

FEB 5 1998

ENVIRONMENTAL PROTECTION

HOUSE FILE 2156
BY BRADLEY

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

A BILL FOR

1 An Act relating to solid waste tonnage fees, the allocation of
2 taxes on solid waste collection, and disposal service and
3 making appropriations.

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

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HF 2156

1 Section 1. Section 422.43, subsection 8, Code Supplement
2 1997, is amended to read as follows:

3 8. All revenues arising under the operation of the
4 provisions of this section, except for those revenues arising
5 under subsection 13, shall become part of the state general
6 fund.

7 Sec. 2. Section 422.43, subsection 13, Code Supplement
8 1997, is amended by adding the following new paragraph:

9 NEW PARAGRAPH. c. All revenues arising under this
10 subsection shall be deposited in the solid waste account of
11 the groundwater protection fund and allocated to fund
12 alternatives to landfills pursuant to section 455E.11,
13 subsection 2, paragraph "a", subparagraph (1).

14 Sec. 3. Section 455B.301, Code 1997, is amended by adding
15 the following new subsections:

16 NEW SUBSECTION. 11A. "Municipal solid waste landfill"
17 means a sanitary landfill that is a discrete area of land or
18 an excavation that receives household waste, and that is not a
19 land application site, surface impoundment, injection well, or
20 waste pile, as those terms are defined under 40 C.F.R. part
21 257.2. A "municipal solid waste landfill" may also receive
22 other types of waste as defined under 40 C.F.R. subtitle D,
23 such as commercial solid waste, nonhazardous dry sludge, and
24 industrial solid waste.

25 NEW SUBSECTION. 21. "Transfer station" means a fixed or
26 mobile intermediate sanitary disposal project for transferring
27 loads of solid waste, with or without reduction of volume, to
28 another transportation unit.

29 Sec. 4. Section 455B.304, subsection 15, Code Supplement
30 1997, is amended to read as follows:

31 15. The commission shall adopt rules which require all
32 sanitary ~~landfills~~ disposal projects in which the tonnage fee
33 pursuant to section 455B.310 is imposed, to install scales by
34 January 1, 1994.

35 Sec. 5. Section 455B.310, subsections 1, 2, 3, and 6, Code

1 1997, are amended to read as follows:

2 1. a. A tonnage fee is imposed on each ton of solid waste
3 generated or landfilled in the state. Operators of sanitary
4 landfills and operators of transfer stations shall pay the
5 tonnage fee as provided in this section. The tonnage fee
6 shall not be applied to the same solid waste more than once.

7 b. Except as provided in subsection 3, the operator of a
8 sanitary landfill which does not qualify under paragraph "d"
9 shall pay a tonnage fee to the department for each ton or
10 equivalent-volume of solid waste received and disposed of at
11 the sanitary landfill during the preceding reporting period.
12 ~~The department shall determine by rule the volume which is~~
13 ~~equivalent to a ton of waste.~~

14 c. The operator of a transfer station shall pay a tonnage
15 fee to the department for each ton of solid waste received by
16 the transfer station and transported from the transfer station
17 during the preceding reporting period for landfilling in a
18 sanitary landfill not paying the tonnage fee imposed under
19 this section.

20 d. The operator of a solid waste disposal facility with
21 special provisions which limit the site to disposal of
22 construction and demolition waste shall pay a tonnage fee to
23 the department for each ton of construction and demolition
24 waste received and disposed of at the disposal facility during
25 the preceding reporting period. An operator of a municipal
26 solid waste landfill with an area of the landfill which has
27 been designated exclusively for the disposal of construction
28 and demolition waste on plans and specifications approved by
29 the department shall be exempt through June 30, 2001, or for
30 the permitted life of the designated area, whichever occurs
31 first, from paying the tonnage fee provided for in this
32 paragraph if the municipal solid waste landfill meets one of
33 the following conditions:

34 (1) The area of the landfill, which has been designated
35 exclusively for the disposal of construction and demolition

1 waste based on plans and specifications approved by the
2 department, was in operation on December 1, 1997.

3 (2) The area of the landfill, which has been designated
4 exclusively for the disposal of construction and demolition
5 waste based on plans and specifications approved by the
6 department, was not in operation on December 1, 1997, but
7 applied to the department for an exemption prior to December
8 1, 1997.

9 2. The tonnage fee is four dollars and twenty-five cents
10 per ton of solid waste.

11 2A. If a sanitary landfill or transfer station required to
12 pay a tonnage fee under this section has an updated,
13 comprehensive plan approved by the department, the sanitary
14 landfill operator or transfer station operator shall retain,
15 in addition to the ninety-nine cents retained pursuant to
16 subsection 2B, twenty-five cents of the tonnage fee per ton of
17 solid waste received in the fiscal year beginning July 1,
18 1998, fifty cents of the tonnage fee per ton of solid waste
19 received in the fiscal year beginning July 1, 1999, seventy-
20 five cents of the tonnage fee per ton of solid waste received
21 in the fiscal year beginning July 1, 2000, and one dollar of
22 the tonnage fee per ton of solid waste received in the fiscal
23 year beginning July 1, 2001, and every year thereafter. Any
24 tonnage fees retained pursuant to this subsection shall be
25 used for waste reduction and recycling purposes. Any tonnage
26 fee retained pursuant to this subsection shall be taken from
27 that portion of the tonnage fee which would have been
28 allocated to funding alternatives to landfills pursuant to
29 section 455E.11, subsection 2, paragraph "a", subparagraph
30 (1). Tonnage fees retained under this subsection and section
31 455D.3, subsection 3, shall not exceed a total of one dollar
32 and seventy-five cents.

33 2B. ~~Of that amount,~~ ninety-five Ninety-five cents of the
34 tonnage fee shall be retained by a city, county, or public or
35 private agency and used as follows:

1 a. To meet comprehensive planning requirements of section
2 455B.306, the development of a closure or postclosure plan,
3 the development of a plan for the control and treatment of
4 leachate including the preparation of facility plans and
5 detailed plans and specifications, and the preparation of a
6 financial plan.

7 b. Forty-five cents of the retained funds shall be used
8 for implementing waste volume reduction and recycling
9 requirements of comprehensive plans filed under section
10 455B.306. The funds shall be distributed to a city, county,
11 or public agency served by the sanitary disposal project.
12 Fees collected by a private agency which provides for the
13 final disposal of solid waste shall be remitted to the city,
14 county, or public agency served by the sanitary disposal
15 project. However, if a private agency is designated to
16 develop and implement the comprehensive plan pursuant to
17 section 455B.306, fees under this paragraph shall be retained
18 by the private agency.

19 c. For other environmental protection ~~and-compliance~~
20 activities.

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

27 2C. Solid waste materials approved by the department for
28 lining or capping, or for construction berms, dikes, or roads
29 in a sanitary disposal project are exempt from the tonnage fee
30 imposed under this section.

31 3. Solid waste disposal facilities with special provisions
32 which limit the site to disposal of ~~construction-and~~
33 ~~demolition-waste, landscape-waste, coal combustion waste, and~~
34 ~~foundry sand, and solid waste materials approved by the~~
35 ~~department-for-lining-or-capping, or-for-construction-berms,~~

1 ~~dikes, or roads in a sanitary disposal project or sanitary~~
2 ~~landfills~~ are exempt from the tonnage fees imposed under this
3 section. However, solid waste disposal facilities under this
4 subsection are subject to the fees imposed pursuant to section
5 455B.105, subsection 11, paragraph "a". Notwithstanding the
6 provisions of section 455B.105, subsection 11, paragraph "b",
7 the fees collected pursuant to this subsection shall be used
8 by the department for the regulation of these solid waste
9 disposal facilities.

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

16 Sec. 6. Section 455D.3, subsection 3, Code 1997, is
17 amended to read as follows:

18 3. Departmental monitoring.

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

25 If at any time the department determines that a planning
26 area has met or exceeded the twenty-five percent goal, a
27 planning area shall subtract fifty cents from the total amount
28 of the tonnage fee imposed pursuant to section 455B.310,
29 ~~subsection-2~~. 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 for funding alternatives to
32 landfills pursuant to section 455E.11, subsection 2, paragraph
33 "a", subparagraph (1).

34 If the department determines that a planning area has
35 failed to meet the July 1, 1994, twenty-five percent goal, the

1 planning area shall, at a minimum, implement the solid waste
2 management techniques as listed in subsection 4. Evidence of
3 implementation of the solid waste management techniques shall
4 be documented in subsequent comprehensive plans submitted to
5 the department.

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

12 If at any time the department determines that a planning
13 area has met or exceeded the fifty percent goal, the planning
14 area shall subtract fifty cents from the total amount of the
15 tonnage fee imposed pursuant to section 455B.3107-subsection
16 2. This amount shall be in addition to any amount subtracted
17 pursuant to paragraph "a" of this subsection. The reduction
18 in tonnage fees pursuant to this paragraph shall be taken from
19 that portion of the tonnage fees which would have been
20 allocated to funding alternatives to landfills pursuant to
21 section 455E.11, subsection 2, paragraph "a", subparagraph
22 (1). Except for fees required under subsection 4, paragraph
23 "a", a planning area failing to meet the fifty percent goal is
24 not required to remit any additional tonnage fees to the
25 department.

26 Sec. 7. Section 455E.11, subsection 2, paragraph a,
27 unnumbered paragraph 1, Code 1997, is amended to read as
28 follows:

29 Moneys received from the tonnage fee imposed under section
30 455B.310 from the taxes imposed under section 422.43,
31 subsection 13, and from other sources designated for
32 environmental protection purposes in relation to sanitary
33 disposal projects shall be deposited in the solid waste
34 account. Moneys shall be allocated as follows:

35 Sec. 8. RECYCLE IOWA. There is appropriated from the

1 general fund of the state to the department of natural
2 resources for the fiscal year beginning July 1, 1998, and
3 ending June 30, 1999, the following amount, or so much thereof
4 as is necessary, to be used for the purposes designated:

5 For operational support of the recycle Iowa office,
6 including salaries, support, maintenance, and miscellaneous
7 purposes:

8 \$ 400,000

9 Notwithstanding section 8.33, moneys appropriated by this
10 section which remain unobligated or unexpended on June 30,
11 1999, shall not revert to the general fund of the state but
12 shall be available for expenditure during the fiscal year
13 beginning July 1, 1999, for the same purposes.

14 Sec. 9. EDUCATION COORDINATOR. There is appropriated from
15 the general fund of the state to the department of natural
16 resources for the fiscal year beginning July 1, 1998, and
17 ending June 30, 1999, the following amount, or so much thereof
18 as is necessary, to be used for the purposes designated:

19 For establishing a waste reduction and recycling education
20 coordinator for identifying and promoting public and private
21 partnerships to maximize all available resources and for
22 ensuring that resources are available and accessible for local
23 waste reduction and recycling efforts, including salaries,
24 support, maintenance, miscellaneous purposes, and for not more
25 than the following full-time equivalent positions:

26 \$ 100,000

27 FTEs 1.00

28 Notwithstanding section 8.33, moneys appropriated by this
29 section which remain unobligated or unexpended on June 30,
30 1999, shall not revert to the general fund of the state but
31 shall be available for expenditure during the fiscal year
32 beginning July 1, 1999, for the same purposes.

33 Sec. 10. The general assembly reiterates support for the
34 fifty percent waste stream reduction goal stated in section
35 455D.3 as a permanent, ongoing waste stream reduction goal for

1 the state.

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EXPLANATION

3 This bill requires operators of sanitary landfills and
4 transfer stations to pay a tonnage fee for each ton of solid
5 waste generated or landfilled in the state. The tonnage fee
6 shall not be applied to the same solid waste twice. The bill
7 requires a tonnage fee to be paid by operators of transfer
8 stations for solid waste received by the transfer station and
9 transported for landfilling at a sanitary landfill not paying
10 the tonnage fee. Currently, only sanitary landfill operators
11 pay a tonnage fee for solid waste received by the sanitary
12 landfill.

13 The bill requires a tonnage fee to be paid by operators of
14 solid waste disposal facilities which limit disposal to
15 construction and demolition waste only. The bill allows the
16 exemption to continue through June 30, 2001, for certain
17 municipal solid waste landfills with an area designated
18 exclusively for the disposal of construction and demolition
19 waste.

20 The bill provides for the retention of a portion of the
21 tonnage fee by a sanitary landfill operator and a transfer
22 station operator if an updated, comprehensive plan has been
23 approved by the department. The amount of tonnage fee which
24 may be retained equals 25 cents in the fiscal year beginning
25 July 1, 1998, 50 cents in the fiscal year beginning July 1,
26 1999, 75 cents in the fiscal year beginning July 1, 2000, and
27 \$1 in the fiscal year beginning July 1, 2001, and every year
28 thereafter. Retained tonnage fees must be used for waste
29 reduction and recycling purposes. Each sanitary landfill
30 operator and each transfer station operator must submit a
31 return to the department identifying the use of all fees
32 retained. The total amount of tonnage fees which may be
33 retained pursuant to this new provision and pursuant to the
34 waste reduction goal incentives is \$1.75.

35 The bill requires that all revenues from the 5 percent tax

1 imposed upon the gross receipts from the sales, furnishing, or
2 service of solid waste collection and disposal service shall
3 be deposited in the solid waste account of the groundwater
4 protection fund and allocated to funding alternatives to
5 landfills.

6 The bill also makes changes relating to equivalent volume
7 measurements, fees for failing to provide returns to the
8 department, and certain materials exempt from imposition of
9 tonnage fees.

10 The bill appropriates \$400,000 for operational support of
11 the recycle Iowa office and \$100,000 for a waste reduction and
12 recycling education coordinator. Both appropriations are
13 available for expenditure for the fiscal year beginning July
14 1, 1998, and the fiscal year beginning July 1, 1999.

15 The bill reiterates support for the 50 percent waste stream
16 reduction goal and amends Code section 455D.3 by providing
17 that a planning area failing to meet the 50 percent reduction
18 goal shall not remit additional tonnage fees to the
19 department.

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