

*Reprinted*

1981  
APPROPRIATION BUDGET

HOUSE FILE 102  
BY COMMITTEE ON APPROPRIATIONS  
(SUCCESSOR TO HSB 291)  
(SUCCESSOR TO HF 633)

Passed House, Date 5/10/91 (P.1733) Passed Senate, Date 5/9/91  
Vote: Ayes 76 Nays 20 Vote: Ayes 46 Nays 4  
Approved June 10, 1991

A BILL FOR

1 An Act relating to solid waste and providing for the  
2 appropriation of certain solid waste tonnage fees collected.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 706

1 Section 1. NEW SECTION. 455D.13A LAND DISPOSAL OF MOTOR  
2 OIL FILTERS PROHIBITED.

3 A sanitary landfill shall not accept motor oil filters for  
4 final disposal beginning July 1, 1994.

5 Sec. 2. Section 455E.11, subsection 2, paragraph a,  
6 subparagraph (11), subparagraph subdivision (b), Code 1991, is  
7 amended to read as follows:

8 (b) Fifteen cents per ton per year shall be allocated to  
9 ~~local agencies for use as provided by law~~ (emitted to the  
10 waste volume reduction and recycling fund created pursuant to  
11 section 455D.15 for the purposes designated pursuant to  
12 section 455D.15, subsection 4.

13 Sec. 3. Section 455D.15, Code 1991, is amended by adding  
14 the following new subsection:

15 NEW SUBSECTION. 4. a. One-half of the tonnage fee moneys  
16 collected and allocated pursuant to section 455E.11,  
17 subsection 2, paragraph "a", subparagraph (11), subparagraph  
18 subdivision (b), and deposited in the waste volume reduction  
19 and recycling fund shall be allocated to the Iowa waste  
20 reduction center at the university of northern Iowa  
21 established pursuant to section 268.4, to further implement  
22 the by-products and waste search service. The center, in  
23 coordination with the department of economic development and  
24 the department of natural resources, shall distribute the  
25 moneys received through grants to regional economic  
26 development centers on a request for proposals basis. The  
27 center, in coordination with the department of economic  
28 development and the department of natural resources, shall  
29 evaluate the proposals submitted and may award grants to an  
30 individual regional economic development center an amount  
31 not to exceed thirty thousand dollars. The request for  
32 proposal submitted shall include all of the following  
33 provisions:

34 (.) The collection of accurate information regarding waste  
35 materials and by-products generated by Iowa industries.

1 (2) The locating of potential users of the wastes and by-  
2 products identified within the area represented by the  
3 regional economic development center, or providing for the  
4 transfer of such information to other entities for use in  
5 matching potential users with generators of waste materials  
6 and by-products.

7 (3) The organization and promotion of networks of  
8 comparable types of businesses and industries in order to  
9 develop and implement waste reduction practices specific to  
10 the particular segment of business or industry identified.

11 (4) The development or utilization of waste reduction  
12 training programs for businesses and industries which are  
13 predominant in the economic sector of the region and which  
14 provide for the dissemination of such programs outside of the  
15 region with the assistance of the center, the department of  
16 economic development, or the department of natural resources.

17 (5) The identification of new businesses or industries and  
18 the expansion of existing businesses or industries based upon  
19 the amount, type, and concentration of waste materials and by-  
20 products generated.

21 The center shall assist the regional economic development  
22 centers receiving grants under this subsection in applying for  
23 and obtaining additional private and federal funding for  
24 supplementation of the state grant moneys received for  
25 expansion of the by-product and waste search service program.

26 The center may use not more than ten percent of the moneys  
27 allocated to the center for administrative purposes.

28 b. One-half of the tonnage fee moneys collected and  
29 allocated pursuant to section 455E.11, subsection 2, paragraph  
30 "a", subparagraph (ii), subparagraph subdivision (b), and  
31 deposited in the waste volume reduction and recycling fund  
32 shall be used by the waste management authority for purposes  
33 related to household hazardous waste.

34 EXPLANATION

35 This bill prohibits the disposal of motor oil filters at a

1 sanitary landfill beginning July 1, 1994. The bill also  
2 provides for the remitting of 15 cents per ton of the solid  
3 waste tonnage fees collected to the waste volume reduction and  
4 recycling fund to be used for the awarding of grants to  
5 regional economic development centers for further imple-  
6 mentation of the activities of the by-products and waste  
7 search service and for purposes relative to household  
8 hazardous waste.

9 The bill may create a state mandate as defined pursuant to  
10 section 25B.3.

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HOUSE FILE 706  
FISCAL NOTE

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A fiscal note for **House File 706** 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 706 directs that 15 cents of each annual 50 cent increase in the Solid Waste Tonnage Fee, be directed to the activities of the Waste Reduction Center at the University of Northern Iowa and to the Waste Management Division of the Department of Natural Resources (DNR). Under present law, the expenditure of the 15 cents is unclear.

The Waste Reduction Center shall use the funds for a grants program relating to waste minimization, while the Waste Management Division shall use the funds for programs relating to household hazardous waste.

Fiscal Effect:

Fifteen cents of each annual 15 cent increase in the Solid Waste Tonnage Fee will generate \$300,000 in FY 1991, \$600,000 in FY 1992, and \$900,000 for FY 1993 and beyond. The funds will be split equally between a grants program at the Waste Reduction Center and the household hazardous waste program at the DNR.

Source: Department of Natural Resources

(LSB 2683HZ, JWR)

FILED MAY 7, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 706

H-4064

1 Amend House File 706 as follows:

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

4 "Section 1. NEW SECTION. 9B.1 REGISTRATION OF  
5 WASTE TIRE HAULERS.

6 1. For the purposes of this section, "waste tire  
7 hauler" means a person who transports for hire more  
8 than forty waste tires in a single load for commercial  
9 purposes.

10 2. A waste tire hauler shall register with, and  
11 obtain a certificate of registration from, the  
12 secretary of state before hauling waste tires in this  
13 state. The waste tire hauler may apply for a  
14 certificate of registration by submitting the forms  
15 provided for that purpose and shall provide the name  
16 of the applicant and the address of the applicant's  
17 principal place of business and any additional  
18 information as deemed appropriate by the secretary of  
19 state.

20 3. A certificate of registration issued under this  
21 section is valid for one year from the date of  
22 issuance. A registered waste tire hauler may renew  
23 the certificate by filing a renewal application in the  
24 form prescribed by the secretary of state, accompanied  
25 by any applicable renewal fee.

26 4. The secretary of state shall establish a  
27 reasonable registration fee sufficient to offset  
28 expenses incurred in the administration of this  
29 section.

30 5. The secretary of state shall require that a  
31 waste tire hauler have on file with the secretary of  
32 state before the issuance or renewal of a registration  
33 certificate, a surety bond executed by a surety  
34 company authorized to do business in this state in the  
35 sum of a minimum of ten thousand dollars, which bond  
36 shall be continuous in nature until canceled by the  
37 surety. A surety shall provide at least thirty days'  
38 notice in writing to the agent and to the secretary of  
39 state indicating the surety's intent to cancel the  
40 bond and the effective date of the cancellation. The  
41 surety bond shall be for the benefit of the citizens  
42 of this state and shall be conditioned upon the waste  
43 tire hauler's willingness to comply with this section,  
44 pay all amounts due to any individual or group of  
45 individuals when due, and pay all damages caused to  
46 any person by reason of intentional misstatement,  
47 misrepresentation, fraud, deceit, or any unlawful or  
48 negligent acts or omissions by the registered waste  
49 tire hauler or the waste tire hauler's employee while  
50 acting within the scope of employment. The surety's

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1 liability under this subsection is limited to the  
2 amount of the bond or the amount of the damages,  
3 whichever is less. However, this subsection does not  
4 limit the amount of damages recoverable from a waste  
5 tire hauler to the amount of the surety bond. This  
6 subsection shall not limit the recovery of damages to  
7 the amount of the surety bond. The bond shall be made  
8 in a form prescribed by the secretary of state and  
9 written by a company authorized by the secretary of  
10 state to do business in this state.

11 6. The secretary of state shall adopt rules  
12 including imposition of civil penalties necessary for  
13 the implementation and administration of this chapter.

14 7. A person who knowingly and willfully violates a  
15 provision of this section is subject to a civil  
16 penalty in an amount not to exceed ten thousand  
17 dollars. Moneys collected from the penalties imposed  
18 shall be deposited in the waste volume reduction and  
19 recycling fund established pursuant to section  
20 455D.15.

21 Sec. 2. Section 455B.310, subsection 2, Code 1991,  
22 is amended by adding the following new unnumbered  
23 paragraph:

24 NEW UNNUMBERED PARAGRAPH. In addition to the  
25 tonnage fee amounts imposed under this subsection, in  
26 the year beginning July 1, 1991, the tonnage fee shall  
27 be increased by seventy-five cents per ton of solid  
28 waste. The moneys collected under this paragraph are  
29 appropriated and shall be used for the following  
30 purposes:

31 a. Ten cents per ton per year is appropriated to  
32 the department of natural resources to establish a  
33 program to provide competitive grants to regional  
34 coordinating councils for projects in regional  
35 economic development centers related to a by-products  
36 and waste exchange system. Grantees under this  
37 program shall coordinate activities with other  
38 available state or multistate waste exchanges,  
39 including but not limited to the by-products and waste  
40 search service at the university of northern Iowa.  
41 The department shall consult with the department of  
42 economic development and the waste reduction center at  
43 the university of northern Iowa in establishing  
44 criteria for and the awarding of grants under this  
45 program. The department of natural resources may  
46 expend thirty thousand dollars of the moneys  
47 appropriated under this paragraph to contract with the  
48 by-products and waste search service at the university  
49 of northern Iowa to provide training and other  
50 technical services to grantees under the program.

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1 b. Fifteen cents per ton per year is appropriated  
2 to the department of natural resources to establish  
3 three permanent household hazardous waste collection  
4 sites so that both urban and rural population are  
5 served. An additional five cents per ton per year is  
6 appropriated to the department to be used for the  
7 payment of transportation costs related to household  
8 hazardous waste collection programs.

9 c. Twelve and one-half cents per ton per year is  
10 appropriated to the department to provide additional  
11 toxic cleanup days.

12 d. Twenty-seven and one-half cents per ton per  
13 year is appropriated to the department to provide low  
14 or no interest loans to Iowa businesses for the  
15 manufacture or remanufacture of products from  
16 postconsumer materials. The department, in  
17 consultation with the department of economic  
18 development, shall develop rating criteria for the  
19 program including criteria which gives priority in the  
20 approval of loans to firms involved in tire recycling.  
21 The department, in cooperation with the department of  
22 economic development, shall provide technical  
23 assistance to and monitoring of the technical  
24 operations of projects funded under this section.

25 e. Five cents per ton per year is appropriated to  
26 the department of economic development to establish,  
27 in cooperation with the department of natural  
28 resources, a marketing initiative to assist Iowa  
29 businesses in producing recycling or reclamation  
30 equipment or services, recyclable products, or  
31 products from recycled materials to expand into  
32 national markets. For the fiscal year beginning July  
33 1, 1991, and ending June 30, 1992, fifty thousand  
34 dollars of the moneys appropriated under this  
35 paragraph shall be allocated for the purposes of  
36 developing advanced microbiological technologies for  
37 reduction, destruction, or disposal of wet solid  
38 waste.

39 Sec. 3. Section 455B.310, subsection 7, unnumbered  
40 paragraph 1, Code 1991, is amended to read as follows:

41 The department shall grant exemptions from the fee  
42 requirements of subsection 2, unnumbered paragraph 1,  
43 for receipt of solid waste meeting all of the  
44 following criteria:

45 Sec. 4. Section 455B.310, subsection 7, paragraph  
46 e, Code 1991, is amended to read as follows:

47 e. The owner or operator of the sanitary landfill  
48 applying for exemption demonstrates to the  
49 satisfaction of the department that good faith efforts  
50 were made to renegotiate the contract notwithstanding



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1 its terms, and has been unable to agree on an  
2 amendment allowing the fee provided in subsection 2,  
3 unnumbered paragraph 1, to be added to the  
4 compensation or fee provisions of the contract.

5 Sec. 5. Section 455B.310, Code 1991, is amended by  
6 adding the following new subsections:

7 NEW SUBSECTION. 9. The department shall grant  
8 exemptions from the fee requirements of subsection 2,  
9 unnumbered paragraph 2, for receipt of solid waste  
10 meeting all of the following criteria:

11 a. Receipt of the solid waste is pursuant to a  
12 written contract between the owner or operator of the  
13 sanitary landfill and another person.

14 b. The contract was lawfully executed prior to  
15 January 1, 1991.

16 c. The contract expressly prohibits an increase in  
17 the compensation or fee payable to the owner or  
18 operator of the landfill and does not allow voluntary  
19 cancellation or renegotiation of the compensation or  
20 fee during the term of the contract.

21 d. The contract has not been amended at any time  
22 after January 1, 1991.

23 e. The owner or operator of the sanitary landfill  
24 applying for exemption demonstrates to the  
25 satisfaction of the department that good faith efforts  
26 were made to renegotiate the contract notwithstanding  
27 its terms, and has been unable to agree on an  
28 amendment allowing the fee provided in subsection 2,  
29 unnumbered paragraph 2, to be added to the  
30 compensation or fee provisions of the contract.

31 f. Applications for exemption must be submitted on  
32 forms provided by the department with proof of  
33 satisfaction of all criteria.

34 g. Notwithstanding the time specified within the  
35 contract, an exemption from payment of the fee  
36 increase requirements for a multiyear contract shall  
37 terminate by January 1, 1993.

38 NEW SUBSECTION. 10. Notwithstanding the tonnage  
39 fee schedule prescribed under subsection 2, foundry  
40 material that is deposited at a permitted sanitary  
41 landfill and used to replace material that would  
42 otherwise be purchased and transported from off-site  
43 for daily cover, shall be subject to the following  
44 fees:

45 a. For the fiscal year beginning July 1, 1991, and  
46 ending June 30, 1992, the tonnage fee is one dollar  
47 for each ton of foundry material which is not more  
48 than forty percent of the total amount of foundry  
49 material deposited at the sanitary landfill for daily  
50 cover by any one source. The amount of foundry

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

16 c. For each fiscal year beginning on or after July  
17 1, 1993, the tonnage fee imposed is the tonnage fee  
18 imposed in subsection 2 on other solid waste.

19 2. By striking page 1, line 8, through page 2,  
20 line 33, and inserting the following:

21 "(b) Fifteen cents per ton per year shall be  
22 ~~allocated to local agencies for use as provided by~~  
23 ~~law.~~ used as follows:

24 (i) If the fees are collected by a city or county  
25 or public agency, the moneys shall be retained by the  
26 city, county, or public agency. Upon receipt of the  
27 moneys, the city, county, or public agency shall  
28 return the moneys to a city, county, or public agency  
29 served by the sanitary disposal project for the  
30 purpose of implementation of the waste volume  
31 reduction and recycling requirements of the  
32 comprehensive plans filed pursuant to section  
33 455B.306.

34 (ii) If the fees are collected by a private agency  
35 which provides for the final disposal of solid waste  
36 by the residents of a city or county, the moneys shall  
37 be remitted to the department. Upon receipt of the  
38 moneys, the department shall return the moneys to the  
39 city, county, or public agency served by the sanitary  
40 disposal project for the implementation of the waste  
41 volume reduction and recycling requirements of the  
42 comprehensive plans filed pursuant to section  
43 455B.306.

44 Sec. \_\_\_\_ . Section 455D.11, Code 1991, is amended  
45 by adding the following new subsection:

46 NEW SUBSECTION. 7. The commission shall adopt  
47 rules which provide the following:

48 a. That a person who contracts with another person  
49 to transport more than forty waste tires, is required  
50 to contract only with a person registered as a waste

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- 1 tire hauler pursuant to section 9B.1.
- 2 b. That a person who transports waste tires for
- 3 final disposal is required to only dispose of the
- 4 tires at a permitted sanitary disposal facility.
- 5 c. A person who does not comply with this
- 6 subsection is subject to the penalty imposed pursuant
- 7 to section 9B.1 and the moneys allocated shall be
- 8 deposited and used pursuant to 9B.1."
- 9 3. Title page, line 1, by striking the words
- 10 "waste and" and inserting the following: "waste,".
- 11 4. Title page, line 2, by inserting after the
- 12 word "collected" the following: ", and providing a
- 13 penalty".
- 14 5. By renumbering, relettering, and correcting
- 15 internal references as necessary.

By SHOULTZ of Black Hawk  
 DVORSKY of Johnson  
 BANKS of Plymouth

H-4064 FILED MAY 6, 1991

NOT GERMANE, RULES SUSPENDED AND ADOPTED AS AMENDED (p. 2133)  
 by 40684 4070

## HOUSE FILE 706

H-4068

- 1 Amend the amendment, H-4064, to House File 706 as
- 2 follows:

- 3 1. Page 2, line 45, by striking the word "may"
- A 4 and inserting the following: "shall".
- 5 2. Page 5, by inserting after line 43 the follow-
- 6 ing:
- 7 "Each sanitary landfill owner or operator shall
- B 8 submit to the department a return regarding the use of
- 9 the fees allocated under this subparagraph subdivision
- 10 (b) concurrently with the return submitted pursuant to
- 11 section 455B.310, subsection 5."
- 12 3. Page 6, line 8, by inserting after the word
- 13 "to" the following: "section".

By SHOULTZ of Black Hawk

H-4068 FILED MAY 6, 1991

A-ADOPTED B-ADOPTED (p. 2132)

## HOUSE FILE 706

H-4070

- 1 Amend amendment, H-4064, to House File 706 as
- 2 follows:

- 3 1. Page 3, line 29, by striking the word "in".
- By DVORSKY of Johnson

H-4070 FILED MAY 6, 1991

ADOPTED (p. 2132)

## HOUSE FILE 706

H-4063

- 1 Amend House File 706 as follows:
- 2 1. Page 1, by striking lines 1 through 4.
- 3 2. By renumbering as necessary.

By SCHRADER of Marion  
 BLACK of Jasper

H-4063 FILED MAY 6, 1991

LOST

See Ways & Means 4/7

HOUSE FILE 706  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 291)

(SUCCESSOR TO HF 633)

(As Amended and Passed by the House May 6, 1991)

*as further amended*  
Passed House, Date 5/9/91 (p. 2215) Passed Senate, Date 5/9/91 (p. 1733)  
Vote: Ayes 67 Nays 26 Vote: Ayes 46 Nays 4  
Approved June 10, 1991

*Repassed Senate as amended by House  
5/10/91 (p. 1767)  
27-11*

A BILL FOR

1 An Act relating to solid waste, providing for the appropriation  
2 of certain solid waste tonnage fees collected, and providing a  
3 penalty.

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

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

1 Section 1. NEW SECTION. 9B.1 REGISTRATION OF WASTE TIRE  
2 HAULERS.

3 1. For the purposes of this section, "waste tire hauler"  
4 means a person who transports for hire more than forty waste  
5 tires in a single load for commercial purposes.

6 2. A waste tire hauler shall register with, and obtain a  
7 certificate of registration from, the secretary of state  
8 before hauling waste tires in this state. The waste tire  
9 hauler may apply for a certificate of registration by  
10 submitting the forms provided for that purpose and shall  
11 provide the name of the applicant and the address of the  
12 applicant's principal place of business and any additional  
13 information as deemed appropriate by the secretary of state.

14 3. A certificate of registration issued under this section  
15 is valid for one year from the date of issuance. A registered  
16 waste tire hauler may renew the certificate by filing a  
17 renewal application in the form prescribed by the secretary of  
18 state, accompanied by any applicable renewal fee.

19 4. The secretary of state shall establish a reasonable  
20 registration fee sufficient to offset expenses incurred in the  
21 administration of this section.

22 5. The secretary of state shall require that a waste tire  
23 hauler have on file with the secretary of state before the  
24 issuance or renewal of a registration certificate, a surety  
25 bond executed by a surety company authorized to do business in  
26 this state in the sum of a minimum of ten thousand dollars,  
27 which bond shall be continuous in nature until canceled by the  
28 surety. A surety shall provide at least thirty days' notice  
29 in writing to the agent and to the secretary of state  
30 indicating the surety's intent to cancel the bond and the  
31 effective date of the cancellation. The surety bond shall be  
32 for the benefit of the citizens of this state and shall be  
33 conditioned upon the waste tire hauler's willingness to comply  
34 with this section, pay all amounts due to any individual or  
35 group of individuals when due, and pay all damages caused to

1 any person by reason of intentional misstatement,  
2 misrepresentation, fraud, deceit, or any unlawful or negligent  
3 acts or omissions by the registered waste tire hauler or the  
4 waste tire hauler's employee while acting within the scope of  
5 employment. The surety's liability under this subsection is  
6 limited to the amount of the bond or the amount of the  
7 damages, whichever is less. However, this subsection does not  
8 limit the amount of damages recoverable from a waste tire  
9 hauler to the amount of the surety bond. This subsection  
10 shall not limit the recovery of damages to the amount of the  
11 surety bond. The bond shall be made in a form prescribed by  
12 the secretary of state and written by a company authorized by  
13 the secretary of state to do business in this state.

14 6. The secretary of state shall adopt rules including  
15 imposition of civil penalties necessary for the implementation  
16 and administration of this chapter.

17 7. A person who knowingly and willfully violates a  
18 provision of this section is subject to a civil penalty in an  
19 amount not to exceed ten thousand dollars. Moneys collected  
20 from the penalties imposed shall be deposited in the waste  
21 volume reduction and recycling fund established pursuant to  
22 section 455D.15.

23 Sec. 2. Section 455B.310, subsection 2, Code 1991, is  
24 amended by adding the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. In addition to the tonnage fee  
26 amounts imposed under this subsection, in the year beginning  
27 July 1, 1991, the tonnage fee shall be increased by seventy-  
28 five cents per ton of solid waste. The moneys collected under  
29 this paragraph are appropriated and shall be used for the  
30 following purposes:

31 a. Ten cents per ton per year is appropriated to the  
32 department of natural resources to establish a program to  
33 provide competitive grants to regional coordinating councils  
34 for projects in regional economic development centers related  
35 to a by-products and waste exchange system. Grantees under

1 this program shall coordinate activities with other available  
2 state or multistate waste exchanges, including but not limited  
3 to the by-products and waste search service at the university  
4 of northern Iowa. The department shall consult with the  
5 department of economic development and the waste reduction  
6 center at the university of northern Iowa in establishing  
7 criteria for and the awarding of grants under this program.  
8 The department of natural resources shall expend thirty  
9 thousand dollars of the moneys appropriated under this  
10 paragraph to contract with the by-products and waste search  
11 service at the university of northern Iowa to provide training  
12 and other technical services to grantees under the program.  
13     b. Fifteen cents per ton per year is appropriated to the  
14 department of natural resources to establish three permanent  
15 household hazardous waste collection sites so that both urban  
16 and rural population are served. An additional five cents per  
17 ton per year is appropriated to the department to be used for  
18 the payment of transportation costs related to household  
19 hazardous waste collection programs.  
20     c. Twelve and one-half cents per ton per year is  
21 appropriated to the department to provide additional toxic  
22 cleanup days.  
23     d. Twenty-seven and one-half cents per ton per year is  
24 appropriated to the department to provide low or no interest  
25 loans to Iowa businesses for the manufacture or remanufacture  
26 of products from postconsumer materials. The department, in  
27 consultation with the department of economic development,  
28 shall develop rating criteria for the program including  
29 criteria which gives priority in the approval of loans to  
30 firms involved in tire recycling. The department, in  
31 cooperation with the department of economic development, shall  
32 provide technical assistance to and monitoring of the  
33 technical operations of projects funded under this section.  
34     e. Five cents per ton per year is appropriated to the  
35 department of economic development to establish, in

1 cooperation with the department of natural resources, a  
2 marketing initiative to assist Iowa businesses producing  
3 recycling or reclamation equipment or services, recyclable  
4 products, or products from recycled materials to expand into  
5 national markets. For the fiscal year beginning July 1, 1991,  
6 and ending June 30, 1992, fifty thousand dollars of the moneys  
7 appropriated under this paragraph shall be allocated for the  
8 purposes of developing advanced microbiological technologies  
9 for reduction, destruction, or disposal of wet solid waste.

10 Sec. 3. Section 455B.320, subsection 7, unnumbered  
11 paragraph 1, Code 1991, is amended to read as follows:

12 The department shall grant exemptions from the fee  
13 requirements of subsection 2, unnumbered paragraph 1, for  
14 receipt of solid waste meeting all of the following criteria:

15 Sec. 4. Section 455B.310, subsection 7, paragraph e, Code  
16 1991, is amended to read as follows:

17 e. The owner or operator of the sanitary landfill applying  
18 for exemption demonstrates to the satisfaction of the  
19 department that good faith efforts were made to renegotiate  
20 the contract notwithstanding its terms, and has been unable to  
21 agree on an amendment allowing the fee provided in subsection  
22 2, unnumbered paragraph 1, to be added to the compensation or  
23 fee provisions of the contract.

24 Sec. 5. Section 455B.310, Code 1991, is amended by adding  
25 the following new subsections:

26 NEW SUBSECTION. 9. The department shall grant exemptions  
27 from the fee requirements of subsection 2, unnumbered  
28 paragraph 2, for receipt of solid waste meeting all of the  
29 following criteria:

30 a. Receipt of the solid waste is pursuant to a written  
31 contract between the owner or operator of the sanitary  
32 landfill and another person.

33 b. The contract was lawfully executed prior to January 1,  
34 1991.

35 c. The contract expressly prohibits an increase in the



1 compensation or fee payable to the owner or operator of the  
2 landfill and does not allow voluntary cancellation or  
3 renegotiation of the compensation or fee during the term of  
4 the contract.

5 d. The contract has not been amended at any time after  
6 January 1, 1991.

7 e. The owner or operator of the sanitary landfill applying  
8 for exemption demonstrates to the satisfaction of the  
9 department that good faith efforts were made to renegotiate  
10 the contract notwithstanding its terms, and has been unable to  
11 agree on an amendment allowing the fee provided in subsection  
12 2, unnumbered paragraph 2, to be added to the compensation or  
13 fee provisions of the contract.

14 f. Applications for exemption must be submitted on forms  
15 provided by the department with proof of satisfaction of all  
16 criteria.

17 g. Notwithstanding the time specified within the contract,  
18 an exemption from payment of the fee increase requirements for  
19 a multiyear contract shall terminate by January 1, 1993.

20 NEW SUBSECTION. 10. Notwithstanding the tonnage fee  
21 schedule prescribed under subsection 2, foundry material that  
22 is deposited at a permitted sanitary landfill and used to  
23 replace material that would otherwise be purchased and  
24 transported from off-site for daily cover, shall be subject to  
25 the following fees:

26 a. For the fiscal year beginning July 1, 1991, and ending  
27 June 30, 1992, the tonnage fee is one dollar for each ton of  
28 foundry material which is not more than forty percent of the  
29 total amount of foundry material deposited at the sanitary  
30 landfill for daily cover by any one source. The amount of  
31 foundry material deposited at the sanitary landfill which is  
32 greater than forty percent of the total amount deposited by  
33 any one source is subject to the tonnage fee imposed in  
34 subsection 2 on other solid waste.

35 b. For the fiscal year beginning July 1, 1992, and ending

1 June 30, 1993, the tonnage fee is one dollar and fifty cents  
 2 for each ton of foundry material which is not more than forty  
 3 percent of the total amount of foundry material deposited at  
 4 the sanitary landfill for daily cover by any one source. The  
 5 amount of foundry material deposited at the sanitary landfill  
 6 which is greater than forty percent of the total amount  
 7 deposited by any one source is subject to the tonnage fee  
 8 imposed in subsection 2 on other solid waste.

9 c. For each fiscal year beginning on or after July 1,  
 10 1993, the tonnage fee imposed is the tonnage fee imposed in  
 11 subsection 2 on other solid waste.

12 Sec. 6. NEW SECTION. 455D.13A LAND DISPOSAL OF MOTOR OIL  
 13 FILTERS PROHIBITED.

14 A sanitary landfill shall not accept motor oil filters for  
 15 final disposal beginning July 1, 1994.

16 Sec. 7. Section 455E.11, subsection 2, paragraph a,  
 17 subparagraph (11), subparagraph subdivision (b), Code 1991, is  
 18 amended to read as follows:

19 (b) Fifteen cents per ton per year shall be allocated to  
 20 ~~local agencies for use as provided by law~~ used as follows:

21 (i) If the fees are collected by a city or county or  
 22 public agency, the moneys shall be retained by the city,  
 23 county, or public agency. Upon receipt of the moneys, the  
 24 city, county, or public agency shall return the moneys to a  
 25 city, county, or public agency served by the sanitary disposal  
 26 project for the purpose of implementation of the waste volume  
 27 reduction and recycling requirements of the comprehensive  
 28 plans filed pursuant to section 455B.306.

29 (ii) If the fees are collected by a private agency which  
 30 provides for the final disposal of solid waste by the  
 31 residents of a city or county, the moneys shall be remitted to  
 32 the department. Upon receipt of the moneys, the department  
 33 shall return the moneys to the city, county, or public agency  
 34 served by the sanitary disposal project for the implementation  
 35 of the waste volume reduction and recycling requirements of

1 the comprehensive plans filed pursuant to section 455B.306.

2 Each sanitary landfill owner or operator shall submit to

3 the department a return regarding the use of the fees

4 allocated under this subparagraph subdivision (b) concurrently

5 with the return submitted pursuant to section 455B.310,

6 subsection 5.

7 Sec. 8. Section 455D.11, Code 1991, is amended by adding

8 the following new subsection:

9 NEW SUBSECTION. 7. The commission shall adopt rules which  
10 provide the following:

11 a. That a person who contracts with another person to  
12 transport more than forty waste tires, is required to contract  
13 only with a person registered as a waste tire hauler pursuant  
14 to section 9B.1.

15 b. That a person who transports waste tires for final  
16 disposal is required to only dispose of the tires at a  
17 permitted sanitary disposal facility.

18 c. A person who does not comply with this subsection is  
19 subject to the penalty imposed pursuant to section 9B.1 and  
20 the moneys allocated shall be deposited and used pursuant to  
21 section 9B.1.

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HOUSE FILE 706  
FISCAL NOTE

A fiscal note for House File 706 as passed by the House is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 706 as passed by the House increases the Solid Waste Tonnage Fee by \$0.75 per ton. The increased funds are to be used for waste exchange grants, Toxic Cleanup Days, permanent household hazardous waste collection sites, reduced interest loans to businesses, and market development through the Department of Economic Development. A special tonnage fee is also established for a portion (40%) of the foundry sand deposited in landfills.

Additionally, the bill clarifies the allocation of 15 cents of each of the annual 50 cent increases in the tonnage fee for FY 1991, FY 1992, and FY 1993.

ASSUMPTIONS:

1. 2 million tons of solid waste are disposed of annually in Iowa landfills.
2. 250,000 tons of foundry sand are deposited annually in Iowa Landfills.

Fiscal Effect:

The \$0.75 increase in the Solid Waste Tonnage Fee will generate \$1.5 million per year. These funds will be used as follows:

	Per Ton	Amount
Reg Economic Dev (RED) Grants	\$ 0.10	\$ 200,000
Perm Household Haz Waste Sites	\$ 0.15	\$ 300,000
Perm House Haz Waste Transport	\$ 0.05	\$ 100,000
Toxic Cleanup Days	\$ 0.125	\$ 250,000
Reduced Interest Loans	\$ 0.275	\$ 550,000
DED Marketing	\$ 0.05	\$ 100,000
<b>Total</b>	<b>\$ 0.75</b>	<b>\$1,500,000</b>

Of the \$200,000 allocated to the RED Centers for grants, \$30,000 is to be allocated to the Waste Search Service at the University of Northern Iowa for a training program for grant recipients. Of the \$100,000 for DED marketing, \$50,000 of the FY 1992 allocation is to be used for microbiological research relating to wet solid waste disposal.

The reduced tonnage fee for 40% of the foundry sand deposited in landfills will reduce the revenue generated by the present tonnage fee by \$200,000 in each of FY 1992 and FY 1993. The lower fee will also reduce the amount generated by the additional \$0.75 fee contained in this bill by \$75,000 in each of those years.

Present law indicates that "fifteen cents of (each additional fifty cents) shall be allocated to local agencies." House File 706 specifies how these funds are to be distributed, therefore there is no fiscal effect of this change.

Source: Department of Natural Resources

(LSB 2683hz.3, JWR)

FILED MAY 8, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 706

S-3735

1 Amend House File 706 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 22, the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 18.8A TIRE-DERIVED FUEL.

6 1. The director shall complete a test burn of  
7 tire-derived fuel as fuel in each fluidized bed boiler  
8 by December 31, 1992. The results of the test burn  
9 shall be reported to the governor, the general  
10 assembly, and the department of natural resources by  
11 March 1, 1993.

12 2. The director shall utilize a minimum of seven  
13 percent tire-derived fuel with a goal of ten percent  
14 utilization in the fluidized bed boilers if the  
15 boilers are fueled by coal provided that the tests  
16 required in subsection 1 are successful.

17 3. If the test burn of tire-derived fuel meets  
18 state and federal air emission standards, the director  
19 shall apply for, obtain, and meet the conditions of a  
20 permit from the department of natural resources or the  
21 United States environmental protection agency to  
22 operate the fluidized bed boilers using tire-derived  
23 fuel. The permit application shall be submitted  
24 within twelve months of completion of a successful  
25 test burn.

26 Sec. \_\_\_\_ . NEW SECTION. 218.102 TIRE-DERIVED  
27 FUEL.

28 1. The director shall complete a test burn of  
29 tire-derived fuel as fuel in each fluidized bed boiler  
30 by December 31, 1992. The results of the test burn  
31 shall be reported to the governor, the general  
32 assembly, and the department of natural resources by  
33 March 1, 1993.

34 2. The director shall utilize a minimum of seven  
35 percent tire-derived fuel with a goal of ten percent  
36 utilization in the fluidized bed boilers if the  
37 boilers are fueled by coal provided that the tests  
38 required in subsection 1 are successful.

39 3. If the test burn of tire-derived fuel meets  
40 state and federal air emission standards, the director  
41 shall apply for, obtain, and meet the conditions of a  
42 permit from the department of natural resources or the  
43 United States environmental protection agency to  
44 operate the fluidized bed boilers using tire-derived  
45 fuel. The permit application shall be submitted  
46 within twelve months of completion of a successful  
47 test burn.

48 Sec. \_\_\_\_ . NEW SECTION. 246.320 TIRE-DERIVED  
49 FUEL.

50 1. The director shall complete a test burn of

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Page 2

1 tire-derived fuel as fuel in each fluidized bed boiler  
2 by December 31, 1992. The results of the test burn  
3 shall be reported to the governor, the general  
4 assembly, and the department of natural resources by  
5 March 1, 1993.

6 2. The director shall utilize a minimum of seven  
7 percent tire-derived fuel with a goal of ten percent  
8 utilization in the fluidized bed boilers if the  
9 boilers are fueled by coal provided that the tests  
10 required in subsection 1 are successful.

11 3. If the test burn of tire-derived fuel meets  
12 state and federal air emission standards, the director  
13 shall apply for, obtain, and meet the conditions of a  
14 permit from the department of natural resources or the  
15 United States environmental protection agency to  
16 operate the fluidized bed boilers using tire-derived  
17 fuel. The permit application shall be submitted  
18 within twelve months of completion of a successful  
19 test burn.

20 Sec. \_\_\_\_ . NEW SECTION. 262.100 TIRE-DERIVED  
21 FUEL.

22 1. The university of Iowa, the Iowa state  
23 university of science and technology, and the  
24 university of northern Iowa shall complete a test burn  
25 of tire-derived fuel as fuel in the fluidized bed  
26 boilers located at each of the universities by  
27 December 31, 1992. The results of the test burns  
28 shall be reported to the governor, the general  
29 assembly, and the department of natural resources by  
30 March 1, 1993.

31 2. The university of Iowa, the Iowa state  
32 university of science and technology, and the  
33 university of northern Iowa shall utilize a minimum of  
34 seven percent tire-derived fuel with a goal of ten  
35 percent utilization in the fluidized bed boilers  
36 located at each of the universities if the boilers are  
37 fueled by coal, provided that the tests required in  
38 subsection 1 are successful.

39 3. If the test burn of tire-derived fuel at any or  
40 all of the universities meets state and federal air  
41 emission standards, the state board of regents shall  
42 apply for, obtain, and meet the conditions of a permit  
43 from the department of natural resources or the United  
44 States environmental protection agency to operate the  
45 fluidized bed boilers using tire-derived fuel. The  
46 permit application shall be submitted within twelve  
47 months of completion of a successful test burn.

48 Sec. \_\_\_\_ . NEW SECTION. 307.50 TIRE-DERIVED FUEL.

49 1. The director shall complete a test burn of  
50 tire-derived fuel as fuel in each fluidized bed boiler

S-3735

Page 3

1 by December 31, 1992. The results of the test burn  
2 shall be reported to the governor, the general  
3 assembly, and the department of natural resources by  
4 March 1, 1993.

5 2. The director shall utilize a minimum of seven  
6 percent tire-derived fuel with a goal of ten percent  
7 utilization in the fluidized bed boilers if the  
8 boilers are fueled by coal provided that the tests  
9 required in subsection 1 are successful.

10 3. If the test burn of tire-derived fuel meets  
11 state and federal air emission standards, the director  
12 shall apply for, obtain, and meet the conditions of a  
13 permit from the department of natural resources or the  
14 United States environmental protection agency to  
15 operate the fluidized bed boilers using tire-derived  
16 fuel. The permit application shall be submitted  
17 within twelve months of completion of a successful  
18 test burn."

19 2. By renumbering as necessary.

By RAY TAYLOR  
EMIL HUSAK

S-3735 FILED MAY 8, 1991

*w/d 5/9/91 (p 1732)*



HOUSE FILE 706

S-3741

1 Amend the amendment, S-3738, to House File 706, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 1, by striking lines 25 through 28.  
5 2. Page 1, by inserting after line 30, the  
6 following:  
7 "\_\_\_\_. Page 3, line 12, by inserting after the  
8 word "program." the following: "If regional economic  
9 development centers cease to exist, the department  
10 shall revise the criteria and rules for this program  
11 to allow councils of governments or regional planning  
12 councils to be applicants for competitive grants.""

By JIM RIORDAN

S-3741 FILED MAY 9, 1991

ADOPTED (p. 1733)

HOUSE FILE 706

S-3744

1 Amend the amendment, S-3738, to House File 706, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 1, by inserting after line 34, the  
5 following:  
6 "\_\_\_\_. Page 3, line 22, by inserting after the  
7 word "days." the following:  
8 "Departmental rules adopted for implementation of  
9 toxic cleanup days shall provide sufficient  
10 flexibility to respond to the household hazardous  
11 material collection needs of both small and large  
12 communities."

By RALPH ROSENBERG

S-3744 FILED MAY 9, 1991

ADOPTED (p. 1733)

## HOUSE FILE 706

S-3738

1 Amend House File 706, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 8, by inserting after the word  
4 "state." the following: "Requirements for  
5 registration of a waste tire hauler shall include a  
6 provision that waste tire haulers shall pay all  
7 amounts due to any individual or group of individuals  
8 when due for damages caused by improper disposal of  
9 waste tires by the waste tire hauler or the waste tire  
10 hauler's employee while acting within the scope of  
11 employment."

12 2. Page 1, line 29, by striking the word "agent"  
13 and inserting the following: "waste tire hauler".

14 3. By striking page 1, line 34, through page 2,  
15 line 5, and inserting the following: "with this  
16 section. The surety's liability under this subsection  
17 is".

18 4. Page 2, line 7, by inserting after the word  
19 "damages" the following: "or moneys due".

20 5. Page 2, by striking lines 12 and 13 and  
21 inserting the following: "the commissioner of  
22 insurance and written by a company authorized by the  
23 commissioner of insurance to do business in this  
24 state."

25 6. Page 2, line 35, by inserting after the word  
26 "system" the following: "or to provide competitive  
27 grants to councils of governments for projects related  
28 to a by-products and waste exchange system".

29 7. Page 3, line 8, by inserting after the word  
30 "expend" the following: "not more than".

31 8. Page 3, line 16, by inserting after the word  
32 "served" the following: "and so that collection  
33 services are available to the public on a regular  
34 basis".

35 9. Page 3, line 26, by inserting after the word  
36 "materials" the following: "or to Iowa businesses  
37 which purchase equipment to achieve source  
38 reductions".

39 10. Page 4, line 5, by inserting after the word  
40 "markets." the following: "Efforts shall include the  
41 reuse and recycling of sawdust."

42 11. Page 4, line 9, by inserting after the word  
43 "waste." the following: "For the fiscal year  
44 beginning July 1, 1992, and thereafter, fifty thousand  
45 dollars of the moneys appropriated under this  
46 paragraph shall be used by the department of economic  
47 development to provide grants or loans to Iowa  
48 businesses which have participated in the waste  
49 reduction assistance program of the department of  
50 natural resources or the program provided by the waste

S-3738

Page 2

1 reduction center at the university of northern Iowa,  
2 and which have identified needs for equipment or  
3 retooling to achieve waste reduction."  
4 12. Page 6, by striking lines 12 through 15.  
5 13. Page 7, line 1, by inserting after the figure  
6 "455B.306." the following: "Notwithstanding the  
7 remittance requirement under this subparagraph  
8 subdivision part (ii), if a private agency is  
9 designated to develop and implement the comprehensive  
10 plan pursuant to section 455B.306, the fees collected  
11 under this subparagraph subdivision part (ii) shall be  
12 retained by the private agency for the purpose of  
13 implementation of the waste volume reduction and  
14 recycling requirement of the comprehensive plans filed  
15 pursuant to section 455B.306."  
16 14. By renumbering and relettering as necessary.  
By RALPH ROSENBERG

S-3738 FILED MAY 8, 1991

*Adopted as amended by 3741-3744 5/9/91 (j 1733)*

## HOUSE FILE 706

S-3732

1 Amend House File 706, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 6, by inserting after line 11, the  
4 following:  
5 "NEW SUBSECTION. 11. The additional amount  
6 imposed beginning July 1, 1991, under subsection 2,  
7 unnumbered paragraph 2, shall not be imposed upon a  
8 person disposing of solid waste at a sanitary landfill  
9 if the person meets all of the following requirements:  
10 a. The person is a private agency which collects  
11 solid waste for the purpose of recycling, and the  
12 person provides documentation of this activity to the  
13 sanitary landfill owner or operator.  
14 b. The person provides documentation to the  
15 sanitary landfill owner or operator that, of the  
16 initial amount of solid waste collected by the private  
17 agency, the solid waste was recycled to the greatest  
18 extent possible, and that the remaining solid waste,  
19 for which the person seeks disposal at the sanitary  
20 landfill, is not recyclable by the private agency.  
21 The commission shall adopt rules to implement this  
22 subsection including provisions for the form of  
23 documentation required."

By RICHARD VANDE HOEF

S-3732 FILED MAY 8, 1991

*Adopted 5/9/91 (j. 1733)*

## SENATE AMENDMENT TO HOUSE FILE 706

H-4107

1 Amend House File 706, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 8, by inserting after the word  
4 "state." the following: "Requirements for  
5 registration of a waste tire hauler shall include a  
6 provision that waste tire haulers shall pay all  
7 amounts due to any individual or group of individuals  
8 when due for damages caused by improper disposal of  
9 waste tires by the waste tire hauler or the waste tire  
10 hauler's employee while acting within the scope of  
11 employment."

12 2. Page 1, line 29, by striking the word "agent"  
13 and inserting the following: "waste tire hauler".

14 3. By striking page 1, line 34, through page 2,  
15 line 5, and inserting the following: "with this  
16 section. The surety's liability under this subsection  
17 is".

18 4. Page 2, line 7, by inserting after the word  
19 "damages" the following: "or moneys due".

20 5. Page 2, by striking lines 12 and 13 and  
21 inserting the following: "the commissioner of  
22 insurance and written by a company authorized by the  
23 commissioner of insurance to do business in this  
24 state."

25 6. Page 3, line 8, by inserting after the word  
26 "expend" the following: "not more than".

27 7. Page 3, line 12, by inserting after the word  
28 "program." the following: "If regional economic  
29 development centers cease to exist, the department  
30 shall revise the criteria and rules for this program  
31 to allow councils of governments or regional planning  
32 councils to be applicants for competitive grants."

33 8. Page 3, line 16, by inserting after the word  
34 "served" the following: "and so that collection  
35 services are available to the public on a regular  
36 basis".

37 9. Page 3, line 22, by inserting after the word  
38 "days." the following:

39 "Departmental rules adopted for implementation of  
40 toxic cleanup days shall provide sufficient  
41 flexibility to respond to the household hazardous  
42 material collection needs of both small and large  
43 communities."

44 10. Page 3, line 26, by inserting after the word  
45 "materials" the following: "or to Iowa businesses  
46 which purchase equipment to achieve source  
47 reductions".

48 11. Page 4, line 5, by inserting after the word  
49 "markets." the following: "Efforts shall include the  
50 reuse and recycling of sawdust."

H-4107

Page 2

1 12. Page 4, line 9, by inserting after the word  
 2 "waste." the following: "For the fiscal year  
 3 beginning July 1, 1992, and thereafter, fifty thousand  
 4 dollars of the moneys appropriated under this  
 5 paragraph shall be used by the department of economic  
 6 development to provide grants or loans to Iowa  
 7 businesses which have participated in the waste  
 8 reduction assistance program of the department of  
 9 natural resources or the program provided by the waste  
 10 reduction center at the university of northern Iowa,  
 11 and which have identified needs for equipment or  
 12 retooling to achieve waste reduction."

13 13. Page 6, by inserting after line 11, the  
 14 following:

15 "NEW SUBSECTION. 11. The additional amount  
 16 imposed beginning July 1, 1991, under subsection 2,  
 17 unnumbered paragraph 2, shall not be imposed upon a  
 18 person disposing of solid waste at a sanitary landfill  
 19 if the person meets all of the following requirements:

20 a. The person is a private agency which collects  
 21 solid waste for the purpose of recycling, and the  
 22 person provides documentation of this activity to the  
 23 sanitary landfill owner or operator.

24 b. The person provides documentation to the  
 25 sanitary landfill owner or operator that, of the  
 26 initial amount of solid waste collected by the private  
 27 agency, the solid waste was recycled to the greatest  
 28 extent possible, and that the remaining solid waste,  
 29 for which the person seeks disposal at the sanitary  
 30 landfill, is not recyclable by the private agency.

31 The commission shall adopt rules to implement this  
 32 subsection including provisions for the form of  
 33 documentation required."

34 14. Page 6, by striking lines 12 through 15.

35 15. Page 7, line 1, by inserting after the figure  
 36 "455B.306." the following: "Notwithstanding the  
 37 remittance requirement under this subparagraph  
 38 subdivision part (ii), if a private agency is  
 39 designated to develop and implement the comprehensive  
 40 plan pursuant to section 455B.306, the fees collected  
 41 under this subparagraph subdivision part (ii) shall be  
 42 retained by the private agency for the purpose of  
 43 implementation of the waste volume reduction and  
 44 recycling requirement of the comprehensive plans filed  
 45 pursuant to section 455B.306."

46 16. By renumbering, relettering, or redesignating  
 47 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4107 FILED MAY 9, 1991

CONCURRED AS AMENDED (p. 22, 1)

HOUSE FILE 706

H-4108

1 Amend amendment H-4107, to House File 706, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 2, by striking lines 13 through 33.

By SHOULTZ of Black Hawk

H-4108 FILED MAY 9, 1991

ADOPTED (p. 22, 1)

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 706

S-3756

1 Amend amendment H-4107, to House File 706, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 2, by striking lines 13 through 33.  
RECEIVED FROM THE HOUSE

S-3756 FILED MAY 10, 1991  
ADOPTED (p. 1767)

HSB 291

ENERGY AND ENVIRONMENTAL PROTECTION

HOUSE FILE \_\_\_\_\_  
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 solid waste and providing for the  
2 appropriation of certain solid waste tonnage fees collected.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

1 Section 1. NEW SECTION. 455D.13A LAND DISPOSAL OF MOTOR  
2 OIL FILTERS PROHIBITED.

3 A sanitary landfill shall not accept motor oil filters for  
4 final disposal beginning July 1, 1994.

5 Sec. 2. Section 455E.11, subsection 2, paragraph a,  
6 subparagraph (11), subparagraph subdivision (b), Code 1991, is  
7 amended to read as follows:

8 (b) Fifteen cents per ton per year shall be allocated to  
9 ~~local agencies for use as provided by law~~ remitted to the  
10 waste volume reduction and recycling fund created pursuant to  
11 section 455D.15 for the purposes designated pursuant to  
12 section 455D.15, subsection 4.

13 Sec. 3. Section 455D.15, Code 1991, is amended by adding  
14 the following new subsection:

15 NEW SUBSECTION. 4. The tonnage fee moneys collected and  
16 allocated pursuant to section 455E.11, subsection 2, paragraph  
17 "a", subparagraph (11), subparagraph subdivision (b), and  
18 deposited in the waste volume reduction and recycling fund  
19 shall be used for the following purposes:

20 a. One-half of the moneys shall be used for the purposes  
21 specified pursuant to subsection 2. The moneys shall be  
22 allocated to each county in which a sanitary landfill is  
23 located on the basis of the county's population as a  
24 proportion of the population of all counties in which a  
25 sanitary landfill is located. The county allocation shall be  
26 distributed on a quarterly basis by the department to each  
27 eligible county. The county shall distribute the funds to the  
28 cities within the county based upon the proportion of the  
29 city's respective population to the total county population,  
30 and the county shall retain the portion of the funds based  
31 upon the proportion of the unincorporated area of the county  
32 to the total population of the county. The funds shall be  
33 used by the county and the cities for the implementation of  
34 the comprehensive plan elements required pursuant to section  
35 455B.306 and relative to chapter 455D.



1 b. One-half of the moneys shall be used for the purposes  
2 designated pursuant to subsection 3.

3 EXPLANATION

4 This bill prohibits the disposal of motor oil filters at a  
5 sanitary landfill beginning July 1, 1994. The bill also  
6 provides for the remitting of 15 cents per ton of the solid  
7 waste tonnage fees collected to the waste volume reduction and  
8 recycling fund to be used for the awarding of grants to  
9 cities, counties, and central planning agencies, and for the  
10 other purposes relating to waste volume reduction and  
11 recycling as designated under the waste volume reduction and  
12 recycling fund.

13 The bill may create a state mandate as defined pursuant to  
14 section 25B.3.

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HOUSE FILE 706

AN ACT

RELATING TO SOLID WASTE, PROVIDING FOR THE APPROPRIATION OF CERTAIN SOLID WASTE TONNAGE FEES COLLECTED, AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. 9B.1 REGISTRATION OF WASTE TIRE HAULERS

1. For the purposes of this section, "waste tire hauler" means a person who transports for hire more than forty waste tires in a single load for commercial purposes.

2. A waste tire hauler shall register with, and obtain a certificate of registration from, the secretary of state before hauling waste tires in this state. Requirements for registration of a waste tire hauler shall include a provision that waste tire haulers shall pay all amounts due to any individual or group of individuals when due for damages caused by improper disposal of waste tires by the waste tire hauler or the waste tire hauler's employee while acting within the scope of employment. The waste tire hauler may apply for a certificate of registration by submitting the forms provided for that purpose and shall provide the name of the applicant and the address of the applicant's principal place of business and any additional information as deemed appropriate by the secretary of state.

3. A certificate of registration issued under this section is valid for one year from the date of issuance. A registered waste tire hauler may renew the certificate by filing a renewal application in the form prescribed by the secretary of state, accompanied by any applicable renewal fee.

4. The secretary of state shall establish a reasonable registration fee sufficient to offset expenses incurred in the administration of this section.

5. The secretary of state shall require that a waste tire hauler have on file with the secretary of state before the issuance or renewal of a registration certificate, a surety bond executed by a surety company authorized to do business in this state in the sum of a minimum of ten thousand dollars, which bond shall be continuous in nature until canceled by the surety. A surety shall provide at least thirty days' notice in writing to the waste tire hauler and to the secretary of state indicating the surety's intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon the waste tire hauler's willingness to comply with this section. The surety's liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from a waste tire hauler to the amount of the surety bond. This subsection shall not limit the recovery of damages to the amount of the surety bond. The bond shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state.

6. The secretary of state shall adopt rules including imposition of civil penalties necessary for the implementation and administration of this chapter.

7. A person who knowingly and willfully violates a provision of this section is subject to a civil penalty in an amount not to exceed ten thousand dollars. Moneys collected from the penalties imposed shall be deposited in the waste volume reduction and recycling fund established pursuant to section 455D.15.

Sec. 2. Section 455B.110, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the tonnage fee amounts imposed under this subsection, in the year beginning July 1, 1991, the tonnage fee shall be increased by seventy-five cents per ton of solid waste. The moneys collected under

this paragraph are appropriated and shall be used for the following purposes:

a. Ten cents per ton per year is appropriated to the department of natural resources to establish a program to provide competitive grants to regional coordinating councils for projects in regional economic development centers related to a by-products and waste exchange system. Grantees under this program shall coordinate activities with other available state or multistate waste exchanges, including but not limited to the by-products and waste search service at the university of northern Iowa. The department shall consult with the department of economic development and the waste reduction center at the university of northern Iowa in establishing criteria for and the awarding of grants under this program. The department of natural resources shall expend not more than thirty thousand dollars of the moneys appropriated under this paragraph to contract with the by-products and waste search service at the university of northern Iowa to provide training and other technical services to grantees under the program. If regional economic development centers cease to exist, the department shall revise the criteria and rules for this program to allow councils of governments or regional planning councils to be applicants for competitive grants.

b. Fifteen cents per ton per year is appropriated to the department of natural resources to establish three permanent household hazardous waste collection sites so that both urban and rural population are served and so that collection services are available to the public on a regular basis. An additional five cents per ton per year is appropriated to the department to be used for the payment of transportation costs related to household hazardous waste collection programs.

c. Twelve and one-half cents per ton per year is appropriated to the department to provide additional toxic cleanup days.

Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities.

d. Twenty-seven and one-half cents per ton per year is appropriated to the department to provide low or no interest loans to Iowa businesses for the manufacture or remanufacture of products from postconsumer materials or to Iowa businesses which purchase equipment to achieve source reductions. The department, in consultation with the department of economic development, shall develop rating criteria for the program including criteria which gives priority in the approval of loans to firms involved in tire recycling. The department, in cooperation with the department of economic development, shall provide technical assistance to and monitoring of the technical operations of projects funded under this section.

e. Five cents per ton per year is appropriated to the department of economic development to establish, in cooperation with the department of natural resources, a marketing initiative to assist Iowa businesses producing recycling or reclamation equipment or services, recyclable products, or products from recycled materials to expand into national markets. Efforts shall include the reuse and recycling of sawdust. For the fiscal year beginning July 1, 1991, and ending June 30, 1992, fifty thousand dollars of the moneys appropriated under this paragraph shall be allocated for the purposes of developing advanced microbiological technologies for reduction, destruction, or disposal of wet solid waste. For the fiscal year beginning July 1, 1992, and thereafter, fifty thousand dollars of the moneys appropriated under this paragraph shall be used by the department of economic development to provide grants or loans to Iowa businesses which have participated in the waste reduction assistance program of the department of natural resources or the program provided by the waste reduction center at the university of northern Iowa, and which have identified needs for equipment or retooling to achieve waste reduction.

Sec. 3. Section 455B.310, subsection 7, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department shall grant exemptions from the fee requirements of subsection 2, unnumbered paragraph 1, for receipt of solid waste meeting all of the following criteria:

Sec. 4. Section 45B.310, subsection 2, paragraph e, Code 1991, is amended to read as follows:

e. The owner or operator of the sanitary landfill applying for exemption demonstrates to the satisfaction of the department that good faith efforts were made to renegotiate the contract notwithstanding its terms, and has been unable to agree on an amendment allowing the fee provided in subsection 2, unnumbered paragraph 1, to be added to the compensation or fee provisions of the contract.

Sec. 5. Section 45B.310, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 9. The department shall grant exemptions from the fee requirements of subsection 2, unnumbered paragraph 2, for receipt of solid waste meeting all of the following criteria:

- a. Receipt of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and another person.
- b. The contract was lawfully executed prior to January 1, 1991.
- c. The contract expressly prohibits an increase in the compensation or fee payable to the owner or operator of the landfill and does not allow voluntary cancellation or renegotiation of the compensation or fee during the term of the contract.
- d. The contract has not been amended at any time after January 1, 1991.
- e. The owner or operator of the sanitary landfill applying for exemption demonstrates to the satisfaction of the department that good faith efforts were made to renegotiate the contract notwithstanding its terms, and has been unable to agree on an amendment allowing the fee provided in subsection 2, unnumbered paragraph 2, to be added to the compensation or fee provisions of the contract.
- f. Applications for exemption must be submitted on forms provided by the department with proof of satisfaction of all criteria.

g. Notwithstanding the fine specified within the contract, an exemption from payment of the fee increase requirements for a multi-year contract shall terminate by January 1, 1993.

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

- a. For the fiscal year beginning July 1, 1991, and ending June 30, 1992, the tonnage fee is one dollar for each ton of foundry material which is not more than forty percent of the total amount of foundry material deposited at the sanitary landfill for daily cover by any one source. The amount of foundry material deposited at the sanitary landfill which is greater than forty percent of the total amount deposited by any one source is subject to the tonnage fee imposed in subsection 2 on other solid waste.
- b. For the fiscal year beginning July 1, 1992, and ending June 30, 1993, the tonnage fee is one dollar and fifty cents for each ton of foundry material which is not more than forty percent of the total amount of foundry material deposited at the sanitary landfill for daily cover by any one source. The amount of foundry material deposited at the sanitary landfill which is greater than forty percent of the total amount deposited by any one source is subject to the tonnage fee imposed in subsection 2 on other solid waste.
- c. For each fiscal year beginning on or after July 1, 1993, the tonnage fee imposed is the tonnage fee imposed in subsection 2 on other solid waste.

Sec. 6. Section 45B.1, subsection 2, paragraph a, subparagraph (1), subparagraph subdivision (b), Code 1991, is amended to read as follows:

- (b) Fifteen cents per ton per year shall be allocated to local agencies for use as provided by law used as follows:
  - (1) If the fees are collected by a city or county or public agency, the moneys shall be retained by the city,

county, or public agency. Upon receipt of the moneys, the city, county, or public agency shall return the moneys to a city, county, or public agency served by the sanitary disposal project for the purpose of implementation of the waste volume reduction and recycling requirements of the comprehensive plans filed pursuant to section 455B.306.

(ii) If the fees are collected by a private agency which provides for the final disposal of solid waste by the residents of a city or county, the moneys shall be remitted to the department. Upon receipt of the moneys, the department shall return the moneys to the city, county, or public agency served by the sanitary disposal project for the implementation of the waste volume reduction and recycling requirements of the comprehensive plans filed pursuant to section 455B.306. Notwithstanding the remittance requirement under this subparagraph subdivision part (ii), if a private agency is designated to develop and implement the comprehensive plan pursuant to section 455B.306, the fees collected under this subparagraph subdivision part (ii) shall be retained by the private agency for the purpose of implementation of the waste volume reduction and recycling requirement of the comprehensive plans filed pursuant to section 455B.306.

Each sanitary landfill owner or operator shall submit to the department a return regarding the use of the fees allocated under this subparagraph subdivision (b) concurrently with the return submitted pursuant to section 455B.310, subsection 5.

Sec. 7. Section 455D.11, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The commission shall adopt rules which provide the following:

a. That a person who contracts with another person to transport more than forty waste tires, is required to contract only with a person registered as a waste tire hauler pursuant to section 98.1.

b. That a person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.

c. A person who does not comply with this subsection is subject to the penalty imposed pursuant to section 98.1 and the moneys allocated shall be deposited and used pursuant to section 98.1.

ROBERT C. ARNOJLD  
Speaker of the House

JOE J. WELSH  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 706, Seventy-fourth General Assembly.

JOSEPH O'HERN  
Chief Clerk of the House

Approved *June 10*, 1991

TERRY E. BRANSTAD  
Governor