

FEB 5 2004
ENVIRONMENTAL PROTECTION

HOUSE FILE 2175
BY JONES

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

A BILL FOR

1 An Act relating to sanitary landfills, including closure and
2 postclosure accounts maintained by sanitary landfills and
3 tonnage fees paid by sanitary landfills.

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

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HF 2175

1 Section 1. Section 455B.306, subsection 8, paragraph b,
2 Code 2003, is amended to read as follows:

3 b. The operator shall maintain closure, and postclosure
4 cash, and postclosure operating accounts. The commission
5 shall adopt by rule the amounts to be contributed to the
6 accounts based upon the amount of solid waste received by the
7 facility. The accounts established shall be specific to the
8 facility.

9 (1) Money in the accounts shall not be assigned for the
10 benefit of creditors with the exception of the state.

11 (2) Money in an account shall not be used to pay any final
12 judgment against a licensee arising out of the ownership or
13 operation of the site during its active life or after closure.

14 (3) Moneys in a postclosure cash account shall only be
15 expended upon approval by the department.

16 (4) Conditions under which the department may gain access
17 to the accounts and circumstances under which the accounts may
18 be released to the operator after closure and postclosure
19 responsibilities have been met, shall be established by the
20 commission.

21 Sec. 2. Section 455E.11, subsection 2, paragraph a,
22 subparagraph (1), subparagraph subdivision (c), Code
23 Supplement 2003, is amended to read as follows:

24 (c) The remaining funds shall be ~~used-by-the-department-to~~
25 ~~develop-and-implement-demonstration-projects-for-landfill~~
26 ~~alternatives-to-solid-waste-disposal-including-recycling~~
27 ~~programs~~ returned to the sanitary landfills that paid the
28 tonnage fees to the department on a proportionate basis,
29 unless directed otherwise by the sanitary landfill.

30 EXPLANATION

31 This bill relates to sanitary landfills.

32 The bill requires a sanitary landfill operator to maintain
33 closure, postclosure cash, and postclosure operating accounts.
34 Currently, only closure and postclosure accounts are required.
35 The bill provides that moneys in a postclosure cash account

1 shall only be expended upon approval by the department of
2 natural resources.

3 Currently, a tonnage fee is paid by the operator of a
4 sanitary landfill to the department of natural resources for
5 each ton or equivalent volume of solid waste received and
6 disposed of at the sanitary landfill during the preceding
7 reporting period. The tonnage fees are deposited in the solid
8 waste account of the groundwater protection fund and allocated
9 for a number of sanitary landfill-related purposes. After all
10 the allocations are made, the remaining moneys are used by the
11 department to develop and implement demonstration projects for
12 landfill alternatives to solid waste disposal, including
13 recycling programs. The bill provides that the remaining
14 funds shall be returned to the sanitary landfills that paid
15 the tonnage fees to the department on a proportionate basis,
16 unless directed otherwise by the sanitary landfill.

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