

REPRINTED

SENATE FILE 2413

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2401)

(SUCCESSOR TO SSB 2140)

Passed Senate, ^(P.1231) Date 4/14/98 Passed House, ^(P.1828) Date 4/20/98
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 3
Approved May 14, 1998

A BILL FOR

1 An Act relating to exemptions from and reductions in solid waste
2 tonnage fees for certain persons.

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

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S.F. 2413

1 Section 1. Section 455B.301, Code 1997, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 11A. "Municipal solid waste landfill"
4 means a sanitary landfill that is a discrete area of land or
5 an excavation that receives household waste, and that is not a
6 land application site, surface impoundment, injection well, or
7 waste pile, as those terms are defined under 40 C.F.R. part
8 257.2. A "municipal solid waste landfill" may also receive
9 other types of waste as defined under 40 C.F.R. subtitle D,
10 such as commercial solid waste, nonhazardous dry sludge, and
11 industrial solid waste.

12 Sec. 2. Section 455B.310, subsections 1, 2, and 3, Code
13 1997, are amended to read as follows:

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

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

22 2A. If a sanitary landfill required to pay a tonnage fee
23 under this section has an updated comprehensive plan approved
24 by the department, the sanitary landfill operator shall
25 retain, in addition to the ninety-nine cents retained pursuant
26 to subsection 2B, twenty-five cents of the tonnage fee per ton
27 of solid waste in the fiscal year beginning July 1, 1998,
28 fifty cents of the tonnage fee per ton of solid waste in the
29 fiscal year beginning July 1, 1999, seventy-five cents of the
30 tonnage fee per ton of solid waste in the fiscal year
31 beginning July 1, 2000, and one dollar of the tonnage fee per
32 ton of solid waste in the fiscal year beginning July 1, 2001,
33 and every year thereafter. Any tonnage fees retained pursuant
34 to this subsection shall be used for waste reduction and
35 recycling purposes. Any tonnage fee retained pursuant to this

1 subsection shall be taken from that portion of the tonnage fee
2 which would have been allocated to funding alternatives to
3 landfills pursuant to section 455E.11, subsection 2, paragraph
4 "a", subparagraph (1). Tonnage fees retained under this
5 subsection and section 455D.3, subsection 3, shall not exceed
6 a total of one dollar and seventy-five cents.

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

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

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

28 c. For other environmental protection and compliance
29 activities.

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

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

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

17 3. DEPARTMENTAL MONITORING.

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

24 If at any time the department determines that a planning
25 area has met or exceeded the twenty-five percent goal, a
26 planning area shall subtract fifty cents from the total amount
27 of the tonnage fee imposed pursuant to section 455B.3107
28 subsection-2. The reduction in tonnage fees pursuant to this
29 paragraph shall be taken from that portion of the tonnage fees
30 which would have been allocated for funding alternatives to
31 landfills pursuant to section 455E.11, subsection 2, paragraph
32 "a", subparagraph (1).

33 If the department determines that a planning area has
34 failed to meet the July 1, 1994, twenty-five percent goal, the
35 planning area shall, at a minimum, implement the solid waste

1 department identifying the use of all fees retained. The
2 total amount of tonnage fees which may be retained pursuant to
3 this new provision and pursuant to the waste reduction goal
4 incentives is \$1.75.

5 The bill states the intent of the general assembly to
6 reiterate support for the 50 percent waste stream reduction
7 goal stated in Code section 455D.3.

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SENATE FILE 2413

S-5445

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 1, line 25, by striking the word "ninety-
- 3 nine" and inserting the following: "ninety-five".
- 4 2. Page 1, line 28, by striking the word "fifty"
- 5 and inserting the following: "forty-five".
- 6 3. Page 1, line 29, by striking the words
- 7 "seventy-five" and inserting the following:
- 8 "seventy".
- 9 4. Page 1, line 31, by striking the words "one
- 10 dollar" and inserting the following: "ninety cents".
- 11 5. Page 4, by inserting after line 21 the
- 12 following:
- 13 "Sec. __. Section 455E.11, subsection 2, paragraph
- 14 a, subparagraph (1), subparagraph subdivision (c),
- 15 Code 1997, is amended to read as follows:
- 16 (c) The remaining funds shall be used by the
- 17 department to develop and implement demonstration
- 18 projects for landfill alternatives to solid waste
- 19 disposal including recycling programs. In the fiscal
- 20 years beginning July 1, 1999, and July 1, 2000, five
- 21 cents of the tonnage fee shall be used for
- 22 implementing a program of second step waste reduction
- 23 assistance for small business at the Iowa waste
- 24 reduction center at the university of northern Iowa.
- 25 In the fiscal year beginning July 1, 2001, and every
- 26 fiscal year thereafter, ten cents of the tonnage fee
- 27 shall be used for implementing a program of second
- 28 step waste reduction assistance for small business at
- 29 the Iowa waste reduction center at the university of
- 30 northern Iowa."
- 31 6. By renumbering as necessary.

By JOHN W. JENSEN

w/d 4/14/98 (P.1231)

S-5445 FILED MARCH 31, 1998

SENATE FILE 2413

S-5461

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 1, by striking lines 1 through 11.
- 3 2. Page 1, line 25, by striking the word "ninety-
- 4 nine" and inserting the following: "ninety-five".
- 5 3. Page 1, by striking lines 28 through 33 and
- 6 inserting the following: "and every year thereafter,
- 7 and in the fiscal year beginning July 1, 1999, and
- 8 every year thereafter any planning area which meets
- 9 the twenty-five percent goal provided in section
- 10 455D.3 shall retain, in addition to the twenty-five
- 11 cents retained pursuant to this subsection, ten cents
- 12 of the tonnage fee per ton of solid waste. Any
- 13 tonnage fees retained pursuant".
- 14 4. Page 2, by striking lines 4 through 6 and
- 15 inserting the following: ""a", subparagraph (1)."
- 16 5. By renumbering as necessary.

By MARY LOU FREEMAN
PATTY JUDGE

S-5461 FILED APRIL 1, 1998

Withdrawn
4-14-98
(P.1230)

SENATE FILE 2413

S-5639

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 1, by striking lines 1 through 11.
- 3 2. Page 1, line 25, by striking the word "ninety-
- 4 nine" and inserting the following: "ninety-five".
- 5 3. Page 1, by striking lines 29 through 32 and
- 6 inserting the following: "fiscal year beginning July
- 7 1, 1999,".
- 8 4. Page 2, by striking lines 4 through 6 and
- 9 inserting the following: ""a", subparagraph (1)."
- 10 5. By renumbering as necessary.

By MARY LOU FREEMAN

S-5639 FILED APRIL 14, 1998

ADOPTED (p. 1230)

SENATE FILE 2413

S-5640

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 1, lines 34 and 35, by striking the words
- 3 "waste reduction and recycling" and inserting the
- 4 following: "waste reduction, recycling, or small
- 5 business pollution prevention".

By MARY LOU FREEMAN

S-5640 FILED APRIL 14, 1998

ADOPTED

(p. 1231)

H. 4/15/98 W + memo
H. 4/16/98 amend/DoPass
W/H 9233

SENATE FILE 2413
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2401)
(SUCCESSOR TO SSB 2140)

(AS AMENDED AND PASSED BY THE SENATE APRIL 14, 1998)

- New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, ^(P.1413) Date 4/21/98 Passed House, ^(P.1828) Date 4/20/98
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 3
Approved May 14, 1998

A BILL FOR

1 An Act relating to exemptions from and reductions in solid waste
2 tonnage fees for certain persons.

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

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S.F. 2413

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

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

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

11 2A. If a sanitary landfill required to pay a tonnage fee
12 under this section has an updated comprehensive plan approved
13 by the department, the sanitary landfill operator shall
14 retain, in addition to the ninety-five cents retained pursuant
15 to subsection 2B, twenty-five cents of the tonnage fee per ton
16 of solid waste in the fiscal year beginning July 1, 1998,
17 fifty cents of the tonnage fee per ton of solid waste in the
18 fiscal year beginning July 1, 1999, and every year thereafter.
19 Any tonnage fees retained pursuant to this subsection shall be
20 used for waste reduction, recycling, or small business
21 pollution prevention purposes. Any tonnage fee retained
22 pursuant to this subsection shall be taken from that portion
23 of the tonnage fee which would have been allocated to funding
24 alternatives to landfills pursuant to section 455E.11,
25 subsection 2, paragraph "a", subparagraph (1).

26 2B. ~~Of that amount, ninety-five~~ Ninety-five cents of the
27 tonnage fee shall be retained by a city, county, or public or
28 private agency and used as follows:

29 a. To meet comprehensive planning requirements of section
30 455B.306, the development of a closure or postclosure plan,
31 the development of a plan for the control and treatment of
32 leachate including the preparation of facility plans and
33 detailed plans and specifications, and the preparation of a
34 financial plan.

35 b. Forty-five cents of the retained funds shall be used

1 for implementing waste volume reduction and recycling
2 requirements of comprehensive plans filed under section
3 455B.306. The funds shall be distributed to a city, county,
4 or public agency served by the sanitary disposal project.
5 Fees collected by a private agency which provides for the
6 final disposal of solid waste shall be remitted to the city,
7 county, or public agency served by the sanitary disposal
8 project. However, if a private agency is designated to
9 develop and implement the comprehensive plan pursuant to
10 section 455B.306, fees under this paragraph shall be retained
11 by the private agency.

12 c. For other environmental protection and compliance
13 activities.

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

20 3. Solid waste disposal facilities with special provisions
21 which limit the site to disposal of construction and
22 demolition waste, landscape waste, coal combustion waste,
23 foundry sand, and solid waste materials approved by the
24 department for lining or capping, or for construction berms,
25 dikes, or roads in a sanitary disposal project or sanitary
26 landfill are exempt from the tonnage fees imposed under this
27 section. However, solid waste disposal facilities under this
28 subsection are subject to the fees imposed pursuant to section
29 455B.105, subsection 11, paragraph "a". Notwithstanding the
30 provisions of section 455B.105, subsection 11, paragraph "b",
31 the fees collected pursuant to this subsection shall be used
32 by the department for the regulation of these solid waste
33 disposal facilities.

34 Sec. 2. Section 455D.3, subsection 3, Code 1997, is
35 amended to read as follows:

1 3. DEPARTMENTAL MONITORING.

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

8 If at any time the department determines that a planning
9 area has met or exceeded the twenty-five percent goal, a
10 planning area shall subtract fifty cents from the total amount
11 of the tonnage fee imposed pursuant to section 455B.3107
12 subsection-2. The reduction in tonnage fees pursuant to this
13 paragraph shall be taken from that portion of the tonnage fees
14 which would have been allocated for funding alternatives to
15 landfills pursuant to section 455E.11, subsection 2, paragraph
16 "a", subparagraph (1).

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

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

30 If at any time the department determines that a planning
31 area has met or exceeded the fifty percent goal, the planning
32 area shall subtract fifty cents from the total amount of the
33 tonnage fee imposed pursuant to section 455B.3107--subsection
34 2. This amount shall be in addition to any amount subtracted
35 pursuant to paragraph "a" of this subsection. The reduction

1 in tonnage fees pursuant to this paragraph shall be taken from
2 that portion of the tonnage fees which would have been
3 allocated to funding alternatives to landfills pursuant to
4 section 455E.11, subsection 2, paragraph "a", subparagraph
5 (1).

6 Sec. 3. The general assembly reiterates support for the
7 fifty percent waste stream reduction goal stated in section
8 455D.3.

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SENATE FILE 2413

H-9233

- 1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 455B.304, subsection 15, Code
6 Supplement 1997, is amended to read as follows:
7 15. The commission shall adopt rules which require
8 all sanitary ~~landfills~~ disposal projects in which the
9 tonnage fee pursuant to section 455B.310 is imposed,
10 to install scales by ~~January 1, 1994~~ and utilize these
11 scales to calculate payment of the tonnage fee."
- 12 2. Page 1, line 1, by striking the word and
13 figure "and 3" and inserting the following: "3, and
14 6".
- 15 3. Page 1, by striking lines 17 and 18 and
16 inserting the following: "and every year thereafter.
17 In the fiscal year beginning July 1, 1999, and every
18 year thereafter, any planning area which meets the
19 statewide average, as determined by the department on
20 July 1, 1999, shall retain, in addition to the twenty-
21 five cents retained pursuant to this subsection, ten
22 cents of the tonnage fee per ton of solid waste
23 regardless of whether the planning area subsequently
24 fails to meet the statewide average."
- 25 4. Page 2, line 12, by striking the words "and
26 compliance" and inserting the following: "and
27 compliance".
- 28 5. Page 2, line 31, by inserting after the word
29 "be" the following: "deposited in the solid waste
30 account as established in section 455E.11, subsection
31 2, paragraph "a", to be".
- 32 6. Page 2, by inserting after line 33 the
33 following:
34 "6. A person required to pay fees by this section
35 who fails or refuses to pay the fees imposed by this
36 section or who fails or refuses to provide the return
37 required by this section shall be assessed a penalty
38 of two percent of the fee due for each month the fee
39 or return is overdue. The penalty shall be paid in
40 addition to the fee due."
- 41 7. Page 4, line 5, by inserting after the figure
42 "(1)." the following: "Except for fees required under
43 subsection 4, paragraph "a", a planning area failing
44 to meet the fifty percent goal is not required to
45 remit any additional tonnage fees to the department."
- 46 8. Title page, line 2, by inserting after the
47 word "persons" the following: "and the installation
48 and use of scales by sanitary disposal projects".

By COMMITTEE ON WAYS AND MEANS
DINKLA of Galarie, Chairperson

H-9233 FILED APRIL 16, 1998

A dopted
4/20/98
(p. 1779)

SENATE FILE 2413

H-9293

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 455B.301, Code 1997, is
6 amended by adding the following new subsection:

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

11 2. Page 1, line 3, by inserting after the figure
12 "1." the following: "a. A tonnage fee is imposed on
13 generation of solid waste generated or landfilled in the
14 state. Operators of sanitary landfills and operators
15 of transfer stations shall pay the tonnage fee as
16 provided in this section. The tonnage fee shall not
17 be applied to the same solid waste more than once.
18 b."

19 3. Page 1, by inserting after line 3 the
20 following:

21 "c. The operator of a transfer station shall pay a
22 tonnage fee to the department for each ton of solid
23 waste received by the transfer station and transported
24 from the transfer station during the preceding
25 reporting period for landfilling in a sanitary
26 landfill not paying the tonnage fee imposed under this
27 section."

28 4. Page 1, line 11, by inserting after the word
29 "landfill" the following: "or transfer station".

30 5. Page 1, line 13, by inserting after the word
31 "landfill" the following: "or transfer station".

32 6. Page 2, line 14, by inserting after the word
33 "landfill" the following: "or transfer station".

34 7. Title page, line 1, by inserting after the
35 word "to" the following: "transfer stations and".

By SHOULTZ of Black Hawk

H-9293 FILED APRIL 20, 1998

Just
4/20/98 (91826)

SENATE FILE 2413

H-9299

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 8 the
4 following:

5 "Sec. ____ . A special committee shall be
6 established to study and make recommendations
7 regarding the management of solid waste and recycling.
8 The special committee shall consist of members with
9 diverse and specialized expertise in waste management
10 and recycling issues to be considered by the special
11 committee, including four members of the general
12 assembly, with not more than one member from each
13 chamber being from the same political party. The two
14 senators shall be designated by the majority leader of
15 the Senate after consultation with the minority leader
16 of the senate. The two representatives shall be
17 designated by the speaker of the house of
18 representatives after consultation with the majority
19 and minority leaders of the house of representatives.
20 The director of the department of natural resources is
21 requested to appoint five members with not more than
22 two members who are current employees of the
23 department. The co-chairpersons of the special
24 committee shall be the general assembly members of the
25 majority party from each chamber. The special
26 committee shall examine, study, and make
27 recommendations to the general assembly regarding any
28 current or possible incentives for increasing solid
29 waste reduction and recycling in the state, market
30 development for recycling, educating the public on
31 solid waste reduction and recycling issues, technical
32 assistance for pollution prevention and recycling, and
33 alternative funding sources for existing programs
34 related to solid waste reduction and recycling. The
35 special committee shall submit a report to the general
36 assembly no later than December 1, 1999, which shall
37 include, but not be limited to, findings, analysis,
38 and recommendations by the special committee."

39 2. Title page, line 1, by inserting after the
40 word "to" the following: "a solid waste and recycling
41 special committee and to".

42 3. By renumbering as necessary.

By SHOULTZ of Black Hawk

E-9299 FILED APRIL 20, 1998

Withdrawn
4/20/98 (P. 1827)

SENATE FILE 2413

H-9296

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 455B.301, Code 1997, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 11A. "Municipal solid waste
8 landfill" means a sanitary landfill that is a discrete
9 area of land or an excavation that receives household
10 waste, and that is not a land application site,
11 surface impoundment, injection well, or waste pile, as
12 those terms are defined under 40 C.F.R. part 257.2. A
13 "municipal solid waste landfill" may also receive
14 other types of waste as defined under 40 C.F.R.
15 subtitle D, such as commercial solid waste,
16 nonhazardous dry sludge, and industrial solid waste."

17 2. Page 1, line 3, by inserting after the figure
18 "1." the following: "a."

19 3. Page 1, line 4, by inserting after the word
20 "landfill" the following: "which does not qualify
21 under paragraph "b"".

22 4. Page 1, by inserting after line 8 the
23 following:

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

40 (1) The area of the landfill which has been
41 designated exclusively for the disposal of
42 construction and demolition waste based on plans and
43 specifications approved by the department, was in
44 operation on December 1, 1997.

45 (2) The area of the landfill which has been
46 designated exclusively for the disposal of
47 construction and demolition waste based on plans and
48 specifications approved by the department, was not in
49 operation on December 1, 1997, but applied to the
50 department for an exemption prior to December 1,

H-9296

H-9296

Page 2

1 1997."

2 5. Page 2, lines 21 and 22, by striking the words
3 "construction and demolition waste," and inserting the
4 following: "~~construction-and-demolition-waste~~".

By SHOULTZ of Black Hawk

H-9296 FILED APRIL 20, 1998

w/d 4/20/98 (P.1826)

SENATE FILE 2413

H-9297

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 8 the
4 following:

5 "Sec. ____ . The department of natural resources is
6 requested to evaluate, assess, and suggest amendments
7 to the design standards and criteria for nonmunicipal
8 solid waste landfills."

By SHOULTZ of Black Hawk

H-9297 FILED APRIL 20, 1998

Adopted 4/20/98 (P.1827)

SENATE FILE 2413

H-9298

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 8 the
4 following:

5 "Sec. ____ . The environmental protection division
6 of the department of natural resources is requested to
7 implement a permitting fee schedule for the
8 administration of permits to tonnage fee exempt
9 foundry sand and coal combustion residue disposal
10 sites."

By SHOULTZ of Black Hawk

H-9298 FILED APRIL 20, 1998

*Adopted
4/20/98 (P.1827)*

SENATE FILE 2413

H-9294

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 5 the
4 following:

5 "Sec. ____ . RECYCLE IOWA. There is appropriated
6 from the general fund of the state to the department
7 of natural resources for the fiscal year beginning
8 July 1, 1998, and ending June 30, 1999, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:

11 For operational support of the recycle Iowa office,
12 including salaries, support, maintenance, and
13 miscellaneous purposes:

14 \$ 400,000

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

21 Sec. ____ . EDUCATION COORDINATOR. There is
22 appropriated from the general fund of the state to the
23 department of natural resources for the fiscal year
24 beginning July 1, 1998, and ending June 30, 1999, the
25 following amount, or so much thereof as is necessary,
26 to be used for the purposes designated:

27 For establishing a waste reduction and recycling
28 education coordinator for identifying and promoting
29 public and private partnerships to maximize all
30 available resources and for ensuring that resources
31 are available and accessible for local waste reduction
32 and recycling efforts, including salaries, support,
33 maintenance, miscellaneous purposes, and for not more
34 than the following full-time equivalent positions:

35 \$ 100,000
36 FTEs 1.00

37 Notwithstanding section 8.33, moneys appropriated
38 by this section which remain unobligated or unexpended
39 on June 30, 1999, shall not revert to the general fund
40 of the state but shall be available for expenditure
41 during the fiscal year beginning July 1, 1999, for the
42 same purposes."

43 2. Title page, line 1, by inserting after the
44 word "Act" the following: "making appropriations for
45 recycle Iowa and an education coordinator and".

46 3. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-9294 FILED APRIL 20, 1998

4/20/98 *Withdrawn*

(P. 1826)

HOUSE AMENDMENT TO
SENATE FILE 2413

S-5778

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 455B.304, subsection 15, Code
6 Supplement 1997, is amended to read as follows:

7 15. The commission shall adopt rules which require
8 all sanitary ~~landfills~~ disposal projects in which the
9 tonnage fee pursuant to section 455B.310 is imposed,
10 to install scales by January 17, 1994 and utilize these
11 scales to calculate payment of the tonnage fee."

12 2. Page 1, line 1, by striking the word and
13 figure "and 3" and inserting the following: "3, and
14 6".

15 3. Page 1, by striking lines 17 and 18 and
16 inserting the following: "and every year thereafter.
17 In the fiscal year beginning July 1, 1999, and every
18 year thereafter, any planning area which meets the
19 statewide average, as determined by the department on
20 July 1, 1999, shall retain, in addition to the twenty-
21 five cents retained pursuant to this subsection, ten
22 cents of the tonnage fee per ton of solid waste
23 regardless of whether the planning area subsequently
24 fails to meet the statewide average."

25 4. Page 2, line 12, by striking the words "and
26 compliance" and inserting the following: "and
27 compliance".

28 5. Page 2, line 31, by inserting after the word
29 "be" the following: "deposited in the solid waste
30 account as established in section 455E.11, subsection
31 2, paragraph "a", to be"."

32 6. Page 2, by inserting after line 33 the
33 following:

34 "6. A person required to pay fees by this section
35 who fails or refuses to pay the fees imposed by this
36 section or who fails or refuses to provide the return
37 required by this section shall be assessed a penalty
38 of two percent of the fee due for each month the fee
39 or return is overdue. The penalty shall be paid in
40 addition to the fee due."

41 7. Page 4, line 5, by inserting after the figure
42 "(1)" the following: "Except for fees required under
43 subsection 4, paragraph "a", a planning area failing
44 to meet the fifty percent goal is not required to
45 remit any additional tonnage fees to the department."

46 8. Page 4, by inserting after line 8 the
47 following:

48 "Sec. _____. The department of natural resources is
49 requested to evaluate, assess, and suggest amendments
50 to the design standards and criteria for nonmunicipal

S-5778

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Page 2

1 solid waste landfills."

2 9. Page 4, by inserting after line 8 the

3 following:

4 "Sec. _____. The environmental protection division
5 of the department of natural resources is requested to
6 implement a permitting fee schedule for the
7 administration of permits to tonnage fee exempt
8 foundry sand and coal combustion residue disposal
9 sites."

10 10. Title page, line 2, by inserting after the
11 word "persons" the following: "and the installation
12 and use of scales by sanitary disposal projects".

13 11. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5778 FILED APRIL 21, 1998

CONCURRED

(P.1413)

**SENATE FILE 2413
FISCAL NOTE**

A fiscal note for SF 2413 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.

Senate File 2413 permits sanitary landfill operators with approved comprehensive plans to retain a portion of the tonnage fee paid to the Department of Natural Resources.

BACKGROUND

Currently, the tonnage fee paid by a sanitary landfill operator is \$4.25 which is broken down into three categories:

Landfill Alternatives Funding	\$ 1.75
Multiple Uses Funding	\$ 1.55
Retained by Landfill Operator	\$ 0.95

The Bill increases the amount retained by the landfill operator and decreases the amount to Landfill Alternative Funding. Beginning in FY 1999, a facility can retain an additional \$0.25 per ton if there is an updated comprehensive plan approved by the Department of Natural Resources. In FY 2000, FY 2001, and FY 2002, the facility can retain an additional \$0.25 per ton per year. The maximum that can be retained by a facility is \$1.75.

ASSUMPTIONS

All facilities will satisfy the comprehensive planning requirements and retain a portion of the tonnage fee beginning in FY 1999.

FISCAL IMPACT

Senate File 2413 is expected to decrease revenues to the Landfill Alternatives Funding Program in the Department of Natural Resources by approximately \$1.0 million in FY 1999, \$1.5 million in FY 2000, \$2.1 million in FY 2001, and \$2.6 million in FY 2002.

SOURCE

Department of Natural Resources

(LSB 3235sv.2, DFK)

FILED MARCH 31, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2413

AN ACT

RELATING TO EXEMPTIONS FROM AND REDUCTIONS IN SOLID WASTE
TONNAGE FEES FOR CERTAIN PERSONS AND THE INSTALLATION AND USE
OF SCALES BY SANITARY DISPOSAL PROJECTS.

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

Section 1. Section 455B.304, subsection 15, Code Supplement 1997, is amended to read as follows:

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

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

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.

2A. If a sanitary landfill required to pay a tonnage fee under this section has an updated comprehensive plan approved by the department, the sanitary landfill operator shall retain, in addition to the ninety-five cents retained pursuant to subsection 2B, twenty-five cents of the tonnage fee per ton of solid waste in the fiscal year beginning July 1, 1998, and every year thereafter. In the fiscal year beginning July 1, 1999, and every year thereafter, any planning area which meets the statewide average, as determined by the department on July 1, 1999, shall retain, in addition to the twenty-five cents retained pursuant to this subsection, ten cents of the tonnage

fee per ton of solid waste regardless of whether the planning area subsequently fails to meet the statewide average. Any tonnage fees retained pursuant to this subsection shall be used for waste reduction, recycling, or small business pollution prevention purposes. Any tonnage fee retained pursuant to this subsection shall be taken from that portion of the tonnage fee which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1).

2B. Of that amount, ninety-five 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 section 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 deposited in the solid waste account as established in section 455E.11, subsection 2, paragraph "a", to be used by the department for the regulation of these solid waste disposal facilities.

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

Sec. 3. Section 455D.3, subsection 3, Code 1997, is 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 fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection-2. 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 funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (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. 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. This amount shall be in addition to any amount 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 to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). Except for fees required under subsection 4, paragraph "a", a planning area failing to meet the fifty percent goal is not required to remit any additional tonnage fees to the department.

Sec. 4. The general assembly reiterates support for the fifty percent waste stream reduction goal stated in section 455D.3.

Sec. 5. The department of natural resources is requested to evaluate, assess, and suggest amendments to the design standards and criteria for nonmunicipal solid waste landfills.

Sec. 6. The environmental protection division of the department of natural resources is requested to implement a permitting fee schedule for the administration of permits to tonnage fee exempt foundry sand and coal combustion residue disposal sites.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2413, Seventy-seventh General Assembly.

Approved May 14, 1998

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor

SF 2413