

Senate File 2281 - Introduced

SENATE FILE 2281
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3049)

A BILL FOR

1 An Act relating to pollution prevention and waste management
2 assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.481, subsections 1 through 3, Code
2 2011, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and
4 ~~safe storage, treatment, and disposal~~ management of solid,
5 hazardous, and low-level radioactive wastes in Iowa. The
6 ~~management of these wastes generated within Iowa is the~~
7 ~~responsibility of Iowans. It is the intent of the general~~
8 ~~assembly that Iowans assume this responsibility to the extent~~
9 ~~consistent with the protection of public health, safety, and~~
10 ~~the environment, and that Iowans insure that waste management~~
11 ~~practices, as alternatives to land disposal, including source~~
12 ~~reduction, recycling, compaction, incineration, and other forms~~
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~
15 ~~comprehensive waste management plan be established by the~~
16 ~~department which includes: the determination of need and~~
17 ~~adequate regulatory controls prior to the initiation of site~~
18 ~~selection; the process for selecting a superior site determined~~
19 ~~to be necessary; the establishment of a process for a site~~
20 ~~community to submit or present data, views, or arguments~~
21 ~~regarding the selection of the operator and the technology~~
22 ~~that best ensures proper facility operation; the prohibition~~
23 ~~of shallow land burial of hazardous and low-level radioactive~~
24 ~~wastes; the establishment of a regulatory framework for a~~
25 ~~facility; and the establishment of provisions for the safe~~
26 ~~and orderly development, operation, closure, postclosure, and~~
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. ~~In order to meet capacity assurance requirements~~
29 ~~of section 104k of the federal Superfund Amendments and~~
30 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
31 ~~the objectives of waste minimization, the The department,~~
32 ~~in cooperation with the small business assistance center at~~
33 ~~the university of northern Iowa, shall work with generators~~
34 ~~of hazardous wastes in the state to develop and implement~~
35 ~~aggressive waste minimization programs. The goal of these~~

1 ~~programs is to reduce the volume of hazardous waste generated~~
2 ~~in the state as a whole by twenty five percent of the amount~~
3 ~~generated as of January 1, 1987, as reported in the biennial~~
4 ~~reports collected by the United States environmental protection~~
5 ~~agency. The twenty five percent reduction goal shall be~~
6 ~~reached as expeditiously as possible and no later than July~~
7 ~~1, 1994. In meeting the reduction goal, elements "a" through~~
8 ~~"d" of the hazardous waste management hierarchy shall be~~
9 ~~utilized. The department, in cooperation with the small~~
10 ~~business assistance center, shall reassess the twenty five~~
11 ~~percent reduction goal in 1994. The department shall promote~~
12 ~~research and development, provide and promote educational~~
13 ~~and informational programs, promote and encourage provide~~
14 confidential, voluntary technical assistance to hazardous waste
15 generators, promote assistance by the small business assistance
16 center, and promote other activities by the public and private
17 sectors that support this goal. ~~In the promotion of the goal,~~
18 the following hazardous waste management pollution prevention
19 hierarchy, in descending order of preference, ~~is established~~
20 ~~by the department:~~

- 21 a. Source reduction for waste elimination.
- 22 b. Reuse.
- 23 c. On-site recycling.
- 24 ~~e.~~ d. Off-site recycling.
- 25 ~~d.~~ e. Waste treatment.
- 26 ~~e.~~ f. Incineration Combustion with energy recovery.
- 27 ~~f.~~ g. Land disposal.

28 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2011,
29 are amended by striking the subsections.

30 Sec. 3. Section 455B.482, Code 2011, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 7A. "Pollution prevention" means employment
33 of a practice that reduces the industrial use of toxic
34 substances or reduces the environmental and health hazards
35 associated with an environmental waste without diluting or

1 concentrating the waste before the release, handling, storage,
2 transport, treatment, or disposal of the waste.

3 Sec. 4. Section 455B.484, Code 2011, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 1A. Implement the waste management policy
6 provided in section 455B.481.

7 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
8 10, Code 2011, are amended by striking the subsections.

9 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
10 2011, is amended to read as follows:

11 *c.* "*Assistance program*" means the ~~waste reduction assistance~~
12 pollution prevention program of the department or of the Iowa
13 waste reduction center for safe and economic management of
14 solid waste and hazardous substances conducted pursuant to
15 section 268.4.

16 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2011,
17 are amended by striking the subsections.

18 Sec. 8. Section 455B.486, subsection 1, Code 2011, is
19 amended by striking the subsection.

20 Sec. 9. Section 455B.487, unnumbered paragraph 1, Code
21 2011, is amended to read as follows:

22 The commission shall adopt rules establishing criteria for
23 the identification of land areas or sites which are suitable
24 for the operation of facilities for the management of ~~hazardous~~
25 ~~and~~ low-level radioactive wastes. Upon request, the department
26 shall assist in locating suitable sites for the location of
27 a facility. The commission may purchase or condemn land to
28 be leased or used for the operation of a facility subject to
29 chapter 6A. Consideration for a contract for purchase of land
30 shall not be in excess of funds appropriated by the general
31 assembly for that purpose. The commission may lease land
32 purchased under this section to any person including the state
33 or a state agency. This section authorizes the state to own or
34 operate ~~hazardous waste facilities and~~ low-level radioactive
35 waste facilities, subject to the approval of the general

1 assembly.

2 Sec. 10. Section 455B.487, unnumbered paragraph 11, Code
3 2011, is amended by striking the unnumbered paragraph.

4 Sec. 11. Section 455B.487, subsections 1 through 3, Code
5 2011, are amended by striking the subsections.

6 Sec. 12. NEW SECTION. **455B.810 Product stewardship —**
7 **report.**

8 1. By January 15 of each year, the department shall submit a
9 product stewardship report to the general assembly. The report
10 shall supply information identifying solid waste according
11 to product or product category. The report shall consider
12 latex paint, oil-based paint, aseptic packaging, waste tires,
13 florescent bulbs, and food waste. The report shall not include
14 consideration of motor vehicles or watercraft.

15 2. The department shall use the report described in
16 subsection 1 to recommend a strategy that most efficiently
17 manages solid waste as classified according to product
18 or product category. The strategy shall at least include
19 recommendations for all of the following:

20 a. Disposing of hazardous chemicals, toxic materials, or
21 harmful physical agents that pose a risk of an adverse impact
22 to the environment or public health and safety.

23 b. Increasing the recovery of materials for reuse or
24 recycling.

25 c. Reducing costs associated with solid waste management.

26 3. In preparing its report, the department shall consider
27 how other states have classified solid waste according to
28 products and product categories and how other states have
29 successfully collected and managed solid waste, including
30 recovering and recycling efforts. When preparing the report,
31 the department shall consult with landfill operators and
32 businesses engaged in recycling solid waste. The department
33 shall also invite participation from interested members of the
34 public.

35 4. As part of its report, the department shall recommend the

1 establishment of a product stewardship program that implements
2 or improves upon the strategy developed by the department under
3 this section, including by detailing any legislative proposals
4 required for implementation or explaining the adoption of
5 proposed rules under existing statutory authority.

6 Sec. 13. Section 455D.1, Code 2011, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
9 any of the following practices employed by the user of a toxic
10 substance:

11 a. Input substitution, which is the replacement of a toxic
12 substance or raw material used in a production process with a
13 nontoxic or less toxic substance.

14 b. Product reformulation, which is the substitution of an
15 end product which is nontoxic or less toxic upon use or release
16 for an existing end product.

17 c. Production process redesign or modification, which is
18 the development and use of production processes of a different
19 design other than those currently in use.

20 d. Production process modernization, which is the upgrading
21 or replacing of existing production process equipment or
22 methods with other equipment or methods based on the same
23 production process.

24 e. Improved operation and maintenance of existing production
25 process equipment and methods, which is the modification or
26 addition to existing equipment or methods, including but not
27 limited to such techniques as improved housekeeping practices,
28 system adjustments, product and process inspections, and
29 production process control equipment or methods.

30 f. Recycling, reuse, or extended use of toxic substances by
31 using equipment or methods that become an integral part of the
32 production process.

33 Sec. 14. Section 455D.7, subsection 1, Code 2011, is amended
34 to read as follows:

35 1. Unless otherwise specified in this chapter, adopt rules

1 necessary to implement this chapter pursuant to chapter 17A.

2 ~~Initial rules shall be adopted no later than April 1, 1992.~~

3 Sec. 15. Section 455D.7, subsection 4, Code 2011, is amended
4 by striking the subsection.

5 Sec. 16. Section 455D.15, subsection 2, Code Supplement
6 2011, is amended by striking the subsections and inserting in
7 lieu thereof the following:

8 2. The fund shall be utilized by the department for
9 providing technical assistance to Iowa businesses in developing
10 and implementing pollution prevention techniques.

11 Sec. 17. Section 455D.15, subsection 3, Code Supplement
12 2011, is amended by striking the subsection.

13 Sec. 18. Section 455E.8, subsections 2 and 3, Code 2011, are
14 amended by striking the subsections.

15 Sec. 19. REPEAL. Sections 455B.516, 455B.517, and
16 455B.518, Code 2011, are repealed.

17 EXPLANATION

18 This bill relates to pollution prevention and waste
19 management assistance.

20 The bill amends the waste management assistance provisions
21 of Code chapter 455B by updating the waste management policy.
22 The bill includes reuse and combustion with energy recovery in
23 the pollution prevention hierarchy and removes incineration
24 from the hierarchy.

25 The bill includes a new definition for "pollution
26 prevention" and uses the term to replace "hazardous waste
27 management" and "waste reduction assistance". The bill
28 eliminates references to hazardous waste throughout Code
29 chapter 455B, division IV, part 9, including duties of
30 the department of natural resources and the environmental
31 protection commission relating to hazardous waste and the
32 location, acquisition, and operation of hazardous waste
33 management facilities.

34 The bill requires the department to annually submit a
35 product stewardship report to the general assembly to supply

1 information identifying solid waste according to product or
2 product category. The department shall use the report to
3 recommend an efficient strategy for solid waste management
4 according to product or product category.

5 The bill eliminates many of the duties of the department in
6 relation to waste management and includes a new general duty to
7 implement the waste management policy.

8 The bill eliminates two duties of the environmental
9 protection commission in relation to waste management policy.
10 The duties relate to budget requests and approval of certain
11 contracts and agreements.

12 The bill eliminates a duty of the commission to recommend
13 to the general assembly, annually, the imposition of waste
14 abatement fees, rebates, and deposits.

15 The bill amends provisions related to the waste volume
16 reduction and recycling fund. The bill eliminates a
17 requirement that grants from the fund be awarded based on the
18 solid waste management hierarchy. The bill provides that the
19 fund shall be utilized for purposes of providing technical
20 assistance to Iowa businesses in developing and implementing
21 pollution prevention techniques.

22 The bill eliminates two duties of the director of the
23 department relating to groundwater reporting requirements.

24 The bill repeals Code sections 455B.516, 455B.517, and
25 455B.518, which relate to the toxics pollution prevention
26 program.