. Page 2, by striking line 36 and inserting the  
33 following:

34 "\_\_\_\_. Page 3, line 15, by inserting after the  
35 figure "8." the following: "Beginning September 1,  
36 1992, the final disposal of beverage containers used  
37 to contain alcoholic liquor as defined in section  
38 123.3, subsection 8, by a dealer, distributor, or  
39 manufacturer, or person operating a redemption center  
40 in a sanitary landfill, is prohibited."

41 4. Page 2, by inserting after line 38 the  
42 following:

43 "Sec. \_\_\_\_ . NEW SECTION. 455D.10A HOUSEHOLD  
44 BATTERIES -- HEAVY METAL CONTENT AND RECYCLING  
45 REQUIREMENTS.

46 1. DEFINITIONS. As used in this section and in  
47 section 455D.10B unless the context otherwise  
48 requires:

49 a. "Button cell battery" means a household battery  
50 which resembles a button or coin in size and shape.

H-6080

-3-

H-6080

Page 4

1 b. "Consumer" means a person who purchases  
2 household batteries for personal or business use.

3 c. "Easily removed" means a battery or battery  
4 pack which can be removed from a battery-powered  
5 product by the consumer, using common household tools.

6 d. "Household battery" means any type of dry cell  
7 battery used by consumers, including but not limited  
8 to mercuric oxide, carbon-zinc, zinc air, silver  
9 oxide, nickel-cadmium, nickel-hydride, alkaline,  
10 lithium, or sealed lead acid batteries.

11 e. "Institutional generator" means a governmental,  
12 commercial, industrial, communications, or medical  
13 facility which generates waste mercuric oxide, nickel-  
14 cadmium, or sealed lead acid rechargeable batteries.

15 f. "Rechargeable consumer product" means a product  
16 that is primarily powered by a rechargeable battery  
17 and is primarily used or purchased to be used for  
18 household purposes.

19 g. "Rechargeable household battery" means a small  
20 sealed nickel-cadmium or sealed lead acid battery used  
21 for nonvehicular purposes and weighing less than  
22 twenty-five pounds, which can be recharged by the  
23 consumer and reused.

24 2. MERCURY CONTENT LIMITED. Beginning July 1,  
25 1993, a person shall not sell, distribute, or offer  
26 for retail sale in this state an alkaline manganese  
27 battery that contains more than twenty-five one-  
28 thousandths of a percent mercury by weight, or a  
29 button cell battery which contains more than twenty-  
30 five milligrams of mercury. Effective January 1,  
31 1996, a person shall not sell, distribute, or offer  
32 for sale at retail in this state an alkaline manganese  
33 household battery to which mercury has been added.

34 3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD  
35 BATTERIES.

36 a. Beginning July 1, 1996, a system or systems  
37 shall be in place to protect the health and safety of  
38 Iowans, and the state's environment, from the toxic  
39 components of used household batteries. The system or  
40 systems shall include at least one of the following  
41 elements:

42 (1) Elimination or reduction to the extent  
43 established by rule of the department, of heavy metals  
44 and other toxic components in nickel-cadmium, mercuric  
45 oxide, or sealed lead acid household batteries, to  
46 ensure protection of public health, safety, and the  
47 environment when placed in or disposed of as part of  
48 mixed municipal solid waste.

49 (2) Establishment of a comprehensive recycling  
50 program for each type of battery listed in

H-6080

-4-

H-6080

Page 5

1 subparagraph (1) that is sold, distributed, or offered  
2 for sale in this state. An institutional generator  
3 shall provide for the on-site source separation and  
4 collection of used mercuric oxide batteries, nickel-  
5 cadmium rechargeable batteries, and sealed lead acid  
6 rechargeable batteries. All participants in the  
7 stream of commerce relating to the batteries, which  
8 are listed in subparagraph (1) and which are not  
9 designated as exempt pursuant to section 455D.10B,  
10 subsection 2, paragraph "c" or "d", shall,  
11 individually or collectively, be responsible for  
12 developing and operating a system for collecting and  
13 transporting used batteries to the appropriate dry  
14 cell battery manufacturer or to a site or facility  
15 designated by a manufacturer. Additionally, dry cell  
16 battery manufacturers shall be responsible for the  
17 recycling of used batteries in an environmentally  
18 sound manner.

19 (3) Provision for collection, transporting, and  
20 proper disposal of used household batteries of the  
21 types listed in subparagraph (1) which are distri-  
22 buted, sold, or offered for retail sale in the state.  
23 For the purposes of this paragraph, "proper disposal"  
24 means disposal which complies with all applicable  
25 state and federal laws. All participants in the  
26 stream of commerce relating to the batteries, which  
27 are listed in subparagraph (1) and which are not  
28 designated as exempt pursuant to section 455D.10B,  
29 subsection 2, paragraph "c" or "d", shall,  
30 individually or collectively, be responsible for  
31 developing and operating a system for collecting and  
32 transporting used batteries to the appropriate dry  
33 cell battery manufacturer or to a site or facility  
34 designated by a manufacturer. Additionally, dry cell  
35 battery manufacturers shall be responsible for proper  
36 disposal of the used batteries.

37 b. To meet the recycling and disposal requirements  
38 of this subsection, participants in the systems  
39 established under this subsection, either individually  
40 or collectively, shall do all of the following:

41 (1) Identify a collection entity, other than a  
42 local government collection system, unless the local  
43 government agrees otherwise, through which the  
44 discarded batteries listed in paragraph "a",  
45 subparagraph (1) shall be returned for collection and  
46 recycling or disposal.

47 (2) Inform each customer of the prohibition of  
48 disposal of batteries listed in paragraph "a",  
49 subparagraph (1), and a safe and convenient return  
50 process available to the customer for recycling or

H-6080

H-6080

Page 6

1 proper disposal.

2 c. After July 1, 1996, nickel-cadmium, sealed lead  
3 acid, or mercuric oxide household batteries shall not  
4 be sold, distributed, or offered for sale in the  
5 state, unless a system required by this section is in  
6 operation.

7 d. The department may make recommendations to the  
8 commission to include other types of household or  
9 rechargeable batteries, not enumerated in paragraph  
10 "a", subparagraph ( ), in the requirements of this  
11 subsection.

12 e. This subsection does not apply to batteries  
13 subject to regulation under the federal Resource  
14 Conservation and Recovery Act, 42 U.S.C. § 6901, et  
15 seq.

16 4. RULES ADOPTED. The commission shall adopt,  
17 upon recommendation of the director, the rules  
18 necessary to carry out the provisions of this section  
19 pursuant to chapter 17A.

20 5. PENALTIES. A person violating a provision of  
21 this section is subject to a civil penalty of not more  
22 than ten thousand dollars per day of violation.

23 Sec. . NEW SECTION. 455D.10B BATTERIES USED  
24 IN RECHARGEABLE CONSUMER PRODUCTS.

25 1. A person shall not distribute, sell, or offer  
26 for retail sale in the state a rechargeable consumer  
27 product manufactured on or after January 1, 1994,  
28 unless all of the following conditions are met:

29 a. The battery can be easily removed by the  
30 consumer, or is contained in a battery pack that is  
31 separate from the product and can be easily removed.

32 b. The product, the battery, and the product  
33 package are clearly labeled to indicate that the  
34 battery must be recycled or disposed of properly, and  
35 meets the requirements of the international standards  
36 organization (ISO 7000-1135) recycling symbol which  
37 includes the designation "Cd" for nickel-cadmium  
38 batteries and "Pb" for small lead batteries.

39 2. A rechargeable consumer product manufacturer  
40 may apply to the department for exemption from the  
41 requirements of subsection 1 if any of the following  
42 apply:

43 a. The product cannot be redesigned or  
44 manufactured to comply with the requirements prior to  
45 January 1, 1994.

46 b. The redesign of the product to comply with the  
47 requirements would result in significant danger to  
48 public health and safety.

49 c. The battery poses no unreasonable hazard to  
50 public health, safety, or the environment when placed

H-6080

-6-

H-6078

1 Amend the Senate amendment, H-5889, to House File  
2 2205, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 2 the fol-  
5 lowing:

6 "\_\_\_\_\_. Page 1, by inserting before line 1 the  
7 following:

8 "Section 1. Section 28G.1, Code 1991, is amended  
9 to read as follows:

10 28G.1 PURPOSE.

11 The purpose of this chapter is to allow two or more  
12 local governments to form a public service monopoly  
13 when they find that a public service monopoly is an  
14 effective means to protect the public health and  
15 welfare, and the environment through adequate any of  
16 the following:

17 1. Adequate solid waste collection,  
18 transportation, storage and disposal practices and-is  
19 which are the only effective means of allowing the  
20 construction and utilization of a resource recovery  
21 facility for the recycling of solid waste for use as  
22 an energy source.

23 2. The implementation of other solid waste  
24 management projects, such as source reduction and  
25 recycling, which are part of an approved comprehensive  
26 plan required under section 455B.306, and if the  
27 formation of a public service monopoly is the only  
28 effective means of accomplishing solid waste reduction  
29 and recycling. The public service monopoly shall  
30 utilize private recycling industries in the service  
31 area when possible.

32 Sec. 2. Section 28G.2, Code 1991, is amended by  
33 adding the following new subsection:

34 NEW SUBSECTION. 3. "Solid waste management  
35 project" means a project which is part of the  
36 comprehensive plan, approved by the director of the  
37 department of natural resources pursuant to section  
38 455B.306, to establish and implement the comprehensive  
39 solid waste reduction program of a city or county.

40 Sec. 3. Section 28G.3, Code 1991, is amended to  
41 read as follows:

42 28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.

43 If two or more local governments find that the only  
44 effective means of allowing the construction and  
45 utilization of a resource recovery facility for the  
46 recycling of solid waste for use as an energy source  
47 or to implement solid waste management projects as  
48 defined in section 28G.2 is to create a public service  
49 monopoly, a legal entity shall be created pursuant to  
50 chapter 28E by agreement of two or more local

B-6078

Z-6078

Page 2

1 governments to displace competition with regulation  
2 and monopoly of a public service for the collection,  
3 transportation, storage, and disposal, or diversion of  
4 solid waste to the extent reasonably necessary to  
5 carry out these functions. The agreement is subject  
6 to approval of the environmental protection commission  
7 before it becomes effective.

8 Sec. 4. Section 28G.4, subsections 3 and 4, Code  
9 1991, are amended to read as follows:

10 3. Enter into contracts for construction and may  
11 contract, license, or permit the construction of  
12 resource recovery facilities for recycling of solid  
13 waste for an energy source or of facilities necessary  
14 to implement solid waste management projects as  
15 defined in section 28G.2.

16 4. Require the use of the resource recovery  
17 facilities or of facilities necessary to implement  
18 solid waste management projects as defined in section  
19 28G.2, by any person who can be effectively served by  
20 the facilities. However, this subsection does not  
21 prohibit a private agency from dumping or depositing  
22 solid waste resulting from its own residential,  
23 farming, manufacturing, mining, or commercial  
24 activities on land owned or leased by it if the action  
25 does not violate any statute of this state or rules  
26 promulgated adopted by the environmental protection  
27 commission or local boards of health or local  
28 ordinances."

29 2. Page 2, by striking lines 11 through 27 and  
30 inserting the following:

31 ""Sec. \_\_\_\_ . Section 455B.310, subsection 10, Code  
32 Supplement 1991, is amended to read as follows:

33 10. Notwithstanding the tonnage fee schedule  
34 prescribed under subsection 2, foundry material that  
35 is deposited at a permitted sanitary landfill and used  
36 to replace material that would otherwise be purchased  
37 and transported from off-site for daily cover, shall  
38 be subject to the following fees:

39 a. For the fiscal year beginning July 1, 1991  
40 1992, and ending June 30, 1992 1993, the tonnage fee  
41 is one dollar for each ton of foundry material which  
42 is-not-more-than-forty-percent-of-the-total-amount-of  
43 foundry-material deposited at the sanitary landfill  
44 for daily cover by any one source. The-amount-of  
45 foundry-material-deposited-at-the-sanitary-landfill  
46 which-is-greater-than-forty-percent-of-the-total  
47 amount-deposited-by-any-one-source-is-subject-to-the  
48 tonnage-fee-imposed-in-subsection-2-on-other-solid  
49 waste.

50 The fees collected pursuant to this paragraph shall

H-6078

Page 3

1 be deposited in the groundwater protection fund  
2 established pursuant to section 455E.11. Of each  
3 dollar per ton of foundry material collected, fifty  
4 cents shall be used in accordance with section  
5 455E.11, subsection 2, paragraph "a", subparagraph (8)  
6 and fifty cents shall be used in accordance with  
7 section 455E.11, subsection 2, paragraph "a",  
8 subparagraph (9).

9 b. For the fiscal year beginning July 1, 1992  
10 1993, and ending June 30, 1993 1994, the tonnage fee  
11 is one dollar and fifty cents for each ton of foundry  
12 material ~~which is not more than forty percent of the~~  
13 ~~total amount of foundry material~~ deposited at the  
14 sanitary landfill for daily cover by any one source.  
15 ~~The amount of foundry material deposited at the~~  
16 ~~sanitary landfill which is greater than forty percent~~  
17 ~~of the total amount deposited by any one source is~~  
18 ~~subject to the tonnage fee imposed in subsection 2 on~~  
19 ~~other solid waste.~~

20 The fees collected pursuant to this paragraph shall  
21 be deposited in the groundwater protection fund  
22 established pursuant to section 455E.11. Of each  
23 dollar and fifty cents per ton of foundry material  
24 collected, fifty cents shall be used in accordance  
25 with section 455E.11, subsection 2, paragraph "a",  
26 subparagraph (8) and one dollar shall be used in  
27 accordance with section 455E.11, subsection 2,  
28 paragraph "a", subparagraph (9).

29 c. For each fiscal year beginning on or after July  
30 1, 1993 1994, the tonnage fee imposed is the tonnage  
31 fee imposed in subsection 2 on other solid waste."

32 3. Page 2, by striking line 36 and inserting the  
33 following:

34 "\_\_\_\_. Page 3, line 15, by inserting after the  
35 figure "8." the following: "Beginning September 1,  
36 1992, the final disposal of beverage containers  
37 containing alcoholic liquor as defined in section  
38 123.3, subsection 8, by a dealer, distributor, or  
39 manufacturer, or person operating a redemption center  
40 in a sanitary landfill, is prohibited."

41 4. Page 2, by inserting after line 38 the  
42 following:

43 "Sec. \_\_\_\_ . NEW SECTION. 455D.10A HOUSEHOLD  
44 BATTERIES -- HEAVY METAL CONTENT AND RECYCLING  
45 REQUIREMENTS.

46 1. DEFINITIONS. As used in this section and in  
47 section 455D.10B unless the context otherwise  
48 requires:

49 a. "Button cell battery" means a household battery  
50 which resembles a button or coin in size and shape.

H-6078

H-6078

Page 4

- 1 b. "Consumer" means a person who purchases  
2 household batteries for personal or business use.
- 3 c. "Easily removed" means a battery or battery  
4 pack which can be removed from a battery-powered  
5 product by the consumer, using common household tools.
- 6 d. "Household battery" means any type of dry cell  
7 battery used by consumers, including but not limited  
8 to mercuric oxide, carbon-zinc, zinc air, silver  
9 oxide, nickel-cadmium, nickel-hydride, alkaline,  
10 lithium, or sealed lead acid batteries.
- 11 e. "Institutional generator" means a governmental,  
12 commercial, industrial, communications, or medical  
13 facility which generates waste mercuric oxide, nickel-  
14 cadmium, or sealed lead acid rechargeable batteries.
- 15 f. "Rechargeable consumer product" means a product  
16 that is primarily powered by a rechargeable battery  
17 and is primarily used or purchased to be used for  
18 household purposes.
- 19 g. "Rechargeable household battery" means a small  
20 sealed nickel-cadmium or sealed lead acid battery used  
21 for nonvehicular purposes and weighing less than  
22 twenty-five pounds, which can be recharged by the  
23 consumer and reused.
- 24 2. MERCURY CONTENT LIMITED. Beginning July 1,  
25 1993, a person shall not sell, distribute, or offer  
26 for retail sale in this state an alkaline manganese  
27 battery that contains more than twenty-five one-  
28 thousandths of a percent mercury by weight, or a  
29 button cell battery which contains more than twenty-  
30 five milligrams of mercury. Effective January 1,  
31 1996, a person shall not sell, distribute, or offer  
32 for sale at retail in this state an alkaline manganese  
33 household battery to which mercury has been added.
- 34 3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD  
35 BATTERIES.
- 36 a. Beginning July 1, 1996, a system or systems  
37 shall be in place to protect the health and safety of  
38 Iowans, and the state's environment, from the toxic  
39 components of used household batteries. The system or  
40 systems shall include at least one of the following  
41 elements:
- 42 (1) Elimination or reduction to the extent  
43 established by rule of the department, of heavy metals  
44 and other toxic components in nickel-cadmium, mercuric  
45 oxide, or sealed lead acid household batteries, to  
46 ensure protection of public health, safety, and the  
47 environment when placed in or disposed of as part of  
48 mixed municipal solid waste.
- 49 (2) Establishment of a comprehensive recycling  
50 program for each type of battery listed in

H-6078

-4-



H-6078

Page 5

1 subparagraph (1) that is sold, distributed, or offered  
2 for sale in this state. An institutional generator  
3 shall provide for the on-site source separation and  
4 collection of used mercuric oxide batteries, nickel-  
5 cadmium rechargeable batteries, and sealed lead acid  
6 rechargeable batteries. All participants in the  
7 stream of commerce relating to the batteries listed in  
8 subparagraph (1) shall, individually or collectively,  
9 be responsible for developing and operating a system  
10 for collecting and transporting used batteries to the  
11 appropriate dry cell battery manufacturer. Dry cell  
12 battery manufacturers shall be responsible for the  
13 recycling of used batteries in an environmentally  
14 sound manner.

15 (3) Provision for collection, transporting, and  
16 proper disposal of used household batteries of the  
17 types listed in subparagraph (1) which are distri-  
18 buted, sold, or offered for retail sale in the state.  
19 For the purposes of this paragraph, "proper disposal"  
20 means disposal which complies with all applicable  
21 state and federal laws. All participants in the  
22 stream of commerce relating to the batteries listed in  
23 subparagraph (1) shall, individually or collectively,  
24 be responsible for developing and operating a system  
25 for collecting and transporting used batteries to the  
26 appropriate dry cell battery manufacturer. Dry cell  
27 battery manufacturers shall be responsible for proper  
28 disposal of the used batteries.

29 b. To meet the recycling and disposal requirements  
30 of this subsection, participants in the systems  
31 established under this subsection, either individually  
32 or collectively, shall do all of the following:

33 (1) Identify a collection entity, other than a  
34 local government collection system, unless the local  
35 government agrees otherwise, through which the  
36 discarded batteries listed in paragraph "a",  
37 subparagraph (1) shall be returned for collection and  
38 recycling or disposal.

39 (2) Inform each customer of the prohibition of  
40 disposal of batteries listed in paragraph "a",  
41 subparagraph (1), and a safe and convenient return  
42 process available to the customer for recycling or  
43 proper disposal.

44 c. After July 1, 1996, nickel-cadmium, sealed lead  
45 acid, or mercuric oxide household batteries shall not  
46 be sold, distributed, or offered for sale in the  
47 state, unless a system required by this section is in  
48 operation.

49 d. The department may make recommendations to the  
50 commission to include other types of household or

H-6078

-5-

1 rechargeable batteries, not enumerated in paragraph  
2 "a", subparagraph (1), in the requirements of this  
3 subsection.

4 e. This subsection does not apply to batteries  
5 subject to regulation under the federal Resource  
6 Conservation and Recovery Act, 42 U.S.C. § 6901, et  
7 seq.

8 4. RULES ADOPTED. The commission shall adopt,  
9 upon recommendation of the director, the rules  
10 necessary to carry out the provisions of this section  
11 pursuant to chapter 17A.

12 5. PENALTIES. A person violating a provision of  
13 this section is subject to a civil penalty of not more  
14 than ten thousand dollars per day of violation.

15 Sec. \_\_\_\_ . NEW SECTION. 455D.10B RECHARGEABLE  
16 BATTERIES FOR CONSUMER PRODUCTS.

17 1. A person shall not distribute, sell, or offer  
18 for retail sale in the state a rechargeable consumer  
19 product manufactured on or after January 1, 1994,  
20 unless all of the following conditions are met:

21 a. The battery can be easily removed by the  
22 consumer, or is contained in a battery pack that is  
23 separate from the product and can be easily removed.

24 b. The product, the battery, and the product  
25 package are clearly labeled to indicate that the  
26 battery must be recycled or disposed of properly, and  
27 meets the requirements of the international standards  
28 organization (ISO 7000-1135) recycling symbol which  
29 includes the designation "Cd" for nickel-cadmium  
30 batteries and "Pb" for small lead batteries.

31 2. A consumer product manufacturer may apply to  
32 the department for exemption from the requirements of  
33 subsection 1 if any of the following apply:

34 a. The product cannot be redesigned or  
35 manufactured to comply with the requirements prior to  
36 January 1, 1994.

37 b. The redesign of the product to comply with the  
38 requirements would result in significant danger to  
39 public health and safety.

40 c. The battery poses no unreasonable hazard to  
41 public health, safety, or the environment when placed  
42 in and processed or disposed of as part of mixed  
43 municipal solid waste, pursuant to section 455D.10A.

44 d. The consumer product manufacturer has in  
45 operation a program to recycle used batteries in an  
46 environmentally sound manner.

47 3. An exemption granted by the department under  
48 subsection 2, paragraph "a" is limited to a maximum of  
49 two years, but may be renewed."

50 5. Title page, line 1, by inserting after the

1 word "waste" the following: "and providing a  
2 penalty".

3 6. By renumbering as necessary.

By SHOULTZ of Black Hawk

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 2205

S-5920

1 Amend the Senate amendment, H-5889, to House File  
2 2205, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 2 the fol-  
5 lowing:

6 "\_\_\_\_\_. Page 1, by inserting before line 1 the  
7 following:

8 "Section 1. Section 28G.1, Code 1991, is amended  
9 to read as follows:

10 28G.1 PURPOSE.

11 The purpose of this chapter is to allow two or more  
12 local governments to form a public service monopoly  
13 when they find that a public service monopoly is an  
14 effective means to protect the public health and  
15 welfare, and the environment through adequate any of  
16 the following:

17 1. Adequate solid waste collection,  
18 transportation, storage and disposal practices and is  
19 which are the only effective means of allowing the  
20 construction and utilization of a resource recovery  
21 facility for the recycling of solid waste for use as  
22 an energy source.

23 2. The implementation of other solid waste  
24 management projects, such as source reduction and  
25 recycling, which are part of an approved comprehensive  
26 plan required under section 455B.306, and if the  
27 formation of a public service monopoly is the only  
28 effective means of accomplishing solid waste reduction  
29 and recycling. The public service monopoly shall  
30 utilize private recycling industries in the service  
31 area when possible.

32 Sec. 2. Section 28G.2, Code 1991, is amended by  
33 adding the following new subsection:

34 NEW SUBSECTION. 3. "Solid waste management  
35 project" means a project which is part of the  
36 comprehensive plan, approved by the director of the  
37 department of natural resources pursuant to section  
38 455B.306, to establish and implement the comprehensive  
39 solid waste reduction program of a city or county.

40 Sec. 3. Section 28G.3, Code 1991, is amended to  
41 read as follows:

42 28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.

43 If two or more local governments find that the only  
44 effective means of allowing the construction and  
45 utilization of a resource recovery facility for the  
46 recycling of solid waste for use as an energy source  
47 or to implement solid waste management projects as  
48 defined in section 28G.2 is to create a public service  
49 monopoly, a legal entity shall be created pursuant to  
50 chapter 28E by agreement of two or more local

S-5920

-1-

S-5920

Page 2

1 governments to displace competition with regulation  
2 and monopoly of a public service for the collection,  
3 transportation, storage, and disposal, or diversion of  
4 solid waste to the extent reasonably necessary to  
5 carry out these functions. The agreement is subject  
6 to approval of the environmental protection commission  
7 before it becomes effective.

8 Sec. 4. Section 28G.4, subsections 3 and 4, Code  
9 1991, are amended to read as follows:

10 3. Enter into contracts for construction and may  
11 contract, license, or permit the construction of  
12 resource recovery facilities for recycling of solid  
13 waste for an energy source or of facilities necessary  
14 to implement solid waste management projects as  
15 defined in section 28G.2.

16 4. Require the use of the resource recovery  
17 facilities or of facilities necessary to implement  
18 solid waste management projects as defined in section  
19 28G.2, by any person who can be effectively served by  
20 the facilities. However, this subsection does not  
21 prohibit a private agency from dumping or depositing  
22 solid waste resulting from its own residential,  
23 farming, manufacturing, mining, or commercial  
24 activities on land owned or leased by it if the action  
25 does not violate any statute of this state or rules  
26 promulgated adopted by the environmental protection  
27 commission or local boards of health or local  
28 ordinances.""

29 2. Page 2, by striking line 36 and inserting the  
30 following:

31 " . Page 3, line 15, by inserting after the  
32 figure "8." the following: "Beginning September 1,  
33 1992, the final disposal of beverage containers used  
34 to contain alcoholic liquor as defined in section  
35 123.3, subsection 8, by a dealer, distributor, or  
36 manufacturer, or person operating a redemption center  
37 in a sanitary landfill, is prohibited.""

38 3. Page 2, by inserting after line 38 the  
39 following:

40 "Sec. . NEW SECTION. 455D.10A HOUSEHOLD  
41 BATTERIES -- HEAVY METAL CONTENT AND RECYCLING  
42 REQUIREMENTS.

43 1. DEFINITIONS. As used in this section and in  
44 section 455D.10B unless the context otherwise  
45 requires:

46 a. "Button cell battery" means a household battery  
47 which resembles a button or coin in size and shape.

48 b. "Consumer" means a person who purchases  
49 household batteries for personal or business use.

50 c. "Easily removed" means a battery or battery

S-5920

-2-

S-5920

Page 3

1 pack which can be removed from a battery-powered  
2 product by the consumer, using common household tools.

3 d. "Household battery" means any type of dry cell  
4 battery used by consumers, including but not limited  
5 to mercuric oxide, carbon-zinc, zinc air, silver  
6 oxide, nickel-cadmium, nickel-hydride, alkaline,  
7 lithium, or sealed lead acid batteries.

8 e. "Institutional generator" means a governmental,  
9 commercial, industrial, communications, or medical  
10 facility which generates waste mercuric oxide, nickel-  
11 cadmium, or sealed lead acid rechargeable batteries.

12 f. "Rechargeable consumer product" means a product  
13 that is primarily powered by a rechargeable battery  
14 and is primarily used or purchased to be used for  
15 household purposes.

16 g. "Rechargeable household battery" means a small  
17 sealed nickel-cadmium or sealed lead acid battery used  
18 for nonvehicular purposes and weighing less than  
19 twenty-five pounds, which can be recharged by the  
20 consumer and reused.

21 2. MERCURY CONTENT LIMITED. Beginning July 1,  
22 1993, a person shall not sell, distribute, or offer  
23 for retail sale in this state an alkaline manganese  
24 battery that contains more than twenty-five one-  
25 thousandths of a percent mercury by weight, or a  
26 button cell battery which contains more than twenty-  
27 five milligrams of mercury. Effective January 1,  
28 1996, a person shall not sell, distribute, or offer  
29 for sale at retail in this state an alkaline manganese  
30 household battery to which mercury has been added.

31 3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD  
32 BATTERIES.

33 a. Beginning July 1, 1996, a system or systems  
34 shall be in place to protect the health and safety of  
35 Iowans, and the state's environment, from the toxic  
36 components of used household batteries. The system or  
37 systems shall include at least one of the following  
38 elements:

39 (1) Elimination or reduction to the extent  
40 established by rule of the department, of heavy metals  
41 and other toxic components in nickel-cadmium, mercuric  
42 oxide, or sealed lead acid household batteries, to  
43 ensure protection of public health, safety, and the  
44 environment when placed in or disposed of as part of  
45 mixed municipal solid waste.

46 (2) Establishment of a comprehensive recycling  
47 program for each type of battery listed in  
48 subparagraph (1) that is sold, distributed, or offered  
49 for sale in this state. An institutional generator  
50 shall provide for the on-site source separation and

S-5920

-3-

S-5920

Page 4

1 collection of used mercuric oxide batteries, nickel-  
2 cadmium rechargeable batteries, and sealed lead acid  
3 rechargeable batteries. All participants in the  
4 stream of commerce relating to the batteries, which  
5 are listed in subparagraph (1) and which are not  
6 designated as exempt pursuant to section 455D.10B,  
7 subsection 2, paragraph "c" or "d", shall,  
8 individually or collectively, be responsible for  
9 developing and operating a system for collecting and  
10 transporting used batteries to the appropriate dry  
11 cell battery manufacturer or to a site or facility  
12 designated by a manufacturer. Additionally, dry cell  
13 battery manufacturers shall be responsible for the  
14 recycling of used batteries in an environmentally  
15 sound manner.

16 (3) Provision for collection, transporting, and  
17 proper disposal of used household batteries of the  
18 types listed in subparagraph (1) which are distri-  
19 buted, sold, or offered for retail sale in the state.  
20 For the purposes of this paragraph, "proper disposal"  
21 means disposal which complies with all applicable  
22 state and federal laws. All participants in the  
23 stream of commerce relating to the batteries, which  
24 are listed in subparagraph (1) and which are not  
25 designated as exempt pursuant to section 455D.10B,  
26 subsection 2, paragraph "c" or "d", shall,  
27 individually or collectively, be responsible for  
28 developing and operating a system for collecting and  
29 transporting used batteries to the appropriate dry  
30 cell battery manufacturer or to a site or facility  
31 designated by a manufacturer. Additionally, dry cell  
32 battery manufacturers shall be responsible for proper  
33 disposal of the used batteries.

34 b. To meet the recycling and disposal requirements  
35 of this subsection, participants in the systems  
36 established under this subsection, either individually  
37 or collectively, shall do all of the following:

38 (1) Identify a collection entity, other than a  
39 local government collection system, unless the local  
40 government agrees otherwise, through which the  
41 discarded batteries listed in paragraph "a",  
42 subparagraph (1) shall be returned for collection and  
43 recycling or disposal.

44 (2) Inform each customer of the prohibition of  
45 disposal of batteries listed in paragraph "a",  
46 subparagraph (1), and a safe and convenient return  
47 process available to the customer for recycling or  
48 proper disposal.

49 c. After July 1, 1996, nickel-cadmium, sealed lead  
50 acid, or mercuric oxide household batteries shall not

S-5920

S-5920

Page 5

1 be sold, distributed, or offered for sale in the  
2 state, unless a system required by this section is in  
3 operation.

4 d. The department may make recommendations to the  
5 commission to include other types of household or  
6 rechargeable batteries, not enumerated in paragraph  
7 "a", subparagraph (1), in the requirements of this  
8 subsection.

9 e. This subsection does not apply to batteries  
10 subject to regulation under the federal Resource  
11 Conservation and Recovery Act, 42 U.S.C. § 6901, et  
12 seq.

13 4. RULES ADOPTED. The commission shall adopt,  
14 upon recommendation of the director, the rules  
15 necessary to carry out the provisions of this section  
16 pursuant to chapter 17A.

17 5. PENALTIES. A person violating a provision of  
18 this section is subject to a civil penalty of not more  
19 than ten thousand dollars per day of violation.

20 Sec.         . NEW SECTION. 455D.10B BATTERIES USED  
21 IN RECHARGEABLE CONSUMER PRODUCTS.

22 1. A person shall not distribute, sell, or offer  
23 for retail sale in the state a rechargeable consumer  
24 product manufactured on or after January 1, 1994,  
25 unless all of the following conditions are met:

26 a. The battery can be easily removed by the  
27 consumer, or is contained in a battery pack that is  
28 separate from the product and can be easily removed.

29 b. The product, the battery, and the product  
30 package are clearly labeled to indicate that the  
31 battery must be recycled or disposed of properly, and  
32 meets the requirements of the international standards  
33 organization (ISO 7000-1135) recycling symbol which  
34 includes the designation "Cd" for nickel-cadmium  
35 batteries and "Pb" for small lead batteries.

36 2. A rechargeable consumer product manufacturer  
37 may apply to the department for exemption from the  
38 requirements of subsection 1 if any of the following  
39 apply:

40 a. The product cannot be redesigned or  
41 manufactured to comply with the requirements prior to  
42 January 1, 1994.

43 b. The redesign of the product to comply with the  
44 requirements would result in significant danger to  
45 public health and safety.

46 c. The battery poses no unreasonable hazard to  
47 public health, safety, or the environment when placed  
48 in and processed or disposed of as part of mixed  
49 municipal solid waste, pursuant to section 455D.10A.

50 d. The consumer product manufacturer has in

S-5920

-5-

S-5920

Page 6

1 operation a program to recycle used batteries in an  
2 environmentally sound manner.

3 3. An exemption granted by the department under  
4 subsection 2, paragraph "a" is limited to a maximum of  
5 two years, but may be renewed."

6 4. Title page, line 1, by inserting after the  
7 word "waste" the following: "and providing a  
8 penalty".

9 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5920 FILED APRIL 30, 1992

CONCURRED (p. 1783)



1-22-92 Amend/so Pass HSB 515

ENERGY AND ENVIRONMENTAL PROTECTION

*Now*

HOUSE FILE

*2205*

BY (PROPOSED COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION BILL BY CHAIRPERSON OSTERBERG)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to sanitary landfills.

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

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**SUB COMMITTEE ASSIGNMENTS**  
*Chair: Shultz*  
**COMMITTEE: Energy**  
*1-16-92*

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 455B.305, subsection 6, Code 1991, is  
2 amended to read as follows:

3 6. Beginning July 1, 1992, the director shall not issue,  
4 ~~renew, or reissue~~ a permit for a sanitary landfill unless the  
5 sanitary landfill is equipped with a leachate control system.  
6 Beginning July 1, 1992, the director shall not renew or  
7 reissue a permit for an existing sanitary landfill with a  
8 demonstrated negative environmental impact unless the sanitary  
9 landfill is equipped with a leachate control system. The  
10 director may exempt a permit applicant from ~~this requirement~~  
11 these requirements if the director determines that certain  
12 conditions regarding, but not limited to, existing physical  
13 conditions, topography, soil, geology, and climate, are such  
14 that a leachate control system is unnecessary.

15 Sec. 2. Section 455B.310, subsection 2, paragraph a, Code  
16 Supplement 1991, is amended to read as follows:

17 a. The tonnage fee is twenty-five cents per ton of solid  
18 waste. However, for the year beginning July 1, 1988, the  
19 tonnage fee is one dollar and fifty cents per ton of solid  
20 waste and shall increase annually in the amount of fifty cents  
21 per ton through July 1, 1992. A county in which a privately  
22 operated landfill accepts solid waste from outside of the  
23 county ~~may~~ shall charge an additional tonnage fee for the  
24 disposal of solid waste at the sanitary landfill which is not  
25 more than one hundred percent of the fee otherwise established  
26 in this section. The additional fee charged and the moneys  
27 collected shall be used exclusively for the development and  
28 implementation of alternatives to sanitary landfills or for  
29 the costs incurred by the county to abate problems associated  
30 with the operation of the sanitary landfill.

31 Sec. 3. Section 455C.16, Code Supplement 1991, is amended  
32 to read as follows:

33 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY  
34 LANDFILL PROHIBITED.

35 Beginning July 1, 1990, the final disposal of beverage

1 containers by a dealer, distributor, or manufacturer, or  
2 person operating a redemption center, in a sanitary landfill,  
3 is prohibited, ~~except for beverage containers containing~~  
4 ~~alcoholic liquor as defined in section 123-37 subsection 8.~~

5 Sec. 4. LEACHATE CONTROL STUDY. The department shall  
6 conduct a study to determine the most efficient leachate  
7 control technology available or under development and shall  
8 make recommendations to the general assembly by January 15,  
9 1993, regarding leachate control requirements for existing  
10 landfills for which no negative environmental impact has been  
11 demonstrated.

12 EXPLANATION

13 This bill amends provisions relating to leachate control  
14 requirements for sanitary landfills. The bill amends language  
15 which is currently permissive to require that an additional  
16 tonnage fee be charged by counties which accept solid waste  
17 from outside the county and that the money be used for the  
18 development and implementation of alternatives to sanitary  
19 landfills or for costs incurred by the county to abate  
20 problems associated with a sanitary landfill. The bill also  
21 removes the exemption for alcoholic beverage containers from  
22 prohibited disposal in a sanitary landfill. Finally, the bill  
23 directs the department of natural resources to conduct a study  
24 to determine the most efficient leachate control technology  
25 available and to make recommendations to the general assembly  
26 by January 15, 1993, regarding leachate control requirements  
27 for existing landfills with no demonstrated negative  
28 environmental impact. This bill may create a state mandate  
29 under chapter 25B.

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 This bill provides that local siting procedures are  
2 applicable to sanitary landfills and all incinerators,  
3 including landfills of private agencies which generate waste  
4 on the property owned by the private agency.

5 The bill also provides local siting appeal procedures for  
6 these sanitary landfills and incinerators. The bill is  
7 effective upon enactment. This bill may create a state  
8 mandate under chapter 25B.

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HOUSE FILE 2205

AN ACT  
RELATING TO SOLID WASTE AND PROVIDING A PENALTY.

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

Section 1. Section 28G.1, Code 1991, is amended to read as follows:

28G.1 PURPOSE.

The purpose of this chapter is to allow two or more local governments to form a public service monopoly when they find that a public service monopoly is an effective means to protect the public health and welfare, and the environment through adequate any of the following:

1. Adequate solid waste collection, transportation, storage and disposal practices and-is which are the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source.

2. The implementation of other solid waste management projects, such as source reduction and recycling, which are part of an approved comprehensive plan required under section 455B.306, and if the formation of a public service monopoly is the only effective means of accomplishing solid waste reduction and recycling. The public service monopoly shall utilize private recycling industries in the service area when possible.

Sec. 2. Section 28G.2, Code 1991, is amended by adding the following new subsection:

**NEW SUBSECTION.** 3. "Solid waste management project" means a project which is part of the comprehensive plan, approved by the director of the department of natural resources pursuant to section 455B.306, to establish and implement the comprehensive solid waste reduction program of a city or

county.

Sec. 3. Section 28G.3, Code 1991, is amended to read as follows:

28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.

If two or more local governments find that the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source or to implement solid waste management projects as defined in section 28G.2 is to create a public service monopoly, a legal entity shall be created pursuant to chapter 28E by agreement of two or more local governments to displace competition with regulation and monopoly of a public service for the collection, transportation, storage, and disposal, or diversion of solid waste to the extent reasonably necessary to carry out these functions. The agreement is subject to approval of the environmental protection commission before it becomes effective.

Sec. 4. Section 28G.4, subsections 3 and 4, Code 1991, are amended to read as follows:

3. Enter into contracts for construction and may contract, license, or permit the construction of resource recovery facilities for recycling of solid waste for an energy source or of facilities necessary to implement solid waste management projects as defined in section 28G.2.

4. Require the use of the resource recovery facilities or of facilities necessary to implement solid waste management projects as defined in section 28G.2, by any person who can be effectively served by the facilities. However, this subsection does not prohibit a private agency from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities on land owned or leased by it if the action does not violate any statute of this state or rules promulgated adopted by the environmental protection commission or local boards of health

or local ordinances.

Sec. 5. Section 455B.304, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 16. The commission shall adopt rules which require all sanitary landfills in which the tonnage fee pursuant to section 455B.310 is imposed, to install scales by January 1, 1994.

NEW SUBSECTION. 17. The commission shall adopt rules which prohibit the land application of petroleum contaminated soils on flood plains.

Sec. 6. Section 455B.305, subsection 6, Code 1991, is amended to read as follows:

6. ~~Beginning July 1, 1992, the director shall not issue, renew, or reissue a permit for a sanitary landfill unless the sanitary landfill is equipped with a leachate control system.~~ Beginning July 1, 1994, the director shall not renew or reissue a permit for an existing sanitary landfill unless the sanitary landfill is equipped with a leachate control system. During the period from July 1, 1992, through June 30, 1994, the director may require an existing sanitary landfill to install a leachate control system if leachate from the sanitary landfill is adversely impacting the public health or safety or the environment. During the period from July 1, 1992, through June 30, 1994, the director shall require an existing sanitary landfill to install a leachate control system if the sanitary landfill has not submitted a completed hydrogeological plan to the department. The director may exempt a permit applicant from ~~this requirement~~ these requirements if the director determines that certain conditions regarding, but not limited to, existing physical conditions, topography, soil, geology, and climate, are such that a leachate control system is unnecessary.

Sec. 7. Section 455B.306, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A completed plan for the control and treatment of leachate, submitted to meet the requirements of section 455B.305, subsection 6, shall be reviewed by the director, and the director shall reject, suggest modifications, or approve the completed plan within six months of submittal of the plan. If no action is taken within the six-month period, the plan shall be considered approved. However, the director may require updating of the plan at the time of renewal or reissuance of a previously issued permit.

Sec. 8. Section 455B.306, subsection 5, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A description of the service area to be served by the city, county, or private agency under the comprehensive plan. A comprehensive plan shall not include a service area, any part of which is included in another comprehensive plan.

Sec. 9. Section 455B.306, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 8. If a city, county, or private agency does not incorporate the elements of the solid waste hierarchy of the state solid waste management policy in a proposed initial or adopted comprehensive plan, the city council or county board of supervisors governing the city or county in which the sanitary landfill is proposed to be located or is located shall hold a public hearing to address the basis for not including any of the elements in the plan.

NEW SUBSECTION. 9. A city council or county board of supervisors governing the area in which a sanitary disposal project is proposed to be located or is located shall hold a public hearing to address the issue of including or not including local curbside recycling in the comprehensive plan.

Sec. 10. NEW SECTION. 455B.307A DISCARDING OF SOLID WASTE -- PROHIBITIONS -- PENALTY.

1. For the purposes of this section, "discard" means to place, cause to be placed, throw, deposit, or drop.

2. A person shall not discard solid waste onto or in any water or land of the state, or into areas or receptacles provided for such purposes which are under the control of or used by a person who has not authorized the use of the receptacle by the person discarding the solid waste.

3. A person who violates this section is subject to a civil penalty not to exceed five hundred dollars for each violation.

Sec. 11. Section 455B.310, subsection 2, paragraph a, Code Supplement 1991, is amended to read as follows:

a. The tonnage fee is twenty-five cents per ton of solid waste. However, for the year beginning July 1, 1988, the tonnage fee is one dollar and fifty cents per ton of solid waste and shall increase annually in the amount of fifty cents per ton through July 1, 1992. ~~A county in which a privately operated landfill accepts solid waste from outside of the county may charge an additional tonnage fee for disposal of solid waste at the sanitary landfill which is not more than one hundred percent of the fee otherwise established in this section. The additional fee charged and the moneys collected shall be used exclusively for the development and implementation of alternatives to sanitary landfills or for the costs incurred by the county to abate problems associated with the operation of the sanitary landfill.~~ A city, county, or private agency which files a comprehensive plan to operate a sanitary landfill under section 455B.306 and which accepts solid waste from a service area not included in but contiguous to the service area included in the comprehensive plan, shall charge a tonnage fee for the disposal of that solid waste which is at least the amount of the current tonnage fee charged by the sanitary landfill representing the receiving service area or the sanitary landfill representing the service area from which the solid waste originated, whichever amount is greater. A sanitary landfill which accepts solid waste from a service area not included in and not contiguous to the

service area included in the comprehensive plan shall charge a tonnage fee for the disposal of the solid waste which is three hundred percent of the fee otherwise established in this section. The additional fee charged and the moneys collected shall be used in accordance with section 455E.11, subsection 2, paragraph "a", subparagraph (1), subparagraph subdivision (b).

Sec. 12. Section 455B.310, subsection 10, Code Supplement 1991, is amended by striking the subsection and inserting in lieu thereof the following:

10. a. Notwithstanding the tonnage fee schedule prescribed under subsection 2, foundry sand used by a sanitary landfill as daily cover, road base, or berm material or for other purposes defined as beneficial uses by rule of the department is exempt from imposition of the tonnage fee imposed under this section.

b. Sanitary landfills shall use foundry sand for beneficial uses as defined by rule of the department as a replacement for earthen material, if the foundry sand is generated by a foundry located within the state and if the foundry sand is provided to the sanitary landfill at no cost to the sanitary landfill.

Sec. 13. Section 455B.311, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Grants shall not be awarded to a city, county, or central planning agency if the entity has not submitted a completed hydrogeological plan to the department.

Sec. 14. Section 455C.16, Code Supplement 1991, is amended to read as follows:

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, ~~except for beverage containers containing~~

alcoholic liquor as defined in section 123.3, subsection 8. Beginning September 1, 1992, the final disposal of beverage containers used to contain alcoholic liquor as defined in section 123.3, subsection 8, by a dealer, distributor, or manufacturer, or person operating a redemption center in a sanitary landfill, is prohibited.

Sec. 15. **NEW SECTION.** 455D.10A HOUSEHOLD BATTERIES -- HEAVY METAL CONTENT AND RECYCLING REQUIREMENTS.

1. **DEFINITIONS.** As used in this section and in section 455D.10B unless the context otherwise requires:

a. "Button cell battery" means a household battery which resembles a button or coin in size and shape.

b. "Consumer" means a person who purchases household batteries for personal or business use.

c. "Easily removed" means a battery or battery pack which can be removed from a battery-powered product by the consumer, using common household tools.

d. "Household battery" means any type of dry cell battery used by consumers, including but not limited to mercuric oxide, carbon-zinc, zinc air, silver oxide, nickel-cadmium, nickel-hydride, alkaline, lithium, or sealed lead acid batteries.

e. "Institutional generator" means a governmental, commercial, industrial, communications, or medical facility which generates waste mercuric oxide, nickel-cadmium, or sealed lead acid rechargeable batteries.

f. "Rechargeable consumer product" means a product that is primarily powered by a rechargeable battery and is primarily used or purchased to be used for household purposes.

g. "Rechargeable household battery" means a small sealed nickel-cadmium or sealed lead acid battery used for nonvehicular purposes and weighing less than twenty-five pounds, which can be recharged by the consumer and reused.

2. **MERCURY CONTENT LIMITED.** Beginning July 1, 1993, a person shall not sell, distribute, or offer for retail sale in

this state an alkaline manganese battery that contains more than twenty-five one-thousandths of a percent mercury by weight, or a button cell battery which contains more than twenty-five milligrams of mercury. Effective January 1, 1996, a person shall not sell, distribute, or offer for sale at retail in this state an alkaline manganese household battery to which mercury has been added.

3. **RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD BATTERIES.**

a. Beginning July 1, 1996, a system or systems shall be in place to protect the health and safety of Iowans, and the state's environment, from the toxic components of used household batteries. The system or systems shall include at least one of the following elements:

(1) Elimination or reduction to the extent established by rule of the department, of heavy metals and other toxic components in nickel-cadmium, mercuric oxide, or sealed lead acid household batteries, to ensure protection of public health, safety, and the environment when placed in or disposed of as part of mixed municipal solid waste.

(2) Establishment of a comprehensive recycling program for each type of battery listed in subparagraph (1) that is sold, distributed, or offered for sale in this state. An institutional generator shall provide for the on-site source separation and collection of used mercuric oxide batteries, nickel-cadmium rechargeable batteries, and sealed lead acid rechargeable batteries. All participants in the stream of commerce relating to the batteries, which are listed in subparagraph (1) and which are not designated as exempt pursuant to section 455D.10B, subsection 2, paragraph "c" or "d", shall, individually or collectively, be responsible for developing and operating a system for collecting and transporting used batteries to the appropriate dry cell battery manufacturer or to a site or facility designated by a manufacturer. Additionally, dry cell battery manufacturers



shall be responsible for the recycling of used batteries in an environmentally sound manner.

(3) Provision for collection, transporting, and proper disposal of used household batteries of the types listed in subparagraph (1) which are distributed, sold, or offered for retail sale in the state. For the purposes of this paragraph, "proper disposal" means disposal which complies with all applicable state and federal laws. All participants in the stream of commerce relating to the batteries, which are listed in subparagraph (1) and which are not designated as exempt pursuant to section 455D.10B, subsection 2, paragraph "c" or "d", shall, individually or collectively, be responsible for developing and operating a system for collecting and transporting used batteries to the appropriate dry cell battery manufacturer or to a site or facility designated by a manufacturer. Additionally, dry cell battery manufacturers shall be responsible for proper disposal of the used batteries.

b. To meet the recycling and disposal requirements of this subsection, participants in the systems established under this subsection, either individually or collectively, shall do all of the following:

(1) Identify a collection entity, other than a local government collection system, unless the local government agrees otherwise, through which the discarded batteries listed in paragraph "a", subparagraph (1) shall be returned for collection and recycling or disposal.

(2) Inform each customer of the prohibition of disposal of batteries listed in paragraph "a", subparagraph (1), and a safe and convenient return process available to the customer for recycling or proper disposal.

c. After July 1, 1996, nickel-cadmium, sealed lead acid, or mercuric oxide household batteries shall not be sold, distributed, or offered for sale in the state, unless a system required by this section is in operation.

d. The department may make recommendations to the commission to include other types of household or rechargeable batteries, not enumerated in paragraph "a", subparagraph (1), in the requirements of this subsection.

e. This subsection does not apply to batteries subject to regulation under the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq.

4. RULES ADOPTED. The commission shall adopt, upon recommendation of the director, the rules necessary to carry out the provisions of this section pursuant to chapter 17A.

5. PENALTIES. A person violating a provision of this section is subject to a civil penalty of not more than ten thousand dollars per day of violation.

Sec. 16. NEW SECTION. 455D.10B BATTERIES USED IN RECHARGEABLE CONSUMER PRODUCTS.

1. A person shall not distribute, sell, or offer for retail sale in the state a rechargeable consumer product manufactured on or after January 1, 1994, unless all of the following conditions are met:

a. The battery can be easily removed by the consumer, or is contained in a battery pack that is separate from the product and can be easily removed.

b. The product, the battery, and the product package are clearly labeled to indicate that the battery must be recycled or disposed of properly, and meets the requirements of the international standards organization (ISO 7000-1135) recycling symbol which includes the designation "Cd" for nickel-cadmium batteries and "Pb" for small lead batteries.

2. A rechargeable consumer product manufacturer may apply to the department for exemption from the requirements of subsection 1 if any of the following apply:

a. The product cannot be redesigned or manufactured to comply with the requirements prior to January 1, 1994.

b. The redesign of the product to comply with the requirements would result in significant danger to public health and safety.

c. The battery poses no unreasonable hazard to public health, safety, or the environment when placed in and processed or disposed of as part of mixed municipal solid waste, pursuant to section 455D.10A.

d. The consumer product manufacturer has in operation a program to recycle used batteries in an environmentally sound manner.

3. An exemption granted by the department under subsection 2, paragraph "a" is limited to a maximum of two years, but may be renewed.

Sec. 17. NEW SECTION. 455D.20 LOCAL ORDINANCE -- CURBSIDE COLLECTION.

A city council or county board of supervisors which provides for the collection of solid waste by its residents shall consider as a proposed ordinance, the mandatory curbside collection of recyclable materials which have been separated from other solid waste. The proposed ordinance shall be considered in accordance with chapter 331 or 380.

Sec. 18. Section 455E.11, subsection 2, paragraph a, Code Supplement 1991, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) Notwithstanding the limitations of use of the fees imposed under section 455B.310 and retained by a city, county, public agency, or private agency under this section, moneys retained by the city, county, public agency, or private agency may be used to defray the cost of installation of a scale at a sanitary landfill or to defray the costs of closure of the sanitary landfill, the costs related to the establishment of a transfer station, or the costs of a hydrogeological plan.

Sec. 19. Sections 455D.17 and 455D.18, Code 1991, are repealed.

Sec. 20. LEACHATE CONTROL STUDY. The department shall conduct a study to determine the most efficient leachate control technology available or under development and shall

make recommendations to the general assembly by January 15, 1993, regarding leachate control requirements for existing landfills for which no negative environmental impact has been demonstrated.

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ROBERT C. ARNOULD  
Speaker of the House

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MICHAEL E. GRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2205, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved, May 19, 1992

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TERRY E. BRANSTAD  
Governor