

FEB 1 1996  
ENVIRONMENTAL PROTECTION

HOUSE FILE 2131  
BY GREINER and BRANSTAD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to solid waste, by providing for an optional  
2 county solid waste tonnage fee, permitting a penalty for late  
3 payments, providing for city or county inspections of the  
4 unloading of solid waste, and providing an effective date.

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

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HF 2131

1 Section 1. Section 455B.302, unnumbered paragraph 2, Code  
2 1995, is amended to read as follows:

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

29 Sec. 2. NEW SECTION. 455B.310A OPTIONAL TONNAGE FEES  
30 IMPOSED BY A COUNTY -- PENALTY.

31 In a county in which a sanitary landfill is located, the  
32 county may charge the operator of a motor vehicle which  
33 transports solid waste to the sanitary landfill with a tonnage  
34 fee for each ton or equivalent volume of solid waste received  
35 and disposed of at the sanitary landfill. The operator of a

1 sanitary landfill shall provide a county imposing a fee with  
2 information necessary to assess the fee. Moneys collected  
3 from the tonnage fee authorized by this section shall be paid  
4 exclusively to the county and shall be deposited in the county  
5 general fund. If a person required to pay fees by this  
6 section fails or refuses to pay the fees imposed under this  
7 section, the county may assess a penalty of up to two percent  
8 of the fee due for each month the fee is overdue and the  
9 operator of the sanitary landfill shall refuse to accept solid  
10 waste for disposal from the person. The penalty shall be paid  
11 in addition to the fee due. The county shall notify the  
12 operator of the sanitary landfill when a person fails or  
13 refuses to pay the fees imposed under this section.

14 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
15 immediate importance, takes effect upon enactment.

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#### EXPLANATION

17 This bill expands the authority of counties with respect to  
18 the disposal of solid waste.

19 Section 1 of the bill authorizes a city or county to  
20 inspect the unloading of solid waste at any time to ensure  
21 that only materials authorized by state and federal law are  
22 disposed of at a sanitary disposal project or sanitary  
23 landfill.

24 Section 2 provides that in a county in which a sanitary  
25 landfill is located, the county may charge the operator of a  
26 motor vehicle which transports solid waste to the sanitary  
27 landfill with a tonnage fee on solid waste disposed of at the  
28 landfill. The bill requires the operator of a sanitary  
29 landfill to provide information necessary to assess the fee.  
30 Moneys collected from the tonnage fee shall be paid  
31 exclusively to the county and shall be deposited in the county  
32 general fund. Under the bill, the county may assess a penalty  
33 of up to 2 percent of the fees due for each month the fee is  
34 overdue and the operator of the sanitary landfill shall refuse  
35 to accept solid waste for disposal from a person who fails or

1 refuses to pay fees. The county shall notify the operator of  
2 the sanitary landfill when a person fails or refuses to pay  
3 the fees imposed by the bill.

4 The bill takes effect upon enactment.

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