

House File 202 - Introduced

HOUSE FILE 202

BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 16)

A BILL FOR

1 An Act relating to the solid waste environmental management
2 systems program and beautification grants.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455E.11, subsection 2, paragraph a,
2 subparagraph (1), subparagraph division (a), Code 2017, is
3 amended by striking the subparagraph division.

4 Sec. 2. Section 455E.11, subsection 2, paragraph a,
5 subparagraph (1), subparagraph division (e), Code 2017, is
6 amended to read as follows:

7 (e) Not more than four hundred thousand dollars to the
8 department for purposes of providing funding assistance
9 to eligible communities to address abandoned buildings by
10 promoting waste abatement, diversion, selective dismantlement
11 of building components, and recycling. Eligible communities
12 include a city with a population of five thousand or fewer.
13 Eligible costs for program assistance include but are not
14 limited to asbestos and other hazardous material abatement and
15 removal, the recovery processing of recyclable or reusable
16 material through the selective dismantlement of abandoned
17 buildings, and reimbursement for purchased recycled content
18 materials used in the renovation of buildings. ~~For projects~~
19 ~~that support community beautification, the department may elect~~
20 ~~to administer funding to eligible communities in collaboration~~
21 ~~with the organization awarded the beautification grant in~~
22 ~~accordance with subparagraph division (a), subparagraph~~
23 ~~subdivision (i).~~

24 Sec. 3. Section 455J.1, subsection 2, paragraph a, Code
25 2017, is amended to read as follows:

26 a. The policy of responsible environmental management
27 can be furthered by rewarding solid waste ~~disposal projects~~
28 planning and service areas that operate in an innovative,
29 cost-effective, technologically advanced, and environmentally
30 sensitive manner.

31 Sec. 4. Section 455J.2, subsection 2, Code 2017, is amended
32 by striking the subsection.

33 Sec. 5. Section 455J.2, subsection 5, Code 2017, is amended
34 to read as follows:

35 5. "*Environmental management system*" or "*system*" means a

1 solid waste planning or service area which has been designated
 2 as an environmental management system pursuant to section
 3 455J.7. "*Environmental management system*" includes a planning
 4 or service area designated as an environmental management
 5 system that is providing multiple environmental services
 6 in addition to solid waste disposal and that is planning
 7 for the continuous improvement of solid waste management by
 8 appropriately and aggressively mitigating the environmental
 9 impacts of solid waste disposal.

10 Sec. 6. Section 455J.3, Code 2017, is amended to read as
 11 follows:

12 **455J.3 Environmental management system designation**
 13 **requirements.**

14 To qualify for designation as an environmental management
 15 system pursuant to [section 455J.7](#), a solid waste planning or
 16 service area shall actively pursue all of the following:

17 1. ~~*Yard*~~ *Organics* waste management. Provide for the
 18 operation of ~~a yard~~ an organics waste management program or
 19 ~~contract with~~ provide support to another party to do so.

20 2. *Hazardous household waste materials* collection. Provide
 21 for the proper management and disposal of hazardous household
 22 ~~waste materials~~ by operating a regional collection center or
 23 participating in a regional collection center network. The
 24 regional collection center shall provide for the collection and
 25 disposal of hazardous household ~~wastes~~ materials, including
 26 but not limited to paint, pesticides, batteries, automotive
 27 products, sharps, needles and syringes, and pool chemicals.
 28 The regional collection center shall encourage the reuse of
 29 any materials for which reuse is possible and may educate
 30 households on the use of safer alternatives through efforts
 31 designed to increase public participation and to increase the
 32 participation of local government entities not currently in a
 33 network. Regional collection centers may also provide for the
 34 assessment of current educational programs by examining changes
 35 in consumer behavior.

1 3. *Water quality improvement.* Provide for a water quality
2 improvement program within the system's planning or service
3 area. Such a program may include offering educational
4 programs, sponsoring awareness initiatives, providing for
5 cleanup activities such as the cleanup of illegal dumping
6 areas, and otherwise promoting responsible environmental
7 behavior.

8 4. *Greenhouse gas reduction.* Implement a greenhouse gas
9 reduction program designed to prevent the release of greenhouse
10 gases into the atmosphere. Such a program may include but is
11 not limited to the following activities:

12 a. Generating electricity or producing other fuels through
13 the collection of landfill gas, such as a methane gas recovery
14 or minimization system.

15 b. Collecting and managing food and other organic waste from
16 households and from industrial and commercial establishments,
17 or attempting to recover energy from the reuse of biomass.

18 c. Implementing programs that encourage the efficient use of
19 energy and promote the use of renewable fuels.

20 d. Discouraging the uncontrolled burning of solid waste and
21 yard waste.

22 e. Setting recycling goals to measure energy savings and
23 quantify the level of success of greenhouse gas mitigation
24 efforts.

25 f. Collection and recycling services targeted at waste
26 generated by industrial and commercial facilities such as
27 cardboard, paper, construction, and demolition waste.

28 5. *Recycling services.*

29 a. Offer recycling services for paper, glass, metal,
30 and plastics within the communities served. In addition to
31 offering recycling of paper, metal, glass, and plastics, a
32 solid waste planning or service area may also offer recycling
33 services for electronic waste, white goods, and tires.

34 b. Recycling services may also be targeted at waste
35 generated by industrial and commercial facilities such as

1 cardboard, paper, construction, and demolition waste.

2 *c.* Recycling services offered in an effort to meet the goals
3 of [this subsection](#) may be provided through drop-off sites or
4 through curbside recycling programs operated in conjunction
5 with solid waste collection.

6 6. *Environmental education.* Plan and implement programs
7 educating the public on environmental stewardship. These
8 programs may include components designed to prevent illegal
9 dumping, reduce greenhouse gas emissions, improve water
10 quality, reduce waste generation, increase recycling and reuse,
11 or any other environmental objective that furthers the purpose
12 and goals of [this chapter](#).

13 Sec. 7. Section 455J.4, subsection 1, Code 2017, is amended
14 to read as follows:

15 1. On September 1, ~~2009, and each year thereafter,~~ each
16 environmental management system shall submit to the department
17 an annual report. The report shall document the system's
18 compliance with the requirements of [section 455J.3](#).

19 Sec. 8. Section 455J.5, Code 2017, is amended to read as
20 follows:

21 **455J.5 Incentives.**

22 1. A solid waste planning or service area designated as
23 an environmental management system pursuant to [section 455J.7](#)
24 shall qualify for all of the following:

25 *a.* An exemption from solid waste reduction goals imposed
26 on ~~sanitary landfills~~ solid waste planning or service areas
27 pursuant to [section 455D.3](#).

28 *b.* A reduced tonnage fee of three dollars and sixty-five
29 cents per ton, to be imposed as provided in [section 455B.310](#),
30 notwithstanding [section 455B.310, subsection 2](#), of which two
31 dollars and ten cents shall be remitted to the department.

32 *c.* Financial assistance as ~~recommended by the council and~~
33 approved by the commission pursuant to [section 455J.7](#).

34 2. Notwithstanding any other provision of law to the
35 contrary, in addition to the incentives in [subsection 1](#),

1 a solid waste planning or service area designated as an
2 environmental management system is only required to file exempt
3 from filing its updated comprehensive plan once every five
4 years.

5 Sec. 9. Section 455J.7, Code 2017, is amended to read as
6 follows:

7 **455J.7 Designation of environmental management systems.**

8 1. *Consideration of plans.* The ~~council~~ department shall
9 consider solid waste management plans submitted by solid
10 waste planning or service areas and make recommendations for
11 designation as an environmental management system to the
12 commission. All system designations recommended by the ~~council~~
13 department are subject to approval by the commission. Any
14 solid waste planning or service area may submit a plan to the
15 ~~council~~ department and seek designation as a system.

16 ~~a. By October 1, 2008, the council shall recommend the~~
17 ~~designation of up to six initial qualifying solid waste~~
18 ~~planning areas as environmental management systems to serve~~
19 ~~as pilot projects. By October 1, 2009, and by the same date~~
20 ~~each year thereafter, the council~~ department may recommend the
21 designation of any additional planning or service areas as
22 systems, provided those areas meet the requirements of section
23 455J.3.

24 b. In recommending the designation of a planning or
25 service area as a system, the ~~council~~ department shall make a
26 determination as to whether the area meets the requirements of
27 section 455J.3. The ~~council~~ department shall not recommend the
28 designation of a planning or service area as a system unless
29 the planning or service area meets the requirements of section
30 455J.3.

31 c. The commission shall consider the plans submitted to the
32 ~~council~~ department and shall review the ~~council's~~ department's
33 recommendations on those plans. The commission shall approve
34 or reject each plan and shall make publicly available its
35 reasons for doing so.

1 2. *System review.*

2 a. By ~~October~~ January 1, 2009, and by the same date each
3 year thereafter, the ~~council~~ department shall review the
4 annual reports of all designated systems and determine whether
5 those systems remain in compliance with [section 455J.3](#). If
6 the ~~council~~ department determines that a planning or service
7 area is no longer in compliance, the ~~council~~ department may
8 recommend to the commission the revocation of the planning or
9 service area's system designation.

10 b. The ~~council~~ department may review and monitor the
11 progress of those planning or service areas that have not
12 been designated as a system and shall coordinate with other
13 statewide boards, task forces, and other entities in order to
14 achieve the goals and objectives of [this chapter](#).

15 3. *Allocation of funds.*

16 a. The ~~council~~ department shall recommend to the commission
17 a reasonable allocation of the moneys provided in section
18 455E.11, subsection 2, paragraph "a", subparagraph (1),
19 subparagraph division (d), to eligible systems. In making its
20 recommendation as to the allocation of moneys, the ~~council~~
21 department shall adopt and use a set of reasonable criteria.
22 The criteria shall conform to the goals and purposes of this
23 chapter as described in [section 455J.1](#) and shall be approved
24 by the commission.

25 b. Notwithstanding any other provision of law to the
26 contrary, the commission shall make a final allocation of the
27 funds described in [section 455E.11, subsection 2](#), paragraph
28 "a", subparagraph (1), subparagraph division (d), to systems
29 meeting the requirements of [this chapter](#).

30 c. Moneys allocated pursuant to [this subsection](#) shall
31 be used by systems to further compliance with any of the
32 requirements of ~~[section 455J.3](#)~~ [this chapter](#).

33 4. The department shall prepare an annual report citing
34 the results and costs of the program for submittal to the
35 commission by January 1, 2018, and by January 1 each year

1 thereafter.

2 Sec. 10. REPEAL. Section 455J.6, Code 2017, is repealed.

3	EXPLANATION
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4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill abolishes the solid waste alternatives program
7 advisory council for environmental management systems. Under
8 the bill, the duties of the solid waste alternatives program
9 advisory council are transferred to the department of natural
10 resources.

11 The bill changes references in Code chapter 455J from
12 "household hazardous waste" to "household hazardous material"
13 and from "solid waste planning areas" to "solid waste planning
14 or service areas".

15 The bill removes the department of natural resources'
16 discretionary authority to administer funds to benefit eligible
17 communities that collaborate with an organization awarded a
18 beautification grant, since the beautification grant program
19 no longer exists.

20 Currently, an environmental management system is required to
21 file an updated comprehensive plan every five years. The bill
22 exempts solid waste planning or service areas designated as an
23 environmental management system from filing a comprehensive
24 plan.

25 The bill requires the department to submit an annual report
26 to the environmental protection commission citing the results
27 and costs of the environmental management systems program.