

APR 13 1998
APPROPRIATIONS CALENDAR

HOUSE FILE 2555
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2411)
(SUCCESSOR TO HF 2156)

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, making
3 appropriations, and providing an effective date.

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

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HF 2555

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). Revenues
14 deposited in the solid waste account pursuant to this
15 paragraph shall not exceed an annual amount of one million
16 three hundred thousand dollars.

17 Sec. 3. Section 455B.301, Code 1997, is amended by adding
18 the following new subsection:

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

23 Sec. 4. Section 455B.304, subsection 15, Code Supplement
24 1997, is amended to read as follows:

25 15. The commission shall adopt rules which require all
26 sanitary ~~landfills~~ disposal projects in which the tonnage fee
27 pursuant to section 455B.310 is imposed, to install scales by
28 January 1, 1994 and utilize these scales to calculate payment
29 of the tonnage fee.

30 Sec. 5. Section 455B.310, subsections 1, 2, 3, and 6, Code
31 1997, are amended to read as follows:

32 1. a. A tonnage fee is imposed on each ton of solid waste
33 generated or landfilled in the state. Operators of sanitary
34 landfills and operators of transfer stations shall pay the
35 tonnage fee as provided in this section. The tonnage fee

1 shall not be applied to the same solid waste more than once.

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

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

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

17 2A. If a sanitary landfill or transfer station required to
18 pay a tonnage fee under this section has an updated,
19 comprehensive plan approved by the department, the sanitary
20 landfill operator or transfer station operator shall retain,
21 in addition to the ninety-five cents retained pursuant to
22 subsection 2B, twenty-five cents of the tonnage fee per ton of
23 solid waste received in the fiscal year beginning July 1,
24 1998, and fifty cents of the tonnage fee per ton of solid
25 waste received in the fiscal year beginning July 1, 1999, and
26 every year thereafter. In the fiscal year beginning July 1,
27 2000, and every year thereafter any planning area which meets
28 the statewide average as determined by the department on July
29 1, 2000, shall retain, in addition to the fifty cents retained
30 pursuant to this subsection, twenty-five cents of the tonnage
31 fee per ton of solid waste regardless of whether the planning
32 area subsequently fails to meet the statewide average. Any
33 tonnage fees retained pursuant to this subsection shall be
34 used for waste reduction and recycling purposes. Any tonnage
35 fee retained pursuant to this subsection shall be taken from

1 that portion of the tonnage fee which would have been
2 allocated to funding alternatives to landfills pursuant to
3 section 455E.11, subsection 2, paragraph "a", subparagraph
4 (1).

5 2B. Of-that-amount, -ninety-five Ninety-five cents of the
6 tonnage fee shall be retained by a city, county, or public or
7 private agency and used as follows:

8 a. To meet comprehensive planning requirements of section
9 455B.306, the development of a closure or postclosure plan,
10 the development of a plan for the control and treatment of
11 leachate including the preparation of facility plans and
12 detailed plans and specifications, and the preparation of a
13 financial plan.

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

26 c. For other environmental protection ~~and-compliance~~
27 activities.

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

34 2C. Solid waste materials approved by the department for
35 lining or capping, or for construction berms, dikes, or roads

1 in a sanitary disposal project are exempt from the tonnage fee
2 imposed under this section.

3 3. Solid waste disposal facilities with special provisions
4 which limit the site to disposal of construction and
5 demolition waste, ~~landscape-waste~~, coal combustion waste, or
6 ~~foundry sand~~, ~~and-solid-waste-materials-approved-by-the~~
7 ~~department-for-lining-or-capping~~, ~~or-for-construction-berms~~,
8 ~~dikes~~, ~~or-roads-in-a-sanitary-disposal-project-or-sanitary~~
9 ~~landfill~~ are exempt from the tonnage fees imposed under this
10 section. However, solid waste disposal facilities under this
11 subsection are subject to the fees imposed pursuant to section
12 455B.105, subsection 11, paragraph "a". Notwithstanding the
13 provisions of section 455B.105, subsection 11, paragraph "b",
14 the fees collected pursuant to this subsection shall be
15 deposited in the solid waste account as established in section
16 455E.11, subsection 2, paragraph "a", to be used by the
17 department for the regulation of these solid waste disposal
18 facilities.

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

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

27 3. DEPARTMENTAL MONITORING.

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

34 If at any time the department determines that a planning
35 area has met or exceeded the twenty-five percent goal, a

1 planning area shall subtract fifty cents from the total amount
2 of the tonnage fee imposed pursuant to section 455B.3107
3 subsection-2. The reduction in tonnage fees pursuant to this
4 paragraph shall be taken from that portion of the tonnage fees
5 which would have been allocated for funding alternatives to
6 landfills pursuant to section 455E.11, subsection 2, paragraph
7 "a", subparagraph (1).

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

15 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.3107--subsection
25 2. This amount shall be in addition to any amount subtracted
26 pursuant to paragraph "a" of this subsection. The reduction
27 in tonnage fees pursuant to this paragraph shall be taken from
28 that portion of the tonnage fees which would have been
29 allocated to funding alternatives to landfills pursuant to
30 section 455E.11, subsection 2, paragraph "a", subparagraph
31 (1). Except for fees required under subsection 4, paragraph
32 "a", a planning area failing to meet the fifty percent goal is
33 not required to remit any additional tonnage fees to the
34 department.

35 Sec. 7. Section 455E.11, subsection 2, paragraph a,

1 unnumbered paragraph 1, Code 1997, is amended to read as
2 follows:

3 Moneys received from the tonnage fee imposed under section
4 455B.310, from the taxes imposed under section 422.43,
5 subsection 13, and from other sources designated for
6 environmental protection purposes in relation to sanitary
7 disposal projects shall be deposited in the solid waste
8 account. Moneys shall be allocated as follows:

9 Sec. 8. The general assembly reiterates support for the
10 fifty percent waste stream reduction goal stated in section
11 455D.3 as a permanent, ongoing waste stream reduction goal for
12 the state.

13 Sec. 9. EFFECTIVE DATE. Sections 1, 2, and 7 relating to
14 revenues from the five percent tax imposed upon the gross
15 receipts from the sale, furnishing, or service of solid waste
16 collection and disposal service shall take effect on July 1,
17 1999.

18 EXPLANATION

19 This bill requires operators of sanitary landfills and
20 transfer stations to pay a tonnage fee for each ton of solid
21 waste generated or landfilled in the state. The tonnage fee
22 shall not be applied to the same solid waste twice. The bill
23 requires a tonnage fee to be paid by operators of transfer
24 stations for solid waste received by the transfer station and
25 transported for landfilling at a sanitary landfill not paying
26 the tonnage fee. Currently, only sanitary landfill operators
27 pay a tonnage fee for solid waste received by the sanitary
28 landfill.

29 The bill provides for the retention of a portion of the
30 tonnage fee by a sanitary landfill operator and a transfer
31 station operator if an updated, comprehensive plan has been
32 approved by the department. The amount of tonnage fee which
33 may be retained equals 25 cents in the fiscal year beginning
34 July 1, 1998, 50 cents in the fiscal year beginning July 1,
35 1999, and every year thereafter. In the fiscal year beginning

1 July 1, 2000, and every year thereafter, any planning area
2 which meets the statewide average as determined by the
3 department on July 1, 2000, shall retain, in addition to the
4 50 cents retained, 25 cents of the tonnage fee per ton of
5 solid waste regardless of whether the planning area
6 subsequently fails to meet the statewide average. Retained
7 tonnage fees must be used for waste reduction and recycling
8 purposes. Each sanitary landfill operator and each transfer
9 station operator must submit a return to the department
10 identifying the use of all fees retained.

11 The bill requires that up to \$1.3 million per year from the
12 revenues from the 5 percent tax imposed upon the gross
13 receipts from the sales, furnishing, or service of solid waste
14 collection and disposal service shall be deposited in the
15 solid waste account of the groundwater protection fund and
16 allocated to funding alternatives to landfills.

17 The bill also makes changes relating to equivalent volume
18 measurements, fees for failing to provide returns to the
19 department, and certain materials exempt from imposition of
20 tonnage fees.

21 The bill reiterates support for the 50 percent waste stream
22 reduction goal and amends Code section 455D.3 by providing
23 that a planning area failing to meet the 50 percent reduction
24 goal shall not remit additional tonnage fees to the
25 department.

26 The bill provides that the bill sections relating to the
27 revenues from the 5 percent tax imposed on the gross receipts
28 from the sale, furnishing, or service of solid waste
29 collection and disposal service shall take effect on July 1,
30 1999.

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HOUSE FILE 2555

H-9160

1 Amend House File 2555 as follows:

- 2 1. Page 2, line 34, by striking the words "waste
- 3 reduction and recycling" and inserting the following:
- 4 "waste reduction, recycling, or small business
- 5 pollution prevention".

By JENKINS of Black Hawk

BRADLEY of Clinton

WITT of Black Hawk

BURNETT of Story

SHOULTZ of Black Hawk

DOTZLER of Black Hawk

H-9160 FILED APRIL 14, 1998

HOUSE FILE 2555

H-9153

1 Amend House File 2555 as follows:

- 2 1. Page 1, by striking lines 17 through 22.
- 3 2. Page 1, line 30, by striking the figure "1,".
- 4 3. By striking page 1, line 32, through page 2,
- 5 line 14.
- 6 4. Page 2, line 17, by striking the words "or
- 7 transfer station".
- 8 5. Page 2, line 20, by striking the words "or
- 9 transfer station operator".
- 10 6. Page 2, by striking lines 26 through 32 and
- 11 inserting the following: "every year thereafter.
- 12 Any".
- 13 7. Page 3, line 28, by striking the words "or
- 14 transfer station".
- 15 8. By renumbering as necessary.

By BURNETT of Story

BRADLEY of Clinton

H-9153 FILED APRIL 14, 1998