

House Study Bill 73 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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 2013, 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, in~~
32 ~~cooperation with the small business assistance center at the~~
33 ~~university of northern Iowa Iowa waste reduction center for~~
34 ~~safe and economic management of solid waste and hazardous~~
35 ~~substances established in section 268.4, shall work with~~

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

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

30 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2013,
31 are amended by striking the subsections.

32 Sec. 3. Section 455B.482, Code 2013, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 7A. "Pollution prevention" means employment
35 of a practice that reduces the industrial use of toxic

1 substances or reduces the environmental and health hazards
2 associated with an environmental waste without diluting or
3 concentrating the waste before the release, handling, storage,
4 transport, treatment, or disposal of the waste.

5 Sec. 4. Section 455B.484, Code 2013, is amended by adding
6 the following new subsection:

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

9 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
10 10, Code 2013, are amended by striking the subsections.

11 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
12 2013, is amended to read as follows:

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

18 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2013,
19 are amended by striking the subsections.

20 Sec. 8. Section 455B.486, subsection 1, Code 2013, is
21 amended by striking the subsection.

22 Sec. 9. Section 455B.487, subsection 1, Code 2013, is
23 amended to read as follows:

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

1 to own or operate ~~hazardous waste facilities~~ and low-level
2 radioactive waste facilities, subject to the approval of the
3 general assembly.

4 Sec. 10. Section 455B.487, subsection 8, Code 2013, is
5 amended by striking the subsection.

6 Sec. 11. Section 455C.12, subsection 1, Code 2013, is
7 amended to read as follows:

8 1. Any person violating the provisions of section 455C.2,
9 455C.3, or 455C.5, ~~and 455C.8~~, or a rule adopted under this
10 chapter, shall be guilty of a simple misdemeanor.

11 Sec. 12. Section 455D.1, subsections 3, 5, and 7, Code 2013,
12 are amended by striking the subsections.

13 Sec. 13. Section 455D.1, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
16 any of the following practices employed by the user of a toxic
17 substance:

18 a. Input substitution, which is the replacement of a toxic
19 substance or raw material used in a production process with a
20 nontoxic or less toxic substance.

21 b. Product reformulation, which is the substitution of an
22 end product which is nontoxic or less toxic upon use or release
23 for an existing end product.

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

27 d. Production process modernization, which is the upgrading
28 or replacing of existing production process equipment or
29 methods with other equipment or methods based on the same
30 production process.

31 e. Improved operation and maintenance of existing production
32 process equipment and methods, which is the modification or
33 addition to existing equipment or methods, including but not
34 limited to such techniques as improved housekeeping practices,
35 system adjustments, product and process inspections, and

1 production process control equipment or methods.

2 *f.* Recycling, reuse, or extended use of toxic substances by
3 using equipment or methods that become an integral part of the
4 production process.

5 Sec. 14. Section 455D.3, subsections 1 and 3, Code 2013, are
6 amended to read as follows:

7 1. ~~Year 1994 and 2000 goals~~ Waste reduction goals.

8 *a.* The goal of the state is to reduce the amount of
9 materials in the waste stream, existing as of July 1, 1988, by
10 an intermediate goal of twenty-five percent by July 1, 1994,
11 and by a final goal of at least fifty percent by July 1, 2000,
12 through the practice of waste volume reduction at the source
13 and through recycling. For the purposes of this section, "waste
14 stream" means the disposal of solid waste as "solid waste" is
15 defined in section 455B.301.

16 *b.* Notwithstanding section 455D.1, subsection 6, facilities
17 which employ combustion of solid waste with energy recovery
18 and refuse-derived fuel, which are included in an approved
19 comprehensive plan, may include these processes in the
20 definition of recycling for the purpose of meeting the state
21 goal if at least thirty-five percent of the fifty percent waste
22 reduction goal, ~~required to be met by July 1, 2000, pursuant~~
23 ~~to this section,~~ is met through volume reduction at the source
24 and recycling and reuse, as established pursuant to section
25 455B.301A, subsection 1, paragraphs "a" and "b".

26 3. *Departmental monitoring.*

27 *a.* ~~By October 31, 1994, a planning area shall submit to~~
28 ~~the department a solid waste abatement table which is updated~~
29 ~~through June 30, 1994. By April 1, 1995, the department shall~~
30 ~~report to the general assembly on the progress that has been~~
31 ~~made by each planning area on attainment of the July 1, 1994,~~
32 ~~twenty-five percent goal.~~

33 (1) If at any time the department determines that a planning
34 area has met or exceeded the twenty-five percent goal, but has
35 not met or exceeded the fifty percent goal, a planning area

1 shall subtract sixty cents from the total amount of the tonnage
2 fee imposed pursuant to section 455B.310. If at any time the
3 department determines that a planning area has met or exceeded
4 the fifty percent goal, a planning area shall subtract fifty
5 cents from the total amount of the tonnage fee imposed pursuant
6 to section 455B.310. The reduction in tonnage fees pursuant
7 to this ~~subparagraph~~ paragraph shall be taken from that
8 portion of the tonnage fees which would have been allocated for
9 funding alternatives to landfills pursuant to section 455E.11,
10 subsection 2, paragraph "a", subparagraph (1).

11 ~~(2)~~ b. If the department determines that a planning area
12 has failed to meet the July 1, 1994, twenty-five percent
13 goal, the planning area shall, ~~at a minimum, implement the~~
14 ~~solid waste management techniques as listed in subsection~~
15 ~~4. Evidence of implementation of the solid waste management~~
16 ~~techniques shall be documented in subsequent comprehensive~~
17 ~~plans submitted to the department~~ remit fifty cents per
18 ton to the department. The moneys shall be deposited in
19 the groundwater protection fund created in section 455E.11,
20 subsection 2, paragraph "a", and credited to the solid waste
21 account of the fund to be used for funding alternatives to
22 landfills pursuant to section 455E.11, subsection 2, paragraph
23 "a", subparagraph (1). Moneys shall continue to be remitted
24 pursuant to this paragraph until such time as evidence of
25 attainment of the twenty-five percent goal is documented in
26 subsequent plans submitted to the department.

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

33 ~~(2)~~ c. If at any time the department determines that a
34 planning area has met or exceeded the fifty percent goal, the
35 planning area shall subtract fifty cents from the total amount

1 of the tonnage fee imposed pursuant to section 455B.310. This
2 amount shall be in addition to any amount subtracted pursuant
3 to paragraph "a". The reduction in tonnage fees pursuant
4 to this ~~subparagraph~~ paragraph shall be taken from that
5 portion of the tonnage fees which would have been allocated to
6 funding alternatives to landfills pursuant to section 455E.11,
7 subsection 2, paragraph "a", subparagraph (1). ~~Except for fees~~
8 ~~required under subsection 4, paragraph "a", a~~ A planning area
9 failing to meet the fifty percent goal is not required to remit
10 any additional tonnage fees to the department.

11 Sec. 15. Section 455D.3, subsections 2 and 4, Code 2013, are
12 amended by striking the subsections.

13 Sec. 16. Section 455D.6, subsections 1, 6, and 7, Code 2013,
14 are amended to read as follows:

15 1. Unless otherwise specified in this chapter, recommend
16 rules to the commission which are necessary to implement
17 this chapter. ~~Initial recommendations shall be made to the~~
18 ~~commission no later than July 1, 1991.~~

19 6. Develop a strategy and recommend to the commission the
20 adoption of rules necessary to implement a strategy for white
21 goods and waste oil ~~by January 1, 1990.~~

22 7. Develop a strategy and recommend to the commission
23 the adoption of rules necessary to implement ~~by January 1,~~
24 ~~2004,~~ a strategy for the recycling of electronic goods and
25 the disassembling and removing of toxic parts from electronic
26 goods.

27 Sec. 17. Section 455D.6, subsections 2, 5, 8, 9, and 10,
28 Code 2013, are amended by striking the subsections.

29 Sec. 18. Section 455D.7, subsection 1, Code 2013, is amended
30 to read as follows:

31 1. Unless otherwise specified in this chapter, adopt rules
32 necessary to implement this chapter pursuant to chapter 17A.
33 ~~Initial rules shall be adopted no later than April 1, 1992.~~

34 Sec. 19. Section 455D.7, subsection 4, Code 2013, is amended
35 by striking the subsection.

1 Sec. 20. Section 455D.9, subsections 1, 2, 3, and 6, Code
2 2013, are amended to read as follows:

3 1. ~~Beginning January 1, 1991, land~~ Land disposal of yard
4 waste as defined by the department is prohibited. However,
5 yard waste which has been separated at its source from other
6 solid waste may be accepted by a sanitary landfill for the
7 purposes of soil conditioning or composting.

8 2. The department shall assist local communities in the
9 development of collection systems for yard waste generated
10 from residences and shall assist in the establishment of
11 local composting facilities. ~~Within one hundred twenty days~~
12 ~~of the adoption of rules by the department regarding yard~~
13 ~~waste, each~~ Each city and county shall, by ordinance, require
14 persons within the city or county to separate yard waste from
15 other solid waste generated. ~~Municipalities which provide~~
16 ~~a collection system for solid waste shall provide for a~~
17 ~~collection system for yard waste which is not composted.~~

18 3. The department shall ~~develop~~ adopt rules which define
19 yard waste and provide for the safe and proper method of
20 composting. ~~The rules adopted for a composting facility to be~~
21 ~~located on property owned by an applicant for a permit prior~~
22 ~~to July 1, 1992, when the property is located within twenty~~
23 ~~miles of a metropolitan area of two hundred fifty thousand or~~
24 ~~more, shall require that prior to the issuance of a permit for~~
25 ~~a composting facility, the applicant shall submit an economic~~
26 ~~impact statement to the department. For the purpose of this~~
27 ~~subsection, "economic impact statement" means an estimate of~~
28 ~~the economic impact of the siting of a composting facility at a~~
29 ~~specific location on affected property owners~~ yard waste and
30 other organic materials.

31 6. This section prohibits the ~~incineration~~ open burning of
32 yard waste within the permitted boundary at a sanitary disposal
33 project.

34 Sec. 21. Section 455D.12, subsection 2, unnumbered
35 paragraph 1, Code 2013, is amended to read as follows:

1 ~~Beginning July 1, 1992,~~ a A person shall not distribute,
2 sell, or offer for sale in this state a plastic bottle or rigid
3 plastic container unless the product is labeled with a code
4 indicating the plastic resin used to produce the bottle or
5 container. Rigid plastic bottles or rigid plastic containers
6 with labels and basecups of a different material shall be coded
7 by their basic material. The code shall consist of a number
8 placed within a triangle of arrows and letters placed below the
9 triangle of arrows. The triangle shall be equilateral, formed
10 by three arrows with the apex of each point of the triangle
11 at the midpoint of each arrow, rounded with a short radius.
12 The arrowhead of each arrow shall be at the midpoint of each
13 side of the triangle with a short gap separating the pointer
14 from the base of the adjacent arrow. The triangle, formed by
15 the three arrows curved at their midpoints, shall depict a
16 clockwise path around the code number. The numbers and letters
17 used shall be as follows:

18 Sec. 22. Section 455D.12, subsection 3, Code 2013, is
19 amended by striking the subsection.

20 Sec. 23. Section 455D.15, subsection 2, Code 2013, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

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

26 Sec. 24. Section 455D.15, subsection 3, Code 2013, is
27 amended by striking the subsection.

28 Sec. 25. Section 455E.8, subsections 2 and 3, Code 2013, are
29 amended by striking the subsections.

30 Sec. 26. REPEAL. Sections 455B.516, 455B.517, 455B.518,
31 455C.8, and 455C.15, Code 2013, are repealed.

32 EXPLANATION

33 This bill relates to pollution prevention and waste
34 management assistance.

35 The bill amends the waste management assistance provisions

1 of Code chapter 455B by updating the waste management policy.
2 The bill includes reuse and combustion with energy recovery in
3 the pollution prevention hierarchy and removes incineration
4 from the hierarchy.

5 The bill includes a new definition for "pollution
6 prevention" and uses the term to replace "hazardous waste
7 management" and "waste reduction assistance". The bill
8 eliminates references to hazardous waste throughout Code
9 chapter 455B, division IV, part 9, including duties of the
10 department and the environmental protection commission relating
11 to hazardous waste and the location, acquisition, and operation
12 of hazardous waste management facilities.

13 The bill eliminates certain definitions from Code chapter
14 455D for terms no longer used in the chapter.

15 Currently, the waste stream reduction goals include a 25
16 percent reduction by July 1, 1994, and 50 percent reduction by
17 July 1, 2000. The goals are based on the waste stream existing
18 as of July 1, 1988. The bill eliminates the references to July
19 1, 1994, and July 1, 2000, but retains the 25 and 50 percent
20 goals as intermediate and final goals. The bill eliminates
21 provisions related to the date-specific goals. The bill
22 eliminates mandatory solid waste management techniques for
23 planning areas that fail to meet the 25 percent reduction goal.

24 The bill eliminates many of the duties of the department in
25 relation to waste management and includes a new general duty to
26 implement the waste management policy.

27 The bill eliminates certain duties of the director of the
28 department of natural resources. The bill eliminates redundant
29 language relating to the duty of the director to receive moneys
30 for deposit in the waste reduction and recycling trust fund.
31 The bill eliminates duties including the providing of financial
32 assistance for certain waste reduction and recycling markets
33 and industries; the study of technology for the reclamation
34 and recycling of refrigerant; and the identification of
35 products made from recycled or recovered materials. The bill

1 also eliminates certain expired deadlines and other outdated
2 requirements.

3 The bill eliminates two duties of the environmental
4 protection commission in relation to waste management policy.
5 The duties relate to budget requests and approval of certain
6 contracts and agreements.

7 The bill eliminates a duty of the commission to recommend
8 to the general assembly, annually, the imposition of waste
9 abatement fees, rebates, and deposits.

10 The bill eliminates certain municipal requirements related
11 to yard waste. The bill eliminates certain rules requirements
12 for composting related to economic impact statements. The bill
13 expands the definition of composting to include yard waste and
14 other organic materials.

15 The bill eliminates a requirement that the department
16 maintain a list of label codes for plastic containers.

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

24 The bill eliminates two duties of the director of the
25 department relating to groundwater reporting requirements.

26 The bill repeals Code sections 455B.516, 455B.517, and
27 455B.518, which relate to the toxics pollution prevention
28 program. The bill repeals Code section 455C.8, relating to the
29 prohibition against snap-top cans, and Code section 455C.15,
30 relating to the prohibition against plastic cans.