

Reprinted

MAR 8 1995
Place On Calendar

HOUSE FILE 289
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 154)

Passed House, Date ^(p. 889) 3/22/95 Passed Senate, Date 4/16/95 (p. 1100)
Vote: Ayes 96 Nays 0 Vote: Ayes 50 Nays 0
Approved April 25, 1995

A BILL FOR

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

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HF 289

1 Section 1. Section 455B.310, Code 1995, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 455B.310 TONNAGE FEE IMPOSED -- APPROPRIATIONS --
5 EXEMPTIONS.

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

12 2. The tonnage fee is four dollars and twenty-five cents
13 per ton of solid waste. Of that amount, ninety-five cents of
14 the tonnage fee shall be retained by a city, county, or public
15 or private agency and used as follows:

16 a. To meet comprehensive planning requirements of section
17 455B.306, the development of a closure or postclosure plan,
18 the development of a plan for the control and treatment of
19 leachate including the preparation of facility plans and
20 detailed plans and specifications, and the preparation of a
21 financial plan.

22 b. Forty-five cents of the retained funds shall be used
23 for implementing waste volume reduction and recycling
24 requirements of comprehensive plans filed under section
25 455B.306. The funds shall be distributed to a city, county,
26 or public agency served by the sanitary disposal project.
27 Fees collected by a private agency which provides for the
28 final disposal of solid waste shall be remitted to the city,
29 county, or public agency served by the sanitary disposal
30 project. However, if a private agency is designated to
31 develop and implement the comprehensive plan pursuant to
32 section 455B.306, fees under this paragraph shall be retained
33 by the private agency.

34 c. For other environmental protection and compliance
35 activities.

1 d. Each sanitary landfill owner or operator shall submit a
2 return to the department identifying the use of all fees
3 retained under this subsection including the manner in which
4 the fees were distributed. The return shall be submitted
5 concurrently with the return required under subsection 5.

6 3. Solid waste disposal facilities with special provisions
7 which limit the site to disposal of construction and
8 demolition waste, landscape waste, coal combustion waste,
9 foundry sand, and solid waste materials approved by the
10 department for lining or capping, or for construction berms,
11 dikes, or roads in a sanitary disposal project or sanitary
12 landfill are exempt from the tonnage fees imposed under this
13 section. However, solid waste disposal facilities under this
14 subsection are subject to the fees imposed pursuant to section
15 455B.105, subsection 11, paragraph "a". Notwithstanding the
16 provisions of section 455B.105, subsection 11, paragraph "b",
17 the fees collected pursuant to this subsection shall be used
18 by the department for the regulation of these solid waste
19 disposal facilities.

20 4. All tonnage fees received by the department under this
21 section shall be deposited in the solid waste account of the
22 groundwater protection fund created under section 455E.11.

23 5. Fees imposed by this section shall be paid to the
24 department on a quarterly basis with payment due by no more
25 than ninety days following the quarter during which the fees
26 were collected. The payment shall be accompanied by a return
27 which shall identify the amount of fees to be allocated to the
28 landfill alternative grant program, the amount of fees, in
29 terms of cents per ton, retained for meeting waste reduction
30 and recycling goals under section 455D.3, and additional fees
31 imposed for failure to meet the twenty-five percent waste
32 reduction and recycling goal under section 455D.3.

33 6. A person required to pay fees by this section who fails
34 or refuses to pay the fees imposed by this section shall be
35 assessed a penalty of two percent of the fee due for each

1 month the fee is overdue. The penalty shall be paid in
2 addition to the fee due.

3 7. Foundry sand used by a sanitary landfill as daily
4 cover, road base, or berm material or for other purposes
5 defined as beneficial uses by rule of the department is exempt
6 from imposition of the tonnage fee under this section.
7 Sanitary landfills may use foundry sand as a replacement for
8 earthen material, if the foundry sand is generated by a
9 foundry located within the state and if the foundry sand is
10 provided to the sanitary landfill at no cost to the sanitary
11 landfill.

12 Sec. 2. Section 455D.3, subsections 3 and 4, Code 1995,
13 are amended to read as follows:

14 3. DEPARTMENTAL MONITORING.

15 a. By October 31, 1994, a planning area shall submit to
16 the department a solid waste abatement table which is updated
17 through June 30, 1994. By April 1, 1995, the department shall
18 report to the general assembly on the progress that has been
19 made by each planning area on attainment of the July 1, 1994,
20 twenty-five percent goal.

21 If at any time the department determines that a planning
22 area has met or exceeded the twenty-five percent goal, a
23 planning area shall subtract twenty-five cents from the total
24 amount of the tonnage fee imposed pursuant to section
25 455B.310, subsection 2, ~~paragraph "a"~~. The reduction in
26 tonnage fees pursuant to this paragraph shall be taken from
27 that portion of the tonnage fees which would have been
28 allocated for landfill alternative grants pursuant to section
29 455E.11, subsection 2, paragraph "a", subparagraph ~~(9)~~ (2).

30 If the department determines that a planning area has
31 failed to meet the July 1, 1994, twenty-five percent goal, the
32 planning area shall, at a minimum, implement the solid waste
33 management techniques as listed in subsection 4. Evidence of
34 implementation of the solid waste management techniques shall
35 be documented in subsequent comprehensive plans submitted to

1 the department.

2 ~~b.---If-at-any-time-the-department-determines-that-a~~
3 ~~planning-area-has-reduced-the-amount-of-materials-in-the-waste~~
4 ~~stream,existing-as-of-July-1,1988,by-thirty-eight-percent,~~
5 ~~as-indicated-in-a-solid-waste-abatement-table-submitted-by-the~~
6 ~~planning-area,the-planning-area-shall-subtract-twenty-five~~
7 ~~cents-from-the-total-amount-of-the-tonnage-fee-imposed~~
8 ~~pursuant-to-section-455B.310,subsection-2,paragraph-"a".~~
9 ~~This-amount-shall-be-in-addition-to-any-amounts-subtracted~~
10 ~~pursuant-to-paragraph-"a"-of-this-subsection.--The-reduction~~
11 ~~in-tonnage-fees-pursuant-to-this-paragraph-shall-be-taken-from~~
12 ~~that-portion-of-the-tonnage-fees-which-would-have-been~~
13 ~~allocated-for-landfill-alternative-grants-pursuant-to-section~~
14 ~~455E.11,subsection-2,paragraph-"a",subparagraph-(9).~~

15 c. b. By October 31, 2000, a planning area shall submit to
16 the department, a solid waste abatement table which is updated
17 through June 30, 2000. By April 1, 2001, the department shall
18 report to the general assembly on the progress that has been
19 made by each planning area on attainment of the July 1, 2000,
20 fifty percent goal.

21 If at any time the department determines that a planning
22 area has met or exceeded the fifty percent goal, the planning
23 area shall subtract fifty cents from the total amount of the
24 tonnage fee imposed pursuant to section 455B.310, subsection
25 ~~2,paragraph-"a"~~. This amount shall be in addition to any
26 amounts subtracted pursuant to paragraphs "a" and "b" of this
27 subsection. The reduction in tonnage fees pursuant to this
28 paragraph shall be taken from that portion of the tonnage fees
29 which would have been allocated to landfill alternative grants
30 pursuant to section 455E.11, subsection 2, paragraph "a",
31 subparagraph (9) (2).

32 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning area
33 that fails to meet the twenty-five percent goal shall
34 implement the following solid waste management techniques:

35 a. Remit fifty cents per ton to the department, as of July

1 1, 1995. The funds shall be deposited in the solid waste
2 account under section 455E.11, subsection 2, paragraph "a", to
3 be used ~~in accordance with section 455E.11, subsection 2,~~
4 ~~paragraph "a", subparagraph (9)~~ for landfill alternative
5 grants. Moneys under this paragraph shall be remitted until
6 such time as evidence of attainment of the twenty-five percent
7 goal is documented in subsequent comprehensive plans submitted
8 to the department.

9 b. Notify the public of the planning area's failure to
10 meet the waste volume reduction goals of this section,
11 utilizing standard language developed by the department for
12 that purpose.

13 c. Develop draft ordinances which shall be used by local
14 governments for establishing collection fees that are based on
15 volume or on the number of containers used for disposal by
16 residents.

17 d. Conduct an educational and promotional program to
18 inform citizens of the manner and benefits of reducing,
19 reusing, and recycling materials and the procurement of
20 products made with recycled content. The program shall
21 include the following:

22 (1) Targeted waste reduction and recycling education for
23 residents, including multifamily dwelling complexes having
24 five or more units.

25 (2) An intensive one-day seminar for the commercial sector
26 regarding the benefits of and opportunities for waste
27 reduction and recycling.

28 (3) Promotion of recycling through targeted community and
29 media events.

30 (4) Recycling notification and education packets to all
31 new residential, commercial, and institutional collection
32 service customers that include, at a minimum, the manner of
33 preparation of materials for collection, and the reasons for
34 separation of materials for recycling.

35 Sec. 3. Section 455E.11, subsection 2, paragraph a, Code

1 1995, is amended by striking the paragraph and inserting in
2 lieu thereof the following:

3 a. A solid waste account. Moneys received from the
4 tonnage fee imposed under section 455B.310 and from other
5 sources designated for environmental protection purposes in
6 relation to sanitary disposal projects shall be deposited in
7 the solid waste account. Moneys shall be allocated as
8 follows:

9 (1) One dollar and seventy-five cents of the tonnage fee
10 shall be used for funding alternatives to landfills and shall
11 be allocated as follows:

12 (a) Fifty thousand dollars to the department to implement
13 the special waste authorization program.

14 (b) Sixty-five thousand dollars to the waste management
15 assistance division of the department to be used for the by-
16 products and waste search service at the university of
17 northern Iowa.

18 (c) The remaining funds shall be used by the department to
19 develop and implement demonstration projects for landfill
20 alternatives to solid waste disposal including recycling
21 programs.

22 (2) The remaining one dollar and fifty-five cents shall be
23 used as follows:

24 (a) Forty-eight percent to the department to be used for
25 the following purposes:

26 (i) Eight thousand dollars shall be transferred to the
27 Iowa department of public health for departmental duties
28 required under section 135.11, subsections 20 and 21, and
29 section 139.35.

30 (ii) The administration and enforcement of a groundwater
31 monitoring program and other required programs relating to
32 solid waste management.

33 (iii) The development of guidelines for groundwater
34 monitoring at sanitary disposal projects as defined in section
35 455B.301.

1 (iv) The waste management assistance division of the
2 department.

3 (b) Sixteen percent to the university of northern Iowa to
4 develop and maintain the Iowa waste reduction center for the
5 safe and economic management of solid waste and hazardous
6 substances.

7 (c) Six and one-half percent for the department to
8 establish a program to provide competitive grants to regional
9 coordinating councils for projects in regional economic
10 development centers related to a by-products and waste
11 exchange system. Grantees under this program shall coordinate
12 activities with other available state or multistate waste
13 exchanges, including but not limited to the by-products and
14 waste search service at the university of northern Iowa. The
15 department shall consult with the Iowa department of economic
16 development and the waste reduction center at the university
17 of northern Iowa in establishing criteria for and the awarding
18 of grants under this program. The department shall expend not
19 more than thirty thousand dollars of the moneys appropriated
20 under this subparagraph subdivision to contract with the by-
21 products and waste search service at the university of
22 northern Iowa to provide training and other technical services
23 to grantees under the program. If regional economic
24 development centers cease to exist, the department shall
25 transfer existing contracts to one or more community colleges
26 or councils of governments and shall revise the criteria and
27 rules for this program to allow community colleges or councils
28 of governments to be applicants for competitive grants.

29 (d) Nine and one-half percent to the department to
30 establish permanent household hazardous waste collection sites
31 so that both urban and rural populations are served and so
32 that collection services are available to the public on a
33 regular basis.

34 (e) Three percent to the department for payment of
35 transportation costs related to household hazardous waste

1 collection programs.

2 (f) Eight and one-half percent to the department to
3 provide additional toxic cleanup days. Departmental rules
4 adopted for implementation of toxic cleanup days shall provide
5 sufficient flexibility to respond to the household hazardous
6 material collection needs of both small and large communities.

7 (g) Three percent for the Iowa department of economic
8 development to establish, in cooperation with the department
9 of natural resources, a marketing initiative to assist Iowa
10 businesses producing recycling or reclamation equipment or
11 services, recyclable products, or products from recycled
12 materials to expand into national markets. Efforts shall
13 include the reuse and recycling of sawdust.

14 (h) Five and one-half percent to the department for the
15 provision of assistance to public and private entities in
16 developing and implementing waste reduction and minimization
17 programs for Iowa industries.

18 EXPLANATION

19 This bill rewrites section 455B.310 and section 455E.11,
20 subsection 2, paragraph "a", relating to the collection and
21 allocation of solid waste tonnage fees. A tonnage fee is that
22 amount of fee per ton which is charged for disposal of solid
23 waste. The tonnage fee is \$4.25 per ton. This bill does not
24 change the amount or allocation of the tonnage fees, but
25 eliminates deadlines and events which are no longer
26 applicable, consolidates provisions establishing the tonnage
27 fee, and simplifies language which distributes the fees.

28 During the 1994 legislative session, an additional waste
29 reduction and recycling goal of 38 percent was established;
30 this bill strikes that provision.

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HOUSE FILE 289
FISCAL NOTE

A fiscal note for HF 289 as amended by H-3833 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 289 as amended by H-3833 allows planning areas which have reduced waste by 25.0% to subtract \$.50 from the tonnage fee credited to the Landfill Alternative Grant Program in the Groundwater Protection Fund. The Bill eliminates the 38.0% waste reduction goal and redefines the tonnage fee as a percentage instead of a dollar amount.

Assumptions

1. Tonnage levels will remain at the FY 1994 level.
2. All planning areas will meet the 25.0% waste reduction goal.

Fiscal Impact

House File 289 as amended by H-3833 will result in an additional \$371,000 being retained by the planning area in FY 1996 and subsequent years.

(LSB 1256hv, DHK)

FILED APRIL 11, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 289

H-3305

- 1 Amend House File 289 as follows:
 - 2 1. Page 3, line 7, by striking the word "may" and
 - 3 inserting the following: "shall".
- By MEYER of Sac

H-3305 FILED MARCH 15, 1995

(p. 889) *adopted 3/22/95*

HOUSE FILE 289

H-3401

- 1 Amend House File 289 as follows:
- 2 1. Page 2, line 28, by striking the word "grant"
- 3 and inserting the following: "financial assistance".
- 4 2. Page 3, line 28, by striking the words
- 5 "landfill alternative grants" and inserting the
- 6 following: "~~landfill alternative grants~~ funding
- 7 alternatives to landfills".
- 8 3. Page 3, line 29, by striking the figure "(2)"
- 9 and inserting the following: "(1)".
- 10 4. Page 4, line 29, by striking the words
- 11 "landfill alternative grants" and inserting the
- 12 following: "~~landfill alternative grants~~ funding
- 13 alternatives to landfills".
- 14 5. Page 4, line 31, by striking the figure "(2)"
- 15 and inserting the following: "(1)".
- 16 6. Page 5, lines 4 and 5, by striking the words
- 17 "landfill alternative grants" and inserting the
- 18 following: "funding alternatives to landfills
- 19 pursuant to section 455E.11, subsection 2, paragraph
- 20 "a", subparagraph (1)".

By SHOULTZ of Black Hawk

H-3401 FILED MARCH 21, 1995

(p. 889) *adopted*
3/22/95

SENATE AMENDMENT TO HOUSE FILE 289

H-3833

- 1 Amend House File 289 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 24, by striking the word "twenty-
- 4 five" and inserting the following: "twenty-five
- 5 fifty".

RECEIVED FROM THE SENATE

(p. 1627) H-3833 FILED APRIL 10, 1995
House Concurred 4-18-95

BY COMMITTEE ON ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 154)

(As Amended and Passed by the House March 22, 1995)

Passed House, Date 4/18/95 ^(P.1627) Passed Senate, Date 4/10/95 (p.1100)
Vote: Ayes 94 Nays 0 Vote: Ayes 50 Nays 0
Approved April 25, 1995

A BILL FOR

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

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House Amendments _____

HOUSE FILE 289

S-3364

1 Amend House File 289 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, line 24, by striking the word "twenty-
4 five" and inserting the following: "twenty-five
5 fifty".

By COMMITTEE ON NATURAL RESOURCES,
ENVIRONMENT & ENERGY
BILL FINK, Chairperson

S-3364 FILED APRIL 6, 1995
Adopted 4/10/95 (p.1100)

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19

1 Section 1. Section 455B.310, Code 1995, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 455B.310 TONNAGE FEE IMPOSED -- APPROPRIATIONS --
5 EXEMPTIONS.

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

12 2. The tonnage fee is four dollars and twenty-five cents
13 per ton of solid waste. Of that amount, ninety-five cents of
14 the tonnage fee shall be retained by a city, county, or public
15 or private agency and used as follows:

16 a. To meet comprehensive planning requirements of section
17 455B.306, the development of a closure or postclosure plan,
18 the development of a plan for the control and treatment of
19 leachate including the preparation of facility plans and
20 detailed plans and specifications, and the preparation of a
21 financial plan.

22 b. Forty-five cents of the retained funds shall be used
23 for implementing waste volume reduction and recycling
24 requirements of comprehensive plans filed under section
25 455B.306. The funds shall be distributed to a city, county,
26 or public agency served by the sanitary disposal project.
27 Fees collected by a private agency which provides for the
28 final disposal of solid waste shall be remitted to the city,
29 county, or public agency served by the sanitary disposal
30 project. However, if a private agency is designated to
31 develop and implement the comprehensive plan pursuant to
32 section 455B.306, fees under this paragraph shall be retained
33 by the private agency.

34 c. For other environmental protection and compliance
35 activities.

1 d. Each sanitary landfill owner or operator shall submit a
2 return to the department identifying the use of all fees
3 retained under this subsection including the manner in which
4 the fees were distributed. The return shall be submitted
5 concurrently with the return required under subsection 5.

6 3. Solid waste disposal facilities with special provisions
7 which limit the site to disposal of construction and
8 demolition waste, landscape waste, coal combustion waste,
9 foundry sand, and solid waste materials approved by the
10 department for lining or capping, or for construction berms,
11 dikes, or roads in a sanitary disposal project or sanitary
12 landfill are exempt from the tonnage fees imposed under this
13 section. However, solid waste disposal facilities under this
14 subsection are subject to the fees imposed pursuant to section
15 455B.105, subsection 11, paragraph "a". Notwithstanding the
16 provisions of section 455B.105, subsection 11, paragraph "b",
17 the fees collected pursuant to this subsection shall be used
18 by the department for the regulation of these solid waste
19 disposal facilities.

20 4. All tonnage fees received by the department under this
21 section shall be deposited in the solid waste account of the
22 groundwater protection fund created under section 455E.11.

23 5. Fees imposed by this section shall be paid to the
24 department on a quarterly basis with payment due by no more
25 than ninety days following the quarter during which the fees
26 were collected. The payment shall be accompanied by a return
27 which shall identify the amount of fees to be allocated to the
28 landfill alternative financial assistance program, the amount
29 of fees, in terms of cents per ton, retained for meeting waste
30 reduction and recycling goals under section 455D.3, and
31 additional fees imposed for failure to meet the twenty-five
32 percent waste reduction and recycling goal under section
33 455D.3.

34 6. A person required to pay fees by this section who fails
35 or refuses to pay the fees imposed by this section shall be

1 assessed a penalty of two percent of the fee due for each
2 month the fee is overdue. The penalty shall be paid in
3 addition to the fee due.

4 7. Foundry sand used by a sanitary landfill as daily
5 cover, road base, or berm material or for other purposes
6 defined as beneficial uses by rule of the department is exempt
7 from imposition of the tonnage fee under this section.
8 Sanitary landfills shall use foundry sand as a replacement for
9 earthen material, if the foundry sand is generated by a
10 foundry located within the state and if the foundry sand is
11 provided to the sanitary landfill at no cost to the sanitary
12 landfill.

13 Sec. 2. Section 455D.3, subsections 3 and 4, Code 1995,
14 are amended to read as follows:

15 3. DEPARTMENTAL MONITORING.

16 a. By October 31, 1994, a planning area shall submit to
17 the department a solid waste abatement table which is updated
18 through June 30, 1994. By April 1, 1995, the department shall
19 report to the general assembly on the progress that has been
20 made by each planning area on attainment of the July 1, 1994,
21 twenty-five percent goal.

22 If at any time the department determines that a planning
23 area has met or exceeded the twenty-five percent goal, a
24 planning area shall subtract twenty-five cents from the total
25 amount of the tonnage fee imposed pursuant to section
26 455B.310, subsection 2, ~~paragraph "a"~~. The reduction in
27 tonnage fees pursuant to this paragraph shall be taken from
28 that portion of the tonnage fees which would have been
29 allocated for ~~landfill alternative grants~~ funding alternatives
30 to landfills pursuant to section 455E.11, subsection 2,
31 paragraph "a", subparagraph (1).

32 If the department determines that a planning area has
33 failed to meet the July 1, 1994, twenty-five percent goal, the
34 planning area shall, at a minimum, implement the solid waste
35 management techniques as listed in subsection 4. Evidence of

1 implementation of the solid waste management techniques shall
2 be documented in subsequent comprehensive plans submitted to
3 the department.

4 ~~b.---If-at-any-time-the-department-determines-that-a~~
5 ~~planning-area-has-reduced-the-amount-of-materials-in-the-waste~~
6 ~~stream,-existing-as-of-July-1,-1988,-by-thirty-eight-percent,~~
7 ~~as-indicated-in-a-solid-waste-abatement-table-submitted-by-the~~
8 ~~planning-area,-the-planning-area-shall-subtract-twenty-five~~
9 ~~cents-from-the-total-amount-of-the-tonnage-fee-imposed~~
10 ~~pursuant-to-section-455B.310,-subsection-2,-paragraph-"a".~~
11 ~~This-amount-shall-be-in-addition-to-any-amounts-subtracted~~
12 ~~pursuant-to-paragraph-"a"-of-this-subsection.--The-reduction~~
13 ~~in-tonnage-fees-pursuant-to-this-paragraph-shall-be-taken-from~~
14 ~~that-portion-of-the-tonnage-fees-which-would-have-been~~
15 ~~allocated-for-landfill-alternative-grants-pursuant-to-section~~
16 ~~455E.11,-subsection-2,-paragraph-"a",-subparagraph-(9).~~

17 ~~c. b.~~ By October 31, 2000, a planning area shall submit to
18 the department, a solid waste abatement table which is updated
19 through June 30, 2000. By April 1, 2001, the department shall
20 report to the general assembly on the progress that has been
21 made by each planning area on attainment of the July 1, 2000,
22 fifty percent goal.

23 If at any time the department determines that a planning
24 area has met or exceeded the fifty percent goal, the planning
25 area shall subtract fifty cents from the total amount of the
26 tonnage fee imposed pursuant to section 455B.310, subsection
27 ~~2,-paragraph-"a"~~. This amount shall be in addition to any
28 amounts subtracted pursuant to paragraphs "a" and "b" of this
29 subsection. The reduction in tonnage fees pursuant to this
30 paragraph shall be taken from that portion of the tonnage fees
31 which would have been allocated to ~~landfill-alternative-grants~~
32 funding alternatives to landfills pursuant to section 455E.11,
33 subsection 2, paragraph "a", subparagraph (9) (1).

34 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning area
35 that fails to meet the twenty-five percent goal shall

1 implement the following solid waste management techniques:

2 a. Remit fifty cents per ton to the department, as of July
3 1, 1995. The funds shall be deposited in the solid waste
4 account under section 455E.11, subsection 2, paragraph "a", to
5 be used ~~in accordance with section 455E.11, subsection 2,~~
6 paragraph "a", subparagraph (9) for funding alternatives to
7 landfills pursuant to section 455E.11, subsection 2, paragraph
8 "a", subparagraph (1). Moneys under this paragraph shall be
9 remitted until such time as evidence of attainment of the
10 twenty-five percent goal is documented in subsequent
11 comprehensive plans submitted to the department.

12 b. Notify the public of the planning area's failure to
13 meet the waste volume reduction goals of this section,
14 utilizing standard language developed by the department for
15 that purpose.

16 c. Develop draft ordinances which shall be used by local
17 governments for establishing collection fees that are based on
18 volume or on the number of containers used for disposal by
19 residents.

20 d. Conduct an educational and promotional program to
21 inform citizens of the manner and benefits of reducing,
22 reusing, and recycling materials and the procurement of
23 products made with recycled content. The program shall
24 include the following:

25 (1) Targeted waste reduction and recycling education for
26 residents, including multifamily dwelling complexes having
27 five or more units.

28 (2) An intensive one-day seminar for the commercial sector
29 regarding the benefits of and opportunities for waste
30 reduction and recycling.

31 (3) Promotion of recycling through targeted community and
32 media events.

33 (4) Recycling notification and education packets to all
34 new residential, commercial, and institutional collection
35 service customers that include, at a minimum, the manner of

1 preparation of materials for collection, and the reasons for
2 separation of materials for recycling.

3 Sec. 3. Section 455E.11, subsection 2, paragraph a, Code
4 1995, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 a. A solid waste account. Moneys received from the
7 tonnage fee imposed under section 455B.310 and from other
8 sources designated for environmental protection purposes in
9 relation to sanitary disposal projects shall be deposited in
10 the solid waste account. Moneys shall be allocated as
11 follows:

12 (1) One dollar and seventy-five cents of the tonnage fee
13 shall be used for funding alternatives to landfills and shall
14 be allocated as follows:

15 (a) Fifty thousand dollars to the department to implement
16 the special waste authorization program.

17 (b) Sixty-five thousand dollars to the waste management
18 assistance division of the department to be used for the by-
19 products and waste search service at the university of
20 northern Iowa.

21 (c) The remaining funds shall be used by the department to
22 develop and implement demonstration projects for landfill
23 alternatives to solid waste disposal including recycling
24 programs.

25 (2) The remaining one dollar and fifty-five cents shall be
26 used as follows:

27 (a) Forty-eight percent to the department to be used for
28 the following purposes:

29 (i) Eight thousand dollars shall be transferred to the
30 Iowa department of public health for departmental duties
31 required under section 135.11, subsections 20 and 21, and
32 section 139.35.

33 (ii) The administration and enforcement of a groundwater
34 monitoring program and other required programs relating to
35 solid waste management.

1 (iii) The development of guidelines for groundwater
2 monitoring at sanitary disposal projects as defined in section
3 455B.301.

4 (iv) The waste management assistance division of the
5 department.

6 (b) Sixteen percent to the university of northern Iowa to
7 develop and maintain the Iowa waste reduction center for the
8 safe and economic management of solid waste and hazardous
9 substances.

10 (c) Six and one-half percent for the department to
11 establish a program to provide competitive grants to regional
12 coordinating councils for projects in regional economic
13 development centers related to a by-products and waste
14 exchange system. Grantees under this program shall coordinate
15 activities with other available state or multistate waste
16 exchanges, including but not limited to the by-products and
17 waste search service at the university of northern Iowa. The
18 department shall consult with the Iowa department of economic
19 development and the waste reduction center at the university
20 of northern Iowa in establishing criteria for and the awarding
21 of grants under this program. The department shall expend not
22 more than thirty thousand dollars of the moneys appropriated
23 under this subparagraph subdivision to contract with the by-
24 products and waste search service at the university of
25 northern Iowa to provide training and other technical services
26 to grantees under the program. If regional economic
27 development centers cease to exist, the department shall
28 transfer existing contracts to one or more community colleges
29 or councils of governments and shall revise the criteria and
30 rules for this program to allow community colleges or councils
31 of governments to be applicants for competitive grants.

32 (d) Nine and one-half percent to the department to
33 establish permanent household hazardous waste collection sites
34 so that both urban and rural populations are served and so
35 that collection services are available to the public on a

1 regular basis.

2 (e) Three percent to the department for payment of
3 transportation costs related to household hazardous waste
4 collection programs.

5 (f) Eight and one-half percent to the department to
6 provide additional toxic cleanup days. Departmental rules
7 adopted for implementation of toxic cleanup days shall provide
8 sufficient flexibility to respond to the household hazardous
9 material collection needs of both small and large communities.

10 (g) Three percent for the Iowa department of economic
11 development to establish, in cooperation with the department
12 of natural resources, a marketing initiative to assist Iowa
13 businesses producing recycling or reclamation equipment or
14 services, recyclable products, or products from recycled
15 materials to expand into national markets. Efforts shall
16 include the reuse and recycling of sawdust.

17 (h) Five and one-half percent to the department for the
18 provision of assistance to public and private entities in
19 developing and implementing waste reduction and minimization
20 programs for Iowa industries.

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Meyer - Chair
Teig
Shoultz

HSB 154

ENVIRONMENTAL PROTECTION

SENATE/HOUSE FILE 289
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to solid waste tonnage fees.

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

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1 Section 1. Section 455B.310, Code 1995, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 455B.310 TONNAGE FEE IMPOSED -- APPROPRIATIONS --
5 EXEMPTIONS.

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

12 2. The tonnage fee is four dollars and twenty-five cents
13 per ton of solid waste. Of that amount, ninety-five cents of
14 the tonnage fee shall be retained by a city, county, or public
15 or private agency and used as follows:

16 a. To meet comprehensive planning requirements of section
17 455B.306, the development of a closure or postclosure plan,
18 the development of a plan for the control and treatment of
19 leachate including the preparation of facility plans and
20 detailed plans and specifications, and the preparation of a
21 financial plan.

22 b. Forty-five cents of the retained funds shall be used
23 for implementing waste volume reduction and recycling
24 requirements of comprehensive plans filed under section
25 455B.306. The funds shall be distributed to a city, county,
26 or public agency served by the sanitary disposal project.
27 Fees collected by a private agency which provides for the
28 final disposal of solid waste shall be remitted to the city,
29 county, or public agency served by the sanitary disposal
30 project. However, if a private agency is designated to
31 develop and implement the comprehensive plan pursuant to
32 section 455B.306, fees under this paragraph shall be retained
33 by the private agency.

34 c. For other environmental protection and compliance
35 activities.

1 d. Each sanitary landfill owner or operator shall submit a
2 return to the department identifying the use of all fees
3 retained under this subsection including the manner in which
4 the fees were distributed. The return shall be submitted
5 concurrently with the return required under subsection 5.

6 3. Solid waste disposal facilities with special provisions
7 which limit the site to disposal of construction and
8 demolition waste, landscape waste, coal combustion waste,
9 foundry sand, and solid waste materials approved by the
10 department for lining or capping, or for construction berms,
11 dikes, or roads in a sanitary disposal project or sanitary
12 landfill are exempt from the tonnage fees imposed under this
13 section. However, solid waste disposal facilities under this
14 subsection are subject to the fees imposed pursuant to section
15 455B.105, subsection 11, paragraph "a". Notwithstanding the
16 provisions of section 455B.105, subsection 11, paragraph "b",
17 the fees collected pursuant to this subsection shall be used
18 by the department for the regulation of these solid waste
19 disposal facilities.

20 4. All tonnage fees received by the department under this
21 section shall be deposited in the solid waste account of the
22 groundwater protection fund created under section 455E.11.

23 5. Fees imposed by this section shall be paid to the
24 department on a quarterly basis with payment due by no more
25 than ninety days following the quarter during which the fees
26 were collected. The payment shall be accompanied by a return
27 which shall identify the amount of fees to be allocated to the
28 landfill alternative grant program, the amount of fees, in
29 terms of cents per ton, retained for meeting waste reduction
30 and recycling goals under section 455D.3, and additional fees
31 imposed for failure to meet the twenty-five percent waste
32 reduction and recycling goal under section 455D.3.

33 6. A person required to pay fees by this section who fails
34 or refuses to pay the fees imposed by this section shall be
35 assessed a penalty of two percent of the fee due for each

1 month the fee is overdue. The penalty shall be paid in
2 addition to the fee due.

3 7. Foundry sand used by a sanitary landfill as daily
4 cover, road base, or berm material or for other purposes
5 defined as beneficial uses by rule of the department is exempt
6 from imposition of the tonnage fee under this section.
7 Sanitary landfills may use foundry sand as a replacement for
8 earthen material, if the foundry sand is generated by a
9 foundry located within the state and if the foundry sand is
10 provided to the sanitary landfill at no cost to the sanitary
11 landfill.

12 Sec. 2. Section 455D.3, subsections 3 and 4, Code 1995,
13 are amended to read as follows:

14 3. DEPARTMENTAL MONITORING.

15 a. By October 31, 1994, a planning area shall submit to
16 the department a solid waste abatement table which is updated
17 through June 30, 1994. By April 1, 1995, the department shall
18 report to the general assembly on the progress that has been
19 made by each planning area on attainment of the July 1, 1994,
20 twenty-five percent goal.

21 If at any time the department determines that a planning
22 area has met or exceeded the twenty-five percent goal, a
23 planning area shall subtract twenty-five cents from the total
24 amount of the tonnage fee imposed pursuant to section
25 455B.310, subsection ~~27~~-paragraph-"a". The reduction in
26 tonnage fees pursuant to this paragraph shall be taken from
27 that portion of the tonnage fees which would have been
28 allocated for landfill alternative grants pursuant to section
29 455E.11, subsection 2, paragraph "a", subparagraph (9) (2).

30 If the department determines that a planning area has
31 failed to meet the July 1, 1994, twenty-five percent goal, the
32 planning area shall, at a minimum, implement the solid waste
33 management techniques as listed in subsection 4. Evidence of
34 implementation of the solid waste management techniques shall
35 be documented in subsequent comprehensive plans submitted to

1 the department.

2 ~~b. -- If at any time the department determines that a~~
3 ~~planning area has reduced the amount of materials in the waste~~
4 ~~stream, existing as of July 17, 1988, by thirty-eight percent,~~
5 ~~as indicated in a solid waste abatement table submitted by the~~
6 ~~planning area, the planning area shall subtract twenty-five~~
7 ~~cents from the total amount of the tonnage fee imposed~~
8 ~~pursuant to section 455B.310, subsection 2, paragraph "a".~~
9 ~~This amount shall be in addition to any amounts subtracted~~
10 ~~pursuant to paragraph "a" of this subsection. -- The reduction~~
11 ~~in tonnage fees pursuant to this paragraph shall be taken from~~
12 ~~that portion of the tonnage fees which would have been~~
13 ~~allocated for landfill alternative grants pursuant to section~~
14 ~~455E.11, subsection 2, paragraph "a", subparagraph (9).~~

15 c. b. By October 31, 2000, a planning area shall submit to
16 the department, a solid waste abatement table which is updated
17 through June 30, 2000. By April 1, 2001, the department shall
18 report to the general assembly on the progress that has been
19 made by each planning area on attainment of the July 1, 2000,
20 fifty percent goal.

21 If at any time the department determines that a planning
22 area has met or exceeded the fifty percent goal, the planning
23 area shall subtract fifty cents from the total amount of the
24 tonnage fee imposed pursuant to section 455B.310, subsection
25 ~~2, paragraph "a"~~. This amount shall be in addition to any
26 amounts subtracted pursuant to paragraphs "a" and "b" of this
27 subsection. The reduction in tonnage fees pursuant to this
28 paragraph shall be taken from that portion of the tonnage fees
29 which would have been allocated to landfill alternative grants
30 pursuant to section 455E.11, subsection 2, paragraph "a",
31 subparagraph (9) (2).

32 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning area
33 that fails to meet the twenty-five percent goal shall
34 implement the following solid waste management techniques:

35 a. Remit fifty cents per ton to the department, as of July

1 1, 1995. The funds shall be deposited in the solid waste
2 account under section 455E.11, subsection 2, paragraph "a", to
3 be used ~~in accordance with section 455E.11, subsection 2,~~
4 ~~paragraph "a", subparagraph (9)~~ for landfill alternative
5 grants. Moneys under this paragraph shall be remitted until
6 such time as evidence of attainment of the twenty-five percent
7 goal is documented in subsequent comprehensive plans submitted
8 to the department.

9 b. Notify the public of the planning area's failure to
10 meet the waste volume reduction goals of this section,
11 utilizing standard language developed by the department for
12 that purpose.

13 c. Develop draft ordinances which shall be used by local
14 governments for establishing collection fees that are based on
15 volume or on the number of containers used for disposal by
16 residents.

17 d. Conduct an educational and promotional program to
18 inform citizens of the manner and benefits of reducing,
19 reusing, and recycling materials and the procurement of
20 products made with recycled content. The program shall
21 include the following:

22 (1) Targeted waste reduction and recycling education for
23 residents, including multifamily dwelling complexes having
24 five or more units.

25 (2) An intensive one-day seminar for the commercial sector
26 regarding the benefits of and opportunities for waste
27 reduction and recycling.

28 (3) Promotion of recycling through targeted community and
29 media events.

30 (4) Recycling notification and education packets to all
31 new residential, commercial, and institutional collection
32 service customers that include, at a minimum, the manner of
33 preparation of materials for collection, and the reasons for
34 separation of materials for recycling.

35 Sec. 3. Section 455E.11, subsection 2, paragraph a, Code

1 1995, is amended by striking the paragraph and inserting in
2 lieu thereof the following:

3 a. A solid waste account. Moneys received from the
4 tonnage fee imposed under section 455B.310 and from other
5 sources designated for environmental protection purposes in
6 relation to sanitary disposal projects shall be deposited in
7 the solid waste account. Moneys shall be allocated as
8 follows:

9 (1) One dollar and seventy-five cents of the tonnage fee
10 shall be used for funding alternatives to landfills and shall
11 be allocated as follows:

12 (a) Fifty thousand dollars to the department to implement
13 the special waste authorization program.

14 (b) Sixty-five thousand dollars to the waste management
15 assistance division of the department to be used for the by-
16 products and waste search service at the university of
17 northern Iowa.

18 (c) The remaining funds shall be used by the department to
19 develop and implement demonstration projects for landfill
20 alternatives to solid waste disposal including recycling
21 programs.

22 (2) The remaining one dollar and fifty-five cents shall be
23 used as follows:

24 (a) Forty-eight percent to the department to be used for
25 the following purposes:

26 (i) Eight thousand dollars shall be transferred to the
27 Iowa department of public health for departmental duties
28 required under section 135.11, subsections 20 and 21, and
29 section 139.35.

30 (ii) The administration and enforcement of a groundwater
31 monitoring program and other required programs relating to
32 solid waste management.

33 (iii) The development of guidelines for groundwater
34 monitoring at sanitary disposal projects as defined in section
35 455B.301.

1 (iv) The waste management assistance division of the
2 department.

3 (b) Sixteen percent to the university of northern Iowa to
4 develop and maintain the Iowa waste reduction center for the
5 safe and economic management of solid waste and hazardous
6 substances.

7 (c) Six and one-half percent for the department to
8 establish a program to provide competitive grants to regional
9 coordinating councils for projects in regional economic
10 development centers related to a by-products and waste
11 exchange system. Grantees under this program shall coordinate
12 activities with other available state or multistate waste
13 exchanges, including but not limited to the by-products and
14 waste search service at the university of northern Iowa. The
15 department shall consult with the Iowa department of economic
16 development and the waste reduction center at the university
17 of northern Iowa in establishing criteria for and the awarding
18 of grants under this program. The department shall expend not
19 more than thirty thousand dollars of the moneys appropriated
20 under this subparagraph subdivision to contract with the by-
21 products and waste search service at the university of
22 northern Iowa to provide training and other technical services
23 to grantees under the program. If regional economic
24 development centers cease to exist, the department shall
25 transfer existing contracts to one or more community colleges
26 or councils of governments and shall revise the criteria and
27 rules for this program to allow community colleges or councils
28 of governments to be applicants for competitive grants.

29 (d) Nine and one-half percent to the department to
30 establish permanent household hazardous waste collection sites
31 so that both urban and rural populations are served and so
32 that collection services are available to the public on a
33 regular basis.

34 (e) Three percent to the department for payment of
35 transportation costs related to household hazardous waste

1 collection programs.

2 (f) Eight and one-half percent to the department to
3 provide additional toxic cleanup days. Departmental rules
4 adopted for implementation of toxic cleanup days shall provide
5 sufficient flexibility to respond to the household hazardous
6 material collection needs of both small and large communities.

7 (g) Three percent for the Iowa department of economic
8 development to establish, in cooperation with the department
9 of natural resources, a marketing initiative to assist Iowa
10 businesses producing recycling or reclamation equipment or
11 services, recyclable products, or products from recycled
12 materials to expand into national markets. Efforts shall
13 include the reuse and recycling of sawdust.

14 (h) Five and one-half percent to the department for the
15 provision of assistance to public and private entities in
16 developing and implementing waste reduction and minimization
17 programs for Iowa industries.

18 EXPLANATION

19 This bill rewrites section 455B.310 and section 455E.11,
20 subsection 2, paragraph "a", relating to the collection and
21 allocation of solid waste tonnage fees. A tonnage fee is that
22 amount of fee per ton which is charged for disposal of solid
23 waste. The tonnage fee is \$4.25 per ton. This bill does not
24 change the amount or allocation of the tonnage fees, but
25 eliminates deadlines and events which are no longer
26 applicable, consolidates provisions establishing the tonnage
27 fee, and simplifies language which distributes the fees.

28 During the 1994 legislative session, an additional waste
29 reduction and recycling goal of 38 percent was established;
30 this bill strikes that provision.

31 BACKGROUND STATEMENT

32 SUBMITTED BY THE AGENCY

33 This bill proposes to simplify and streamline the current
34 Code language which relates to the assessment, collection, and
35 disbursement of tonnage fees imposed on solid waste taken for

1 final disposal at sanitary landfills. The current law has
2 been built up over a series of nearly annual amendments. Each
3 time the fees were increased, specific changes were mandated
4 for the distribution of the new portion of the money. In
5 addition, some of the fee recipients were modified. While the
6 result is still somewhat complicated, it provides for
7 consolidation of the fees to be collected, eliminates numerous
8 provisions that no longer apply, and establishes a percentage
9 formula for the distribution of the balance of funds received
10 by the state. Distribution by percentage clarifies the manner
11 in which it is done and allows for easier adjustment as
12 warranted. Local governments will find the requirements for
13 use of retained funds in one section although they will be
14 required to calculate the amount of retained fees and submit a
15 return to the department of natural resources.

16 The bill strikes a provision which established a third
17 waste reduction and recycling goal of 38 percent due to the
18 fact that it created an almost impossible situation for the
19 department of natural resources to implement.

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HOUSE FILE 289

AN ACT

RELATING TO SOLID WASTE TONNAGE FEES.

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

Section 1. Section 455B.310, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

455B.310 TONNAGE FEE IMPOSED -- APPROPRIATIONS -- EXEMPTIONS.

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

2. The tonnage fee is four dollars and twenty-five cents per ton of solid waste. Of that amount, ninety-five cents of the tonnage fee shall be retained by a city, county, or public or private agency and used as follows:

a. To meet comprehensive planning requirements of section 455B.306, the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, and the preparation of a financial plan.

b. Forty-five cents of the retained funds shall be used for implementing waste volume reduction and recycling requirements of comprehensive plans filed under section 455B.306. The funds shall be distributed to a city, county, or public agency served by the sanitary disposal project. Fees collected by a private agency which provides for the final disposal of solid waste shall be remitted to the city, county, or public agency served by the sanitary disposal project. However, if a private agency is designated to develop and implement the comprehensive plan pursuant to section 455B.306, fees under this paragraph shall be retained by the private agency.

c. For other environmental protection and compliance activities.

d. Each sanitary landfill owner or operator shall submit a return to the department identifying the use of all fees retained under this subsection including the manner in which the fees were distributed. The return shall be submitted concurrently with the return required under subsection 5.

3. Solid waste disposal facilities with special provisions which limit the site to disposal of construction and demolition waste, landscape waste, coal combustion waste, foundry sand, and solid waste materials approved by the department for lining or capping, or for construction berms, dikes, or roads in a sanitary disposal project or sanitary landfill are exempt from the tonnage fees imposed under this section. However, solid waste disposal facilities under this subsection are subject to the fees imposed pursuant to section 455B.105, subsection 11, paragraph "a". Notwithstanding the

provisions of section 455B.105, subsection 11, paragraph "b", the fees collected pursuant to this subsection shall be used by the department for the regulation of these solid waste disposal facilities.

4. All tonnage fees received by the department under this section shall be deposited in the solid waste account of the groundwater protection fund created under section 455E.11.

5. Fees imposed by this section shall be paid to the department on a quarterly basis with payment due by no more than ninety days following the quarter during which the fees were collected. The payment shall be accompanied by a return which shall identify the amount of fees to be allocated to the landfill alternative financial assistance program, the amount of fees, in terms of cents per ton, retained for meeting waste reduction and recycling goals under section 455D.3, and additional fees imposed for failure to meet the twenty-five percent waste reduction and recycling goal under section 455D.3.

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

7. 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 under this section. Sanitary landfills shall use foundry sand 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. 2. Section 455D.3, subsections 3 and 4, Code 1995, are amended to read as follows:

3. DEPARTMENTAL MONITORING.

a. By October 31, 1994, a planning area shall submit to the department a solid waste abatement table which is updated through June 30, 1994. By April 1, 1995, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 1994, twenty-five percent goal.

If at any time the department determines that a planning area has met or exceeded the twenty-five percent goal, a planning area shall subtract ~~twenty-five~~ fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, ~~paragraph "a"~~. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated for ~~landfill alternative grants~~ funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph ~~(9)~~ (1).

If the department determines that a planning area has failed to meet the July 1, 1994, twenty-five percent goal, the planning area shall, at a minimum, implement the solid waste management techniques as listed in subsection 4. Evidence of implementation of the solid waste management techniques shall be documented in subsequent comprehensive plans submitted to the department.

~~b. -- If at any time the department determines that a planning area has reduced the amount of materials in the waste stream, existing as of July 1, 1988, by thirty-eight percent, as indicated in a solid waste abatement table submitted by the planning area, the planning area shall subtract twenty-five cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, paragraph "a". This amount shall be in addition to any amounts subtracted pursuant to paragraph "a" of this subsection. -- The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated for landfill alternative grants pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (9).~~

~~c.~~ b. By October 31, 2000, a planning area shall submit to the department, a solid waste abatement table which is updated through June 30, 2000. By April 1, 2001, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 2000, fifty percent goal.

If at any time the department determines that a planning area has met or exceeded the fifty percent goal, the planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, ~~paragraph "a"~~. This amount shall be in addition to any amounts subtracted pursuant to paragraphs "a" and "b" of this subsection. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated to ~~landfill alternative grants funding alternatives to landfills~~ pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph ~~(9)~~ (1).

4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning area that fails to meet the twenty-five percent goal shall implement the following solid waste management techniques:

a. Remit fifty cents per ton to the department, as of July 1, 1995. The funds shall be deposited in the solid waste account under section 455E.11, subsection 2, paragraph "a", to be used ~~in accordance with section 455E.11, subsection 2, paragraph "a", subparagraph (9)~~ for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). Moneys under this paragraph shall be remitted until such time as evidence of attainment of the twenty-five percent goal is documented in subsequent comprehensive plans submitted to the department.

b. Notify the public of the planning area's failure to meet the waste volume reduction goals of this section, utilizing standard language developed by the department for that purpose.

c. Develop draft ordinances which shall be used by local governments for establishing collection fees that are based on volume or on the number of containers used for disposal by residents.

d. Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content. The program shall include the following:

- (1) Targeted waste reduction and recycling education for residents, including multifamily dwelling complexes having five or more units.
- (2) An intensive one-day seminar for the commercial sector regarding the benefits of and opportunities for waste reduction and recycling.
- (3) Promotion of recycling through targeted community and media events.
- (4) Recycling notification and education packets to all new residential, commercial, and institutional collection service customers that include, at a minimum, the manner of preparation of materials for collection, and the reasons for separation of materials for recycling.

Sec. 3. Section 455E.11, subsection 2, paragraph a, Code 1995, is amended by striking the paragraph and inserting in lieu thereof the following:

a. A solid waste account. Moneys received from the tonnage fee imposed under section 455B.310 and from other sources designated for environmental protection purposes in relation to sanitary disposal projects shall be deposited in the solid waste account. Moneys shall be allocated as follows:

- (1) One dollar and seventy-five cents of the tonnage fee shall be used for funding alternatives to landfills and shall be allocated as follows:

(a) Fifty thousand dollars to the department to implement the special waste authorization program.

(b) Sixty-five thousand dollars to the waste management assistance division of the department to be used for the by-products and waste search service at the university of northern Iowa.

(c) The remaining funds shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(2) The remaining one dollar and fifty-five cents shall be used as follows:

(a) Forty-eight percent to the department to be used for the following purposes:

(i) Eight thousand dollars shall be transferred to the Iowa department of public health for departmental duties required under section 135.11, subsections 20 and 21, and section 139.35.

(ii) The administration and enforcement of a groundwater monitoring program and other required programs relating to solid waste management.

(iii) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301.

(iv) The waste management assistance division of the department.

(b) Sixteen percent to the university of northern Iowa to develop and maintain the Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances.

(c) Six and one-half percent for the department 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 Iowa 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 shall expend not more than thirty thousand dollars of the moneys appropriated under this subparagraph subdivision 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 transfer existing contracts to one or more community colleges or councils of governments and shall revise the criteria and rules for this program to allow community colleges or councils of governments to be applicants for competitive grants.

(d) Nine and one-half percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis.

(e) Three percent to the department for payment of transportation costs related to household hazardous waste collection programs.

(f) Eight and one-half percent 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.

(g) Three percent for the Iowa 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.

(h) Five and one-half percent to the department for the provision of assistance to public and private entities in developing and implementing waste reduction and minimization programs for Iowa industries.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 289, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 25, 1995

TERRY E. BRANSTAD
Governor