

House File 2185 - Introduced

HOUSE FILE 2185

BY FISHER

A BILL FOR

1 An Act relating to and establishing procedures regarding waste
2 tire conversion within the state, and making penalties
3 applicable.

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

1 Section 1. Section 455D.11, subsection 2, Code 2018, is
2 amended to read as follows:

3 2. Land disposal of waste tires is prohibited ~~beginning~~
4 ~~July 1, 1991, unless~~ except as provided in section 455D.11J,
5 subsection 3, and the tire has been processed in a manner
6 established by the department. A sanitary landfill shall
7 not refuse to accept a waste tire which has been properly
8 processed.

9 Sec. 2. NEW SECTION. 455D.11J Waste tire conversion —
10 **districts established — requirements.**

11 1. As used in this section, unless the context otherwise
12 requires:

13 a. "*Conversion*" means the process of reducing the solid mass
14 of a waste tire by no less than eighty percent by weight.

15 b. "*Conversion center*" means a facility that is used for
16 the conversion of waste tires and that is owned by a political
17 subdivision of the state.

18 c. "*Dispose*" means the final deposit of a waste tire at
19 a conversion center or landfill. "*Dispose*" does not include
20 depositing a waste tire with a tire collector, as defined in
21 section 455D.11, or a waste tire hauler pursuant to section
22 455D.11I.

23 d. "*Person*" means an individual, corporation, limited
24 liability company, government or governmental subdivision
25 or agency, business trust, estate, trust, partnership or
26 association, or any other legal entity.

27 e. "*Political subdivision*" means a county, city, or
28 township.

29 2. Waste tire conversion districts are established and
30 defined as:

31 a. District 1 shall comprise the counties of: Allamakee,
32 Benton, Black Hawk, Bremer, Buchanan, Chickasaw, Clayton,
33 Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Linn,
34 Winneshiek;

35 b. District 2 shall comprise the counties of: Butler, Cerro

1 Gordo, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin,
2 Humboldt, Kossuth, Mitchell, Webster, Winnebago, Worth, Wright;

3 *c.* District 3 shall comprise the counties of: Buena Vista,
4 Calhoun, Cherokee, Clay, Dickinson, Emmet, Ida, Lyon, O'Brien,
5 Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Woodbury;

6 *d.* District 4 shall comprise the counties of: Adair, Adams,
7 Audubon, Carroll, Cass, Crawford, Fremont, Greene, Guthrie,
8 Harrison, Mills, Monona, Montgomery, Page, Pottawattamie,
9 Ringgold, Shelby, Taylor, Union;

10 *e.* District 5 shall comprise the counties of: Appanoose,
11 Boone, Clarke, Dallas, Decatur, Jasper, Lucas, Madison,
12 Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story,
13 Tama, Warren, Wayne;

14 *f.* District 6 shall comprise the counties of: Cedar,
15 Clinton, Davis, Des Moines, Henry, Iowa, Jefferson, Johnson,
16 Keokuk, Lee, Louisa, Muscatine, Scott, Van Buren, Wapello,
17 Washington.

18 3. *a.* A person may only dispose of waste tires generated
19 within a waste tire conversion district at a waste tire
20 conversion center if one has been established in the district.

21 *b.* Notwithstanding paragraph "a", a person may dispose of
22 tires at a waste tire conversion center in a different waste
23 tire conversion district or a processing site to be processed
24 pursuant to section 455D.11 if any of the following apply:

25 (1) A waste tire conversion district has not established a
26 waste tire conversion center.

27 (2) A waste tire conversion center has been established
28 within a district, but the waste tires collected at the waste
29 tire conversion center exceed the capacity of the facility.

30 *c.* A waste tire conversion center shall comply with the laws
31 of this state governing environmental protection, and the laws
32 and regulations of the federal government governing clean air
33 emissions.

34 4. *a.* A waste tire conversion center may only be owned
35 and operated by the state or a political subdivision.

1 However, multiple political subdivisions in the same waste
2 tire conversion district may jointly purchase, lease, or
3 lease-purchase a waste tire conversion center.

4 *b.* The state or a political subdivision that establishes a
5 waste tire conversion center may subcontract for the operation
6 of the waste tire conversion center.

7 Sec. 3. Section 455D.22, Code 2018, is amended to read as
8 follows:

9 **455D.22 Civil penalty.**

10 A person who violates [section 455D.6, subsection 4](#), [section](#)
11 [455D.11](#), [455D.11A](#), [455D.11B](#), [455D.11I](#), [455D.11J](#), or [455D.19](#),
12 or any rule, permit, or order issued pursuant thereto shall
13 be subject to a civil penalty which shall be established,
14 assessed, and collected in the same manner as provided in
15 section 455B.109. Any civil penalty collected shall be
16 deposited in the general fund of the state.

17 Sec. 4. Section 455D.25, subsection 2, Code 2018, is amended
18 to read as follows:

19 2. Any person who violates [section 455D.10A](#), [455D.11](#),
20 [455D.11A](#), [455D.11B](#), [455D.11I](#), or [455D.19](#), or any order or
21 permit issued or rule adopted pursuant to [section 455D.6](#),
22 [subsection 4](#), [section 455D.10A](#), [455D.11](#), [455D.11A](#), [455D.11B](#),
23 [455D.11I](#), [455D.11J](#), or [455D.19](#), shall be subject to a civil
24 penalty, not to exceed ten thousand dollars for each day of
25 such violation.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill creates a new requirement and procedure for
30 disposing of waste tires in the state.

31 Current law prevents a person from disposing of waste tires
32 unless the tires undergo proper processing as determined by the
33 department of natural resources. "Processing" means producing
34 or manufacturing usable materials from waste tires.

35 The bill requires waste tires to undergo conversion, as

1 defined in the bill, if they originate within a waste tire
2 conversion district. If a waste tire conversion center does
3 not exist within a district, a person may dispose of waste
4 tires at a waste tire conversion center in a different waste
5 tire conversion district or dispose of the waste tires at a
6 landfill after the waste tires undergo processing. A person
7 may also dispose of waste tires according to current law when
8 the waste tires collected at a waste tire conversion center
9 exceed the capacity of the center. A person who violates the
10 provisions of the bill is subject to a civil penalty pursuant
11 to Code sections 455D.22 and 455D.25.