

SENATE FILE 274  
BY LUNDBY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to solid waste by placing restrictions on the  
2 issuance or renewal of sanitary disposal project permits,  
3 certifying certain tax-exempt organizations that operate solid  
4 waste diversion and recycling programs, and allowing planning  
5 areas to retain a portion of tonnage fees.

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

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SF 274  
NAT. RES. & ENVIRONMENT

1 Section 1. Section 455B.305, Code 2003, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 7. Beginning July 1, 2003, the director  
4 shall not issue a permit or renew or reissue a permit which  
5 had been renewed or reissued prior to that date for a sanitary  
6 landfill, unless and until the permit applicant, in  
7 conjunction with all local governments using the landfill,  
8 designs a plan to provide disposal services at no charge to  
9 any organization certified pursuant to section 455B.305B.

10 Sec. 2. NEW SECTION. 455B.305B SOLID WASTE DIVERSION AND  
11 RECYCLING CERTIFICATION.

12 1. The department shall administer a program to certify  
13 organizations that demonstrate all of the following:

14 a. The organization has tax-exempt status under section  
15 501(c)(3) of the Internal Revenue Code.

16 b. The organization is accredited by the commission on  
17 accreditation of rehabilitation facilities.

18 c. The organization provides an estimated number of tons  
19 of solid waste that will be diverted from landfill disposal by  
20 the organization during one year.

21 d. The organization operates a solid waste diversion and  
22 recycling program.

23 e. The organization diverts from landfill disposal at  
24 least two thousand tons of solid waste on an annual basis.

25 2. The department shall provide a list of organizations  
26 certified pursuant to this section to all sanitary landfills  
27 in the state to be used for purposes of section 455B.305,  
28 subsection 7.

29 3. An organization that is certified pursuant to this  
30 section shall be required to apply for a renewal of  
31 certification on an annual basis.

32 Sec. 3. Section 455D.3, Code 2003, is amended by adding  
33 the following new subsection:

34 NEW SUBSECTION. 5. a. If a planning area accepts solid  
35 waste from an organization certified pursuant to section

1 455B.305B during a calendar year, the planning area shall  
2 subtract twenty cents per ton from the total amount of the  
3 tonnage fee imposed pursuant to section 455B.310 during that  
4 calendar year. The reduction in tonnage fees pursuant to this  
5 subsection shall be taken from that portion of the tonnage  
6 fees which would have been allocated for funding alternatives  
7 to landfills pursuant to section 455E.11, subsection 2,  
8 paragraph "a", subparagraph (1).

9 b. By January 15, 2006, the department shall file a report  
10 with the general assembly evaluating the use of this  
11 subsection since the effective date of this Act. The report  
12 shall include all of the following:

13 (1) The total number of tons of solid waste accepted by  
14 planning areas from organizations certified pursuant to  
15 section 455B.305B since the effective date of this Act.

16 (2) The total number of organizations certified pursuant  
17 to section 455B.305B since the effective date of this Act.

18 (3) The total amount of tonnage fees retained by planning  
19 areas pursuant to this subsection since the effective date of  
20 this Act.

21 (4) Any additional information deemed necessary by the  
22 department in evaluating the use of this subsection.

23 Sec. 4. This Act is repealed June 30, 2006.

24 EXPLANATION

25 This bill relates to solid waste by placing restrictions on  
26 the issuance or renewal of sanitary disposal project permits,  
27 certifying certain tax-exempt organizations that operate solid  
28 waste diversion and recycling programs, and allowing planning  
29 areas to retain a portion of tonnage fees.

30 The bill provides that, beginning July 1, 2003, the  
31 director of the department of natural resources shall not  
32 issue a permit or renew or reissue a permit which had been  
33 renewed or reissued prior to that date for a sanitary  
34 landfill, unless and until the permit applicant designs a plan  
35 to provide disposal services at no charge to any certified

1 organization. In order to be certified, the bill requires  
2 that the organization demonstrate that the organization has  
3 tax-exempt status under section 501(c)(3) of the Internal  
4 Revenue Code, is accredited by the commission on accreditation  
5 of rehabilitation facilities, provides an estimated number of  
6 tons of solid waste that will be diverted from landfill  
7 disposal by the organization during one year, operates a solid  
8 waste diversion and recycling program, and diverts from  
9 landfill disposal at least two thousand tons of solid waste on  
10 an annual basis. The bill requires that the certification  
11 must be renewed on an annual basis.

12 The bill provides that if a planning area accepts solid  
13 waste from a certified organization during a calendar year,  
14 the planning area shall subtract 20 cents per ton from the  
15 total amount of the tonnage fees imposed during that calendar  
16 year. The bill provides that the tonnage fees retained by the  
17 planning area pursuant to this bill shall be taken from the  
18 tonnage fees which would have been allocated for funding  
19 alternatives to landfills under the solid waste account of the  
20 groundwater protection fund.

21 The bill provides that, by January 15, 2006, the department  
22 shall file a report with the general assembly evaluating the  
23 use of the provisions in the bill. The bill provides that the  
24 bill is repealed June 30, 2006.

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