

House Study Bill 652

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION BILL
BY CHAIRPERSON OLSON)

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

A BILL FOR

1 An Act relating to solid waste disposal and environmental
2 management by providing for the designation of environmental
3 management systems, providing incentives, and creating an
4 environmental management systems board.

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

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1 1 Section 1. Section 455D.3, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. ENVIRONMENTAL MANAGEMENT SYSTEMS

1 4 EXEMPT. A planning area designated as an environmental
1 5 management system pursuant to section 455J.6 is exempt from
1 6 the waste stream reduction goals of this section.

1 7 Sec. 2. Section 455E.11, subsection 2, paragraph a,
1 8 subparagraph (1), Code 2007, is amended to read as follows:

1 9 (1) After the one dollar and fifty-five cents is allocated
1 10 pursuant to subparagraph (2), the remaining moneys from the
1 11 tonnage fee shall be used for funding alternatives to
1 12 landfills and shall be allocated as follows:

1 13 (a) Fifty thousand dollars to the department to implement
1 14 the special waste authorization program.

1 15 (b) One hundred sixty-five thousand dollars to the
1 16 department to be used for the by-products and waste search
1 17 service at the university of northern Iowa.

1 18 (c) Thirty percent of the remaining funds shall be used
1 19 for grants to environmental management systems as provided in
1 20 section 455J.6.

1 21 ~~(c)~~ (d) The balance of the remaining funds shall be used
1 22 by the department to develop and implement demonstration
1 23 projects for landfill alternatives to solid waste disposal
1 24 including recycling programs or for departmental funding for
1 25 implementation of chapter 455J.

1 26 Sec. 3. NEW SECTION. 455J.1 ENVIRONMENTAL MANAGEMENT
1 27 SYSTEMS == LEGISLATIVE FINDINGS == PURPOSE.

1 28 1. The purpose of this chapter is to encourage the
1 29 responsible environmental management of solid waste disposal
1 30 projects and to enhance efforts to promote environmental
1 31 stewardship.

1 32 2. The general assembly finds and declares all of the
1 33 following:

1 34 a. The policy of responsible environmental management can
1 35 be furthered by rewarding solid waste disposal projects that
2 1 operate in an innovative, cost-effective, technologically
2 2 advanced, and environmentally sensitive manner.

2 3 b. Responsible environmental management can also be
2 4 furthered by changing the focus of solid waste disposal
2 5 projects from disposal management to environmental resource
2 6 management.

2 7 c. The concept of environmental stewardship embraces every
2 8 aspect of the environmental footprint created by the
2 9 management and disposal of solid waste.

2 10 d. Environmental management systems mitigate the climate
2 11 change impacts of solid waste disposal by reducing the amount
2 12 of methane gas released into the atmosphere. In addition,
2 13 environmental management systems improve water quality by
2 14 limiting and treating the impacts of leachate disposal and by
2 15 providing positive examples of sustainable water resource
2 16 management.

2 17 Sec. 4. NEW SECTION. 455J.2 DEFINITIONS.
2 18 For purposes of this chapter:
2 19 1. "Board" means the environmental management systems
2 20 board created in section 455J.6.
2 21 2. "Commission" means the environmental protection
2 22 commission.
2 23 3. "Department" means the department of natural resources.
2 24 4. "Director" means the director of the department of
2 25 natural resources.
2 26 5. "Environmental management system" means a solid waste
2 27 planning area that provides for multiple environmental
2 28 services, in addition to solid waste disposal, that is
2 29 designated as an environmental management system by the board
2 30 pursuant to section 455J.6, subsection 3.
2 31 6. "System" means an environmental management system.
2 32 Sec. 5. NEW SECTION. 455J.3 ENVIRONMENTAL MANAGEMENT
2 33 SYSTEM DESIGNATION REQUIREMENTS.
2 34 To qualify for designation as an environmental management
2 35 system pursuant to section 455J.6, subsection 3, a solid waste
3 1 planning area shall do all of the following:
3 2 1. YARD WASTE COLLECTION. Operate a yard waste collection
3 3 program or contract with another party to do so.
3 4 2. HAZARDOUS HOUSEHOLD WASTE COLLECTION. Provide for the
3 5 disposal of hazardous household waste by operating a regional
3 6 collection center. The regional collection center shall
3 7 provide for the collection and disposal of hazardous household
3 8 wastes, including but not limited to paint, pesticides,
3 9 batteries, automotive products, sharps, needles and syringes,
3 10 and pool chemicals. The regional collection center shall
3 11 encourage the reuse of any materials for which reuse is
3 12 possible.
3 13 3. WATER QUALITY IMPROVEMENT. Provide for a water quality
3 14 improvement program within the watershed in which a solid
3 15 waste disposal site is operated by offering educational
3 16 programs, sponsoring awareness initiatives, providing for
3 17 cleanup activities, including cleanup of illegal dumping
3 18 areas, and otherwise promoting responsible environmental
3 19 behavior.
3 20 4. GREENHOUSE GAS REDUCTION. Generate electricity or
3 21 produce other fuels through the collection of landfill gas, or
3 22 otherwise implement a methane gas recovery or minimization
3 23 system. The purpose of the collection of landfill gas shall
3 24 be to prevent the release of additional greenhouse gases into
3 25 the atmosphere. If an otherwise qualified system does not
3 26 currently provide for methane recovery, the system may provide
3 27 documentation showing that substantial efforts are being made
3 28 to implement such a system.
3 29 5. RECYCLING SERVICES. Offer recycling services for
3 30 paper, glass, and plastics within the communities served.
3 31 These services may be provided through drop-off sites or
3 32 through curbside recycling programs operated in conjunction
3 33 with solid waste collection. If an otherwise qualified system
3 34 does not currently provide for recycling of tires,
3 35 electronics, and white goods, the system can provide
4 1 documentation that substantial efforts are being made to
4 2 implement such a recycling program or that the system has
4 3 contracted for the provision of such a program with a
4 4 recycler.
4 5 6. ENVIRONMENTAL EDUCATION. Plan and implement programs
4 6 educating the public on environmental issues. These programs
4 7 shall include a component designed to prevent illegal dumping.
4 8 Sec. 6. NEW SECTION. 455J.4 ANNUAL COMPLIANCE REPORTS.
4 9 On September 1, 2009, and each year thereafter, each
4 10 environmental management system shall submit to the board an
4 11 annual report. The report shall document the system's
4 12 compliance with the requirements of section 455J.3.
4 13 Sec. 7. NEW SECTION. 455J.5 INCENTIVES.
4 14 1. A solid waste planning area designated as an
4 15 environmental management system pursuant to section 455J.6,
4 16 subsection 3, shall qualify for all of the following:
4 17 a. An exemption from solid waste reduction goals imposed
4 18 on sanitary landfills pursuant to section 455D.3.
4 19 b. An expedited permitting process by the department.
4 20 c. Funding as determined by the board pursuant to section
4 21 455J.6.
4 22 2. Notwithstanding any other provision of law to the
4 23 contrary, in addition to the incentives in subsection 1, an
4 24 environmental management system is only required to file its
4 25 updated comprehensive plan once every five years.
4 26 Sec. 8. NEW SECTION. 455J.6 ENVIRONMENTAL MANAGEMENT
4 27 SYSTEMS BOARD == ALLOCATION OF FUNDS.

4 28 1. BOARD ESTABLISHED. An environmental management systems
4 29 board is created within the department. The director of the
4 30 department shall be the chairperson of the board and may
4 31 appoint a designee to attend board meetings. The director or
4 32 the director's designee shall convene the board at least
4 33 quarterly.

4 34 2. MEMBERSHIP. The director shall also appoint the other
4 35 voting members of the board, who shall serve staggered
5 1 two-year terms. The director shall appoint the other members
5 2 as follows:

5 3 a. One certified professional engineer with solid waste
5 4 disposal experience. The engineer's experience may be in
5 5 either a management or consulting capacity.

5 6 b. One faculty member from either Iowa state university or
5 7 the university of Iowa with expertise in climate change
5 8 issues.

5 9 c. One representative from a recycling organization.

5 10 d. One certified landfill operator.

5 11 e. The director of the center for energy and environmental
5 12 education at the university of northern Iowa.

5 13 3. POWERS AND DUTIES.

5 14 a. The board shall consider solid waste management plans
5 15 submitted by solid waste planning areas, and, by October 1,
5 16 2008, shall designate up to six initial qualifying solid waste
5 17 planning areas as environmental management systems.

5 18 b. In designating a planning area as a system, the board
5 19 shall make a determination as to whether the area meets the
5 20 requirements of section 455J.3. The board shall not designate
5 21 a planning area unless it meets the requirements of section
5 22 455J.3.

5 23 c. By October 1, 2009, and by the same date each year
5 24 thereafter, the board may designate any additional planning
5 25 areas as systems, provided those areas meet the requirements
5 26 of section 455J.3.

5 27 d. All system designations made by the board are subject
5 28 to approval by the commission.

5 29 e. By October 1, 2009, and by the same date each year
5 30 thereafter, the board shall review the annual reports of all
5 31 designated systems and determine whether those systems remain
5 32 in compliance with section 455J.3

5 33 f. The board shall review and monitor the progress of
5 34 planning areas that have not been designated as a system.

5 35 g. The board shall coordinate with other statewide boards,
6 1 task forces, and other entities in order to achieve the
6 2 board's goals and objectives.

6 3 h. The board shall make a reasonable allocation of the
6 4 moneys provided in subsection 4 to eligible systems.

6 5 4. SYSTEM FUNDING. Notwithstanding any other provision to
6 6 the contrary, the board shall allocate the funds described in
6 7 section 455E.11, subsection 2, paragraph "a", subparagraph (1)
6 8 subparagraph subdivision (c), to systems meeting the
6 9 requirements of this chapter.

6 10 a. In making its determination as to the allocation of
6 11 moneys, the board shall adopt and use a set of reasonable
6 12 criteria. The criteria shall conform to the goals and purpose
6 13 of this chapter as described in section 455J.1.

6 14 b. Money allocated pursuant to this subsection may be used
6 15 by systems to further compliance with any of the requirements
6 16 of section 455J.3.

6 17 Sec. 9. DIRECTIVE TO THE DEPARTMENT OF NATURAL RESOURCES.
6 18 The department of natural resources shall assist solid waste
6 19 planning areas in moving toward an environmental management
6 20 systems approach to the disposal of solid waste. Any
6 21 additional funding required for this effort shall be allocated
6 22 from moneys that would otherwise be used for that portion of
6 23 the tonnage fee that would have been allocated to funding
6 24 alternatives to landfills pursuant to section 455E.11,
6 25 subsection 2, paragraph "a", subparagraph (1), subparagraph
6 26 subdivision (d), as enacted by this Act.

6 27 EXPLANATION

6 28 This bill relates to solid waste disposal and management.
6 29 The bill creates a process for designating solid waste
6 30 planning areas as environmental management systems and creates
6 31 a board to oversee the process. The board is established
6 32 within the department of natural resources. The director of
6 33 the department is the chairperson of the board, and the
6 34 director is to designate the other members of the board. The
6 35 board members, in general, must be academics or engineers with
7 1 expertise in environmental management, solid waste disposal,
7 2 or climate change.

7 3 The bill encourages solid waste management agencies to

7 4 engage in responsible environmental management by providing
7 5 incentives for environmentally appropriate solid waste
7 6 management. Solid waste planning areas meeting certain
7 7 requirements may be designated as environmental management
7 8 systems by the board, and if designated, qualify for an
7 9 exemption from certain sanitary landfill goals, an expedited
7 10 permitting process, and funding assistance from the board. In
7 11 addition, designated environmental management systems only
7 12 have to file an updated plan every five years instead of the
7 13 three years currently required under the department's rules.
7 14 To be designated an environmental management system, a solid
7 15 waste planning area must provide for the operation of a yard
7 16 waste collection program; the disposal of hazardous household
7 17 waste at a regional collection center; watershed improvements
7 18 within the area served by the solid waste disposal project;
7 19 reduced greenhouse gas emissions through the generation of
7 20 electricity or methane gas recovery; a recycling program; and
7 21 public education programs.

7 22 The bill requires the environmental management systems
7 23 board to do a number of things. First, the board is required
7 24 by October 1, 2008, to designate up to six qualifying solid
7 25 waste planning areas as environmental management systems.
7 26 Second, by October 1, 2009, and each year thereafter, the
7 27 board must determine whether the designated systems remain in
7 28 compliance. The board may also, in subsequent years,
7 29 designate any additional qualifying planning areas. Third,
7 30 the board must review and monitor the progress of planning
7 31 areas that have not been designated as environmental
7 32 management systems. Fourth, the board is required to
7 33 coordinate with other statewide boards, task forces, and other
7 34 entities in achieving board goals. Finally, the board is
7 35 responsible for allocating funds to environmental management

8 1 systems to be used for achieving compliance with the bill.
8 2 All of the board's designation recommendations are subject to
8 3 the approval of the environmental protection commission.

8 4 The bill also redirects moneys from tonnage fees. Under
8 5 current law, moneys collected from tonnage fees are used for
8 6 funding alternatives to landfills. The bill provides that a
8 7 portion of the moneys collected from these tonnage fees be
8 8 allocated to environmental management systems. The funding
8 9 would be used to assist solid waste planning areas in
8 10 developing plans that meet the requirements.

8 11 The bill also provides for departmental funding for
8 12 implementation of the programs created in the bill.

8 13 Finally, the bill requires the department of natural
8 14 resources to assist all solid waste planning areas to move
8 15 toward an environmental systems management approach to the
8 16 disposal of solid waste.

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