

# House Study Bill 154

## Conference Committee Text

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1 1 Section 1. Section [455B.310](#), Code 1995, is amended by  
1 2 striking the section and inserting in lieu thereof the  
1 3 following:  
1 4 455B.310 TONNAGE FEE IMPOSED &dash; APPROPRIATIONS &dash;  
1 5 EXEMPTIONS.  
1 6 1. Except as provided in subsection 3, the operator of a  
1 7 sanitary landfill shall pay a tonnage fee to the department  
1 8 for each ton or equivalent volume of solid waste received and  
1 9 disposed of at the sanitary landfill during the preceding  
1 10 reporting period. The department shall determine by rule the  
1 11 volume which is equivalent to a ton of waste.  
1 12 2. The tonnage fee is four dollars and twenty-five cents  
1 13 per ton of solid waste. Of that amount, ninety-five cents of  
1 14 the tonnage fee shall be retained by a city, county, or public  
1 15 or private agency and used as follows:  
1 16 a. To meet comprehensive planning requirements of section  
1 17 455B.306, the development of a closure or postclosure plan,  
1 18 the development of a plan for the control and treatment of  
1 19 leachate including the preparation of facility plans and  
1 20 detailed plans and specifications, and the preparation of a  
1 21 financial plan.  
1 22 b. Forty-five cents of the retained funds shall be used  
1 23 for implementing waste volume reduction and recycling  
1 24 requirements of comprehensive plans filed under section  
1 25 455B.306. The funds shall be distributed to a city, county,  
1 26 or public agency served by the sanitary disposal project.  
1 27 Fees collected by a private agency which provides for the  
1 28 final disposal of solid waste shall be remitted to the city,  
1 29 county, or public agency served by the sanitary disposal  
1 30 project. However, if a private agency is designated to  
1 31 develop and implement the comprehensive plan pursuant to  
1 32 section 455B.306, fees under this paragraph shall be retained  
1 33 by the private agency.  
1 34 c. For other environmental protection and compliance  
1 35 activities.  
2 1 d. Each sanitary landfill owner or operator shall submit a  
2 2 return to the department identifying the use of all fees  
2 3 retained under this subsection including the manner in which  
2 4 the fees were distributed. The return shall be submitted  
2 5 concurrently with the return required under subsection 5.  
2 6 3. Solid waste disposal facilities with special provisions  
2 7 which limit the site to disposal of construction and  
2 8 demolition waste, landscape waste, coal combustion waste,  
2 9 foundry sand, and solid waste materials approved by the  
2 10 department for lining or capping, or for construction berms,  
2 11 dikes, or roads in a sanitary disposal project or sanitary  
2 12 landfill are exempt from the tonnage fees imposed under this  
2 13 section. However, solid waste disposal facilities under this  
2 14 subsection are subject to the fees imposed pursuant to section  
2 15 455B.105, subsection 11, paragraph "a". Notwithstanding the  
2 16 provisions of section 455B.105, subsection 11, paragraph "b",  
2 17 the fees collected pursuant to this subsection shall be used  
2 18 by the department for the regulation of these solid waste  
2 19 disposal facilities.  
2 20 4. All tonnage fees received by the department under this  
2 21 section shall be deposited in the solid waste account of the

2 22 groundwater protection fund created under section 455E.11.  
2 23 5. Fees imposed by this section shall be paid to the  
2 24 department on a quarterly basis with payment due by no more  
2 25 than ninety days following the quarter during which the fees  
2 26 were collected. The payment shall be accompanied by a return  
2 27 which shall identify the amount of fees to be allocated to the  
2 28 landfill alternative grant program, the amount of fees, in  
2 29 terms of cents per ton, retained for meeting waste reduction  
2 30 and recycling goals under section 455D.3, and additional fees  
2 31 imposed for failure to meet the twenty-five percent waste  
2 32 reduction and recycling goal under section 455D.3.

2 33 6. A person required to pay fees by this section who fails  
2 34 or refuses to pay the fees imposed by this section shall be  
2 35 assessed a penalty of two percent of the fee due for each  
3 1 month the fee is overdue. The penalty shall be paid in  
3 2 addition to the fee due.

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

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

3 14 3. DEPARTMENTAL MONITORING.

3 15 a. By October 31, 1994, a planning area shall submit to  
3 16 the department a solid waste abatement table which is updated  
3 17 through June 30, 1994. By April 1, 1995, the department shall  
3 18 report to the general assembly on the progress that has been  
3 19 made by each planning area on attainment of the July 1, 1994,  
3 20 twenty-five percent goal.

3 21 If at any time the department determines that a planning  
3 22 area has met or exceeded the twenty-five percent goal, a  
3 23 planning area shall subtract twenty-five cents from the total  
3 24 amount of the tonnage fee imposed pursuant to section  
3 25 455B.310, subsection 2

~~3 25 , paragraph "a"~~

~~3 26 The reduction in  
3 27 tonnage fees pursuant to this paragraph shall be taken from  
3 28 that portion of the tonnage fees which would have been  
3 29 allocated for landfill alternative grants pursuant to section  
3 30 455E.11, subsection 2, paragraph "a", subparagraph~~

~~(9)~~

~~(2).~~

~~3 30 If the department determines that a planning area has  
3 31 failed to meet the July 1, 1994, twenty-five percent goal, the  
3 32 planning area shall, at a minimum, implement the solid waste  
3 33 management techniques as listed in subsection 4. Evidence of  
3 34 implementation of the solid waste management techniques shall  
3 35 be documented in subsequent comprehensive plans submitted to  
4 1 the department.~~

~~4 2~~

~~b. If at any time the department determines that a~~

~~4 3~~

~~planning area has reduced the amount of materials in the waste~~

~~4 4~~

~~stream, existing as of July 1, 1988, by thirty eight percent,~~

4 5

~~as indicated in a solid waste abatement table submitted by the~~

4 6

~~planning area, the planning area shall subtract twenty five~~

4 7

~~cents from the total amount of the tonnage fee imposed~~

4 8

~~pursuant to section 455B.310, subsection 2, paragraph "a".~~

4 9

~~This amount shall be in addition to any amounts subtracted~~

4 10

~~pursuant to paragraph "a" of this subsection. The reduction~~

4 11

~~in tonnage fees pursuant to this paragraph shall be taken from~~

4 12

~~that portion of the tonnage fees which would have been~~

4 13

~~allocated for landfill alternative grants pursuant to section~~

4 14

~~455E.11, subsection 2, paragraph "a", subparagraph (9).~~

4 15

~~e.~~

b. By October 31, 2000, a planning area shall submit to  
4 16 the department, a solid waste abatement table which is updated  
4 17 through June 30, 2000. By April 1, 2001, the department shall  
4 18 report to the general assembly on the progress that has been  
4 19 made by each planning area on attainment of the July 1, 2000,  
4 20 fifty percent goal.

4 21 If at any time the department determines that a planning  
4 22 area has met or exceeded the fifty percent goal, the planning  
4 23 area shall subtract fifty cents from the total amount of the  
4 24 tonnage fee imposed pursuant to section 455B.310, subsection  
4 25 2

~~, paragraph "a"~~

~~This amount shall be in addition to any~~

4 26 amounts subtracted pursuant to paragraphs "a" and "b" of this  
4 27 subsection. The reduction in tonnage fees pursuant to this  
4 28 paragraph shall be taken from that portion of the tonnage fees  
4 29 which would have been allocated to landfill alternative grants  
4 30 pursuant to section 455E.11, subsection 2, paragraph "a",  
4 31 subparagraph

~~(9)~~

~~(2).~~

4 32 4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning area  
4 33 that fails to meet the twenty-five percent goal shall  
4 34 implement the following solid waste management techniques:  
4 35 a. Remit fifty cents per ton to the department, as of July  
5 1 1, 1995. The funds shall be deposited in the solid waste  
5 2 account under section 455E.11, subsection 2, paragraph "a", to  
5 3 be used

~~in accordance with section 455E.11, subsection 2,~~

5 4

~~paragraph "a", subparagraph (9)~~

~~for landfill alternative~~

5 5 grants. Moneys under this paragraph shall be remitted until  
5 6 such time as evidence of attainment of the twenty-five percent  
5 7 goal is documented in subsequent comprehensive plans submitted  
5 8 to the department.

5 9 b. Notify the public of the planning area's failure to  
5 10 meet the waste volume reduction goals of this section,  
5 11 utilizing standard language developed by the department for  
5 12 that purpose.

5 13 c. Develop draft ordinances which shall be used by local  
5 14 governments for establishing collection fees that are based on  
5 15 volume or on the number of containers used for disposal by  
5 16 residents.

5 17 d. Conduct an educational and promotional program to  
5 18 inform citizens of the manner and benefits of reducing,  
5 19 reusing, and recycling materials and the procurement of  
5 20 products made with recycled content. The program shall  
5 21 include the following:

5 22 (1) Targeted waste reduction and recycling education for  
5 23 residents, including multifamily dwelling complexes having  
5 24 five or more units.

5 25 (2) An intensive one-day seminar for the commercial sector  
5 26 regarding the benefits of and opportunities for waste  
5 27 reduction and recycling.

5 28 (3) Promotion of recycling through targeted community and  
5 29 media events.

5 30 (4) Recycling notification and education packets to all  
5 31 new residential, commercial, and institutional collection  
5 32 service customers that include, at a minimum, the manner of  
5 33 preparation of materials for collection, and the reasons for  
5 34 separation of materials for recycling.

5 35 Sec. 3. Section 455E.11, subsection 2, paragraph a, Code  
6 1 1995, is amended by striking the paragraph and inserting in  
6 2 lieu thereof the following:

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

6 9 (1) One dollar and seventy-five cents of the tonnage fee  
6 10 shall be used for funding alternatives to landfills and shall  
6 11 be allocated as follows:

6 12 (a) Fifty thousand dollars to the department to implement  
6 13 the special waste authorization program.

6 14 (b) Sixty-five thousand dollars to the waste management  
6 15 assistance division of the department to be used for the by-  
6 16 products and waste search service at the university of  
6 17 northern Iowa.

6 18 (c) The remaining funds shall be used by the department to  
6 19 develop and implement demonstration projects for landfill  
6 20 alternatives to solid waste disposal including recycling  
6 21 programs.

6 22 (2) The remaining one dollar and fifty-five cents shall be

6 23 used as follows:

6 24 (a) Forty-eight percent to the department to be used for  
6 25 the following purposes:

6 26 (i) Eight thousand dollars shall be transferred to the  
6 27 Iowa department of public health for departmental duties  
6 28 required under section 135.11, subsections 20 and 21, and  
6 29 section 139.35.

6 30 (ii) The administration and enforcement of a groundwater  
6 31 monitoring program and other required programs relating to  
6 32 solid waste management.

6 33 (iii) The development of guidelines for groundwater  
6 34 monitoring at sanitary disposal projects as defined in section  
6 35 455B.301.

7 1 (iv) The waste management assistance division of the  
7 2 department.

7 3 (b) Sixteen percent to the university of northern Iowa to  
7 4 develop and maintain the Iowa waste reduction center for the  
7 5 safe and economic management of solid waste and hazardous  
7 6 substances.

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

7 29 (d) Nine and one-half percent to the department to  
7 30 establish permanent household hazardous waste collection sites  
7 31 so that both urban and rural populations are served and so  
7 32 that collection services are available to the public on a  
7 33 regular basis.

7 34 (e) Three percent to the department for payment of  
7 35 transportation costs related to household hazardous waste  
8 1 collection programs.

8 2 (f) Eight and one-half percent to the department to  
8 3 provide additional toxic cleanup days. Departmental rules  
8 4 adopted for implementation of toxic cleanup days shall provide  
8 5 sufficient flexibility to respond to the household hazardous  
8 6 material collection needs of both small and large communities.

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

8 14 (h) Five and one-half percent to the department for the  
8 15 provision of assistance to public and private entities in  
8 16 developing and implementing waste reduction and minimization  
8 17 programs for Iowa industries.

8 18 EXPLANATION

8 19 This bill rewrites section 455B.310 and section 455E.11,

8 20 subsection 2, paragraph "a", relating to the collection and  
8 21 allocation of solid waste tonnage fees. A tonnage fee is that  
8 22 amount of fee per ton which is charged for disposal of solid  
8 23 waste. The tonnage fee is \$4.25 per ton. This bill does not  
8 24 change the amount or allocation of the tonnage fees, but  
8 25 eliminates deadlines and events which are no longer  
8 26 applicable, consolidates provisions establishing the tonnage  
8 27 fee, and simplifies language which distributes the fees.

8 28 During the 1994 legislative session, an additional waste  
8 29 reduction and recycling goal of 38 percent was established;  
8 30 this bill strikes that provision.

8 31 BACKGROUND STATEMENT  
8 32 SUBMITTED BY THE AGENCY

8 33 This bill proposes to simplify and streamline the current  
8 34 Code language which relates to the assessment, collection, and  
8 35 disbursement of tonnage fees imposed on solid waste taken for  
9 1 final disposal at sanitary landfills. The current law has  
9 2 been built up over a series of nearly annual amendments. Each  
9 3 time the fees were increased, specific changes were mandated  
9 4 for the distribution of the new portion of the money. In  
9 5 addition, some of the fee recipients were modified. While the  
9 6 result is still somewhat complicated, it provides for  
9 7 consolidation of the fees to be collected, eliminates numerous  
9 8 provisions that no longer apply, and establishes a percentage  
9 9 formula for the distribution of the balance of funds received  
9 10 by the state. Distribution by percentage clarifies the manner  
9 11 in which it is done and allows for easier adjustment as  
9 12 warranted. Local governments will find the requirements for  
9 13 use of retained funds in one section although they will be  
9 14 required to calculate the amount of retained fees and submit a  
9 15 return to the department of natural resources.

9 16 The bill strikes a provision which established a third  
9 17 waste reduction and recycling goal of 38 percent due to the  
9 18 fact that it created an almost impossible situation for the  
9 19 department of natural resources to implement.

9 20 LSB 1256DP 76

9 21 js/cf/24.1