

4/3/97 Unfinished Business Calendar
4/29/97 Referred to Local Govt Comm.

MAR 18 1997
Place On Calendar

HOUSE FILE 682
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 189)

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

A BILL FOR

1 An Act relating to refunds for and remittances of tonnage fees
2 paid by operators of sanitary landfills and solid waste
3 management techniques.

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

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HF 682

1 Section 1. Section 455B.310, Code 1997, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. An operator of a sanitary landfill who
4 is required to pay a tonnage fee under this section shall
5 receive refunds as follows:

6 a. A refund of fifty cents for establishing and operating
7 a curbside recycling program for residences or businesses.

8 b. A refund of twenty-five cents for establishing and
9 operating areas or facilities for a drop-off recycling
10 program.

11 c. A refund of twenty-five cents for establishing and
12 operating regional centers for the collection and disposal of
13 household hazardous material, as defined in section 455F.1.

14 d. A refund of twenty-five cents for establishing and
15 operating an annual toxic cleanup day program for the
16 collection and disposal of household hazardous material, as
17 defined in section 455F.1.

18 e. A refund of twenty-five cents for establishing and
19 operating community communication programs or activities
20 including speakers bureaus, informational brochures, school
21 programs, media relations, and advertising to increase
22 awareness of the methods of waste volume reduction at the
23 source and recycling.

24 f. A refund of twenty-five cents for sanitary landfill
25 operators who have established subtitle D liners as defined in
26 40 C.F.R. pt. 258, subpt. D, and are in compliance with all
27 federal requirements regarding the construction and operation
28 of new sanitary landfills pursuant to 40 C.F.R. pt. 258.

29 g. A refund of twenty-five cents for establishing and
30 operating a community host fee program in which the operator
31 of a sanitary landfill voluntarily pays an annual fee or
32 property tax to the community in which it has located a
33 facility such as a landfill, a composting center, a transfer
34 station, or a regional collection center.

35 h. A refund of ten cents for establishing and operating a

1 program for community cleanup grants which allow communities
2 within the planning area to receive grants for the collection
3 or disposal of waste collected during annual neighborhood
4 cleanup events or partnerships that are aimed at diverting
5 household hazardous material away from landfills.

6 i. A refund of ten cents for establishing and operating a
7 scrap tire program which allows the deposit of scrap tires at
8 a designated location for processing or disposal at a
9 landfill.

10 j. A refund of ten cents for establishing and operating a
11 sharps program for the collection and disposal of used
12 hypodermic needles.

13 Sec. 2. Section 455D.3, subsection 4, paragraph a, Code
14 1997, is amended to read as follows:

15 a. Remit fifty cents per ton to the department, as of July
16 1, 1995. The funds shall be deposited in the solid waste
17 account under section 455E.11, subsection 2, paragraph "a", to
18 be used for funding alternatives to landfills pursuant to
19 section 455E.11, subsection 2, paragraph "a", subparagraph
20 (1). Moneys under this paragraph shall be remitted until such
21 time as evidence of attainment of the twenty-five percent goal
22 is documented in subsequent comprehensive plans submitted to
23 the department. However, an operator of a landfill which has
24 established and is operating a curbside recycling program for
25 residences and businesses shall not be subject to the penalty
26 imposed under this paragraph beginning July 1, 1997, and
27 ending June 30, 1999.

28 Sec. 3. Section 455D.3, subsection 4, paragraph c, Code
29 1997, is amended to read as follows:

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

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EXPLANATION

35 This bill provides for a number of specified refunds on

1 tonnage fees paid by operators of sanitary landfills. Under
2 Code section 455B.310, an operator of a sanitary landfill
3 shall pay a tonnage fee for each ton of solid waste received
4 and disposed of at the sanitary landfill. The bill provides a
5 refund for any of the following activities:

6 1. A refund of 50 cents for establishing and operating a
7 curbside recycling program.

8 2. A refund of 25 cents for establishing and operating a
9 drop-off recycling program.

10 3. A refund of 25 cents for establishing and operating
11 regional centers for the collection and disposal of household
12 hazardous material.

13 4. A refund of 25 cents for establishing and operating a
14 toxic cleanup day program for the collection and disposal of
15 household hazardous material.

16 5. A refund of 25 cents for establishing and operating
17 community communication programs or activities.

18 6. A refund of 25 cents for establishing subtitle D liners
19 and complying with all federal requirements regarding the
20 construction and operation of new sanitary landfills.

21 7. A refund of 25 cents for establishing and operating a
22 community host fee program where the operator of a sanitary
23 landfill voluntarily pays an annual fee or property tax to a
24 community in which it has located a facility like a landfill,
25 composting center, transfer station, or regional collection
26 center.

27 8. A refund of 10 cents for establishing and operating a
28 program for community cleanup grants for the collection or
29 disposal of waste collected during annual neighborhood cleanup
30 events or partnerships that are aimed at diverting household
31 hazardous material away from landfills.

32 9. A refund of 10 cents for establishing and operating a
33 scrap tire program for the collection of scrap tires.

34 10. A refund of 10 cents for establishing and operating a
35 sharps program for the collection and disposal of used

1 hypodermic needles.

2 Currently, when a planning area fails to meet the 25
3 percent waste stream reduction goal, the planning area is
4 required to remit \$.50 per ton to the department until
5 attainment of the goal is achieved. The bill provides that a
6 landfill operator shall not be required to pay the \$.50 per
7 ton between July 1, 1997, and June 30, 1999, if the landfill
8 operator has established and is operating a curbside recycling
9 program for residences and businesses.

10 The bill provides that when a planning area fails to meet
11 the 25 percent waste stream reduction goal, the planning area
12 shall develop draft ordinances which may be voluntarily used
13 by local governments for establishing collection fees that are
14 based on volume or on the number of containers used for
15 disposal by residents. Currently, local governments are
16 required to use the draft ordinances.

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HOUSE FILE 681
FISCAL NOTE

A fiscal note for House File 681 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 681 establishes the Environmental Audit Privilege and Immunity Act. This Act encourages business owners to voluntarily conduct an environmental audit and submit their findings to the Department of Natural Resources. In exchange, they receive privilege and immunity for most violations discovered during the audit. The voluntary audit process increases the overall awareness of environmental laws by the general public as well as increases the level of cooperation between the Department of Natural Resources and business owners.

BACKGROUND

The Iowa Waste Reduction Center at the University of Northern Iowa conducts environmental audits for small businesses that are confidential and free of charge. The Department of Natural Resources conducts their own environmental audits, citing businesses for violations and recording these in the Department's data base. A voluntary program will increase the number of environmental audits conducted in the State and will improve the accuracy of the information in the Department's data base.

ASSUMPTIONS

1. The Department of Natural Resources will make rules which define what information must accompany the disclosure of a violation.
2. The Department will review violations and compliance schedules when the violation is disclosed.
3. A data base recording all reported violations will be maintained.
4. The Department will work with the Iowa Waste Reduction Center at the University of Northern Iowa for the establishment of an environmental audit training and certification program. This program will educate participants in general environmental principles, assist them in determining if business waste is hazardous or not, and determine the generator category of the business and the laws that apply.

FISCAL IMPACT

The fiscal impact of HF 681, to the Department of Natural Resources is anticipated to be minimal.

The fiscal impact to the Iowa Waste Reduction Center at the University of Northern Iowa is estimated to cost \$220,000 in FY 1999. Start up costs are estimated at \$140,000 and on-going program costs are expected to be approximately \$80,000 annually.

-2-

SOURCE

Iowa Waste Reduction Center, University of Northern Iowa
Department of Natural Resources

(LSB 1660hv, DFK)

FILED MARCH 2, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

**HOUSE FILE 682
FISCAL NOTE**

A fiscal note for House File 682 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 682 provides for a number of specified refunds on tonnage fees paid by operators of sanitary landfills. The Bill also provides that landfills who did not meet the 25.0% reduction goal but have established and operate a curbside recycling program are not subject to paying an additional \$0.50 tonnage fee for FY 1998 and FY 1999. The Bill no longer requires local governments to follow a planning area draft ordinance if they are in an area which did not meet the 25.0% reduction goal, but leaves the decision at the discretion of local governments.

BACKGROUND

Iowa law currently provides for a \$4.25 tonnage fee. Of this amount, all landfills retain \$0.95 for implementing environmental protection and waste reduction and recycling activities, resulting in \$3.30 being submitted to the State. In addition, landfills which have met the State's 25.0% reduction goal also retain an additional \$0.50, resulting in \$2.80 being submitted to the State.

ASSUMPTIONS

1. All solid waste accounts, which currently support eight statewide programs, would have an across-the-board cut of 27.0%. However, the Bill does not specify how the breakdown referred to in Section 455E.11, Code of Iowa, should be handled when refunds in the Bill are given.
2. The establishment of a program is all that is required to receive a tonnage fee refund.
3. Landfills are assumed to be eligible to receive \$1.95 out of the possible \$2.30 refunds in the Bill.
4. Current programs are intended to be funded by the remaining \$0.85, which would be available after the proposed tonnage fee refunds are refunded to the landfills.
5. Total amount of solid waste tons eligible for a refund is 900,000 tons.

FISCAL IMPACT

The estimated fiscal impact of House File 682 would be a decrease of \$1,725,000 from the Solid Waste Account of the Groundwater Protection Fund. Following is a table to show the breakdown.

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Fiscal Year 1998
(dollars in thousands)

	Current Law	Proposed Law	Increase (Decrease)
Solid Waste Adm	\$ 1,530	\$ 1,115	\$ (415)
Dept. of Health	8	8	0
IA Waste Reduction Ctr	513	374	(138)
Lafa Program	3,071	2,211	(860)
Special Waste Author	50	50	0
IA Wst Exchg-Lafa	65	65	0
IA Wst Exchg	208	152	(56)
Reg Collect Ctr	304	222	(82)
Reg Coll Ctr Sup	96	70	(26)
Toxic Clean Days	272	199	(74)
DED Recycle Dev	96	70	(26)
Wst Reduc Prog	176	129	(48)
Total	<u>\$ 6,390</u>	<u>\$ 4,666</u>	<u>\$1,725</u>
FTEs	<u>70.8</u>	<u>51.9</u>	<u>(18.9)</u>

The long-range impact of the Bill would be reductions in non-regulatory services currently provided by the Department of Natural Resources. The Bill would result in limiting the ability of the Department of Natural Resources to provide timely and effective review and issuance of solid waste permits to local landfills and environmental inspections. The Bill also does not stipulate the use of refunded tonnage fees at the local level. There is no assurance that refunded tonnage fees will be used to address solid waste management at the local level.

Under current law, \$0.95 of the \$4.25 tonnage fee stays at the local level resulting in \$3.30 being submitted to the State. However, for the 37 of 50 planning areas which met the 25% reduction goal, they retain an additional \$0.50 at the local level, resulting in \$2.80 being submitted to the State. The proposed Bill allows up to \$2.30 in refunds to the local level which would result in the State receiving a \$0.50 tonnage fee to carry out statewide programs. Furthermore, if planning areas meet the 50% reduction goal for the year 2000, the local areas could retain an additional \$0.50 resulting in the potential of no money being submitted to the State for carrying out statewide programs and legislative mandates.

SOURCE

(LBBp2286hwt; AMFNatural Resources

FILED MARCH 25, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 682

H-1831

1 Amend House File 682 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. From July 1, 1997, until December 31,
5 1997, both of the following shall occur:

6 1. Under section 455B.310, subsection 2,
7 unnumbered paragraph 1, Code 1997, one dollar and five
8 cents of the tonnage fee imposed shall be retained by
9 a city, county, or public or private agency, instead
10 of the ninety-five cents currently retained. The
11 additional ten cents retained pursuant to this section
12 shall be used in accordance with section 455B.310,
13 subsection 2, paragraph "b". The reduction in tonnage
14 fees pursuant to this section shall be taken from that
15 portion of the tonnage fees which would have been
16 allocated for funding alternatives to landfills
17 pursuant to section 455E.11, subsection 2, paragraph
18 "a", subparagraph (1).

19 2. Under section 455D.3, subsection 3, paragraph
20 "a", unnumbered paragraph 2, Code 1997, if the
21 department determines that a planning area has met or
22 exceeded the twenty-five percent goal, a planning area
23 shall retain twenty-five cents of the tonnage fee
24 imposed pursuant to section 455B.310, subsection 2, in
25 addition to the current fifty cents subtracted. Moneys
26 subtracted under section 455D.3, subsection 3,
27 paragraph "a", unnumbered paragraph 2, Code 1997, and
28 retained pursuant to this subsection, shall be used
29 for implementing waste reduction and recycling
30 requirements of comprehensive plans filed under
31 section 455B.306. The reduction in tonnage fees
32 pursuant to this section shall be taken from that
33 portion of the tonnage fees which would have been
34 allocated for funding alternatives to landfills
35 pursuant to section 455E.11, subsection 2, paragraph
36 "a", subparagraph (1).

37 Sec. 2. The legislative council is requested to
38 establish an interim committee to meet three times to
39 conduct a comprehensive review of the goals,
40 regulation, reporting, and status of statewide efforts
41 to reduce and recycle solid waste. The review shall
42 include, but not be limited to, an evaluation of the
43 effectiveness of statewide goals for waste stream
44 reduction, incentives, and penalties used to encourage
45 planning areas to meet the waste stream reduction
46 goals, recycling programs, tonnage fees, and programs
47 funded by tonnage fees. The committee shall submit a
48 report of its findings and recommendations to the
49 general assembly by December 15, 1997."

By KLEMME of Plymouth
DIX of Butler

H-1831 FILED APRIL 21, 1997

HOUSE FILE 682

H-1595

1 Amend House File 682 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Sec. ____ . Section 455D.3, subsection 3, paragraph
5 a, unnumbered paragraph 2, Code 1997, is amended to
6 read as follows:

7 If at any time the department determines that a
8 planning area has met or exceeded the twenty-five
9 percent goal, a planning area shall subtract ~~fifty~~
10 seventy-five cents from the total amount of the
11 tonnage fee imposed pursuant to section 455B.310,
12 subsection 2. The reduction in tonnage fees pursuant
13 to this paragraph shall be taken from that portion of
14 the tonnage fees which would have been allocated for
15 funding alternatives to landfills pursuant to section
16 455E.11, subsection 2, paragraph "a", subparagraph
17 (1).

18 Sec. ____ . Between the effective date of this Act
19 and June 30, 1998, any planning area which is subject
20 to the provisions of section 455D.3, subsection 4,
21 shall not be required to pay the fee provided for in
22 section 455D.3, subsection 4, paragraph "a".

23 Sec. ____ . The legislative council is requested to
24 establish an interim committee for three meetings to
25 conduct a comprehensive review of the goals,
26 regulation, reporting, and status of statewide efforts
27 to reduce and recycle solid waste. The review shall
28 include, but not be limited to, an evaluation of the
29 effectiveness of statewide goals for waste stream
30 reduction, incentives, and penalties used to encourage
31 planning areas to meet the waste stream reduction
32 goals, recycling programs, tonnage fees, and programs
33 funded by tonnage fees. The committee shall submit a
34 report of its findings and recommendations to the
35 general assembly by December 15, 1997."

36 2. By renumbering as necessary.

By KLEMME of Plymouth

H-1595 FILED APRIL 8, 1997

Klemme, Ch
Dix
Myers

HSB 189

LOCAL GOVERNMENT

Succeeded By

HOUSE FILE

SE/HF 682

BY (PROPOSED COMMITTEE ON

LOCAL GOVERNMENT BILL

BY CHAIRPERSON VANDE HOEF)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to refunds for tonnage fees paid by operators of
2 sanitary landfills and solid waste management techniques.

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

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1 Section 1. Section 455B.310, Code 1997, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. An operator of a sanitary landfill who
4 is required to pay a tonnage fee under this section shall
5 receive the refund specified per ton imposed if the operator
6 has initiated any of the following programs:

7 a. A refund of one dollar and fifty cents for establishing
8 and operating a recycling program for the collection of
9 recyclable materials from residences.

10 b. A refund of seventy-five cents for establishing and
11 operating a program to accept and process recyclable material
12 from commercial and industrial businesses.

13 c. A refund of twenty cents for establishing and operating
14 a program for the disposal of rubble type material at a
15 location separate from the solid waste disposal site.

16 d. A refund of twenty cents for establishing and operating
17 a program for the disposal of yard waste material at a
18 location separate from the solid waste disposal site.

19 e. A refund of ten cents for establishing and operating a
20 recycling and off-site disposal program for used oil and lead
21 acid batteries.

22 f. A refund of ten cents for establishing and operating a
23 scrap tire program which allows the deposit of scrap tires at
24 a designated location for processing or disposal by the
25 operator of the sanitary landfill.

26 g. A refund of ten cents for establishing and operating a
27 sharps program for the collection and disposal of used
28 hypodermic needles.

29 h. A refund of ten cents for establishing and operating a
30 program for community cleanup grants which allow communities
31 within the planning area to receive grants for the collection
32 or disposal of waste collected during annual neighborhood
33 cleanup events or partnerships that are aimed at diverting
34 household hazardous waste away from landfills.

35 i. A refund of twenty-five cents for sanitary landfill

1 operators who have established subtitle D liners as defined in
2 40 C.F.R. pt. 258, subpt. D, and who are in compliance with
3 all federal requirements regarding the construction and
4 operation of new sanitary landfills pursuant to 40 C.F.R. pt.
5 258.

6 j. A refund of twenty-five cents for establishing and
7 operating community communication programs or activities
8 including speakers bureaus, informational brochures, school
9 programs, media relations, and advertising to increase
10 awareness of the methods of waste volume reduction at the
11 source and recycling.

12 k. A refund of twenty-five cents for establishing and
13 operating a community host fee program in which the operator
14 of a sanitary landfill voluntarily pays an annual fee or
15 property tax to the community in which it has located a
16 facility such as a landfill, a composting center, a transfer
17 station, or a regional collection center.

18 l. A refund of twenty-five cents for establishing and
19 operating regional centers for the collection and disposal of
20 household hazardous material, as defined in section 455F.1.

21 m. A refund of twenty-five cents for establishing and
22 operating an annual toxic cleanup day program for the
23 collection and disposal of household hazardous material,
24 pursuant to section 455F.8.

25 Sec. 2. Section 455D.3, subsection 4, paragraph c, Code
26 1997, is amended to read as follows:

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

31 EXPLANATION

32 This bill provides for a number of specified refunds on
33 tonnage fees paid by operators of sanitary landfills. Under
34 Code section 455B.310, an operator of a sanitary landfill
35 shall pay a tonnage fee for each ton of solid waste received

1 and disposed of at the sanitary landfill. The bill provides a
2 refund per ton imposed for any of the following programs:

3 1. A refund of \$1.50 for establishing and operating a
4 program for the collection of recyclable materials from
5 residences.

6 2. A refund of \$0.75 for establishing and operating a
7 program to accept and process recyclable material from
8 commercial and industrial businesses.

9 3. A refund of \$0.20 for providing for the disposal of
10 rubble type material at a site separate from the solid waste
11 disposal site.

12 4. A refund of \$0.20 for providing for the disposal of
13 yard waste material at a site separate from the solid waste
14 disposal site.

15 5. A refund of \$0.10 for establishing and operating a
16 recycling and off-site disposal program for used oil and lead
17 acid batteries.

18 6. A refund of \$0.10 for establishing and operating a
19 scrap tire program for the collection of scrap tires.

20 7. A refund of \$0.10 for establishing and operating a
21 sharps program for the collection and disposal of used
22 hypodermic needles.

23 8. A refund of \$0.10 for establishing and operating a
24 program for community cleanup grants for the collection or
25 disposal of waste collected during annual neighborhood cleanup
26 events or partnerships that are aimed at diverting household
27 hazardous material away from landfills.

28 9. A refund of \$0.25 for establishing subtitle D liners
29 and complying with all federal requirements regarding the
30 construction and operation of new sanitary landfills.

31 10. A refund of \$0.25 for establishing and operating
32 community communication programs or activities.

33 11. A refund of \$0.25 for establishing and operating a
34 community host fee program where the operator of a sanitary
35 landfill voluntarily pays an annual fee or property tax to a

1 community in which it has located a facility like a landfill,
2 composting center, transfer station, or regional collection
3 center.

4 12. A refund of \$0.25 for establishing and operating
5 regional centers for the collection and disposal of household
6 hazardous material.

7 13. A refund of \$0.25 for establishing and operating toxic
8 cleanup day program for the collection and disposal of
9 household hazardous material.

10 The bill provides that when a planning area fails to meet
11 the 25 percent waste stream reduction goal, the planning area
12 shall develop draft ordinances which may be voluntarily used
13 by local governments for establishing collection fees that are
14 based on volume or on the number of containers used for
15 disposal by residents. Currently, local governments are
16 required to use the draft ordinances.

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