

House Study Bill 545 - Introduced

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

A BILL FOR

1 An Act relating to programs within the department of natural
2 resources, including specifications of procedures relating
3 to solid waste disposal and the repeal of the state
4 interagency Missouri river authority and the mercury-free
5 recycling Act.

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

1 Section 1. Section 455B.301, subsection 14, Code 2022, is
2 amended to read as follows:

3 14. "*Lifetime of the project*" means the projected period of
4 years that a sanitary landfill will receive waste, from the
5 time of opening until closure, based on the volume of waste to
6 be received projected at the time of submittal of the initial
7 project plan and the calculated refuse capacity of the sanitary
8 landfill based upon the design of the project.

9 Sec. 2. Section 455B.303, subsections 2 and 3, Code 2022,
10 are amended to read as follows:

11 2. Local boards of health shall cooperate in the enforcement
12 of the provisions of ~~said~~ this part and the director may seek
13 their aid and delegate administrative duties of the department
14 to the local boards of health in matters relating to solid
15 waste, ~~refuse disposal plants,~~ and sanitary disposal projects.

16 3. The director may issue, modify, or deny ~~variances~~ waivers
17 from the rules of the commission. The applicant may appeal the
18 decision of the director to the commission.

19 Sec. 3. Section 455B.304, subsections 4, 5, 6, 7, 11, 13,
20 and 14, Code 2022, are amended to read as follows:

21 4. The commission shall adopt rules requiring that each
22 sanitary ~~disposal project~~ landfill established pursuant to
23 section 455B.302 and permitted pursuant to [section 455B.305](#)
24 install and maintain a sufficient number of groundwater
25 monitoring wells to adequately determine the quality of the
26 groundwater and the impact the sanitary ~~disposal project~~
27 landfill, if any, is having on the groundwater adjacent to the
28 sanitary ~~disposal project site~~ landfill.

29 5. The commission shall adopt rules requiring a schedule
30 of monitoring of the quality of groundwater adjacent to ~~the~~
31 a sanitary disposal project landfill from the groundwater
32 monitoring wells installed in accordance with [this section](#)
33 during the period the sanitary ~~disposal project~~ landfill
34 is in use. Schedules of monitoring may be varied in
35 consideration of the types of sanitary disposal practices,

1 hydrologic and geologic conditions, construction and operation
2 characteristics, and volumes and types of wastes handled at the
3 sanitary ~~disposal project site~~ landfill.

4 6. The commission shall, by rule, require continued
5 monitoring of groundwater pursuant to [this section](#) for a period
6 of thirty years after the sanitary disposal project is closed.
7 The commission may prescribe a lesser period of monitoring
8 duration and frequency in consideration of the potential or
9 lack thereof for groundwater contamination from ~~the a~~ sanitary
10 ~~disposal project~~ landfill. The commission may extend the
11 thirty-year monitoring period on a site-specific basis by
12 adopting rules specifically addressing additional monitoring
13 requirements for each sanitary disposal project for which the
14 monitoring period is to be extended.

15 7. The commission shall adopt rules ~~which~~ that may require
16 the installation of shafts to relieve the accumulation of gas
17 in a sanitary ~~disposal project~~ landfill.

18 11. A sanitary landfill ~~disposal project~~ operating with a
19 permit shall have a trained, tested, and certified operator.
20 The department shall adopt by rule a certification program.

21 13. Notwithstanding the provisions of [this chapter](#)
22 regarding the requirement of the equipping of a sanitary
23 landfill with a leachate control system and the establishment
24 and continuation of a postclosure account, the department
25 shall adopt rules ~~which~~ that provide for an exemption from
26 the requirements to equip a publicly owned sanitary landfill
27 with a leachate control system and to establish and maintain
28 a postclosure account if the sanitary landfill operator is a
29 public agency, if the sanitary landfill ~~has closed or will~~
30 ~~close~~ by July 1, 1992, and ~~will~~ no longer ~~accept~~ accepted
31 waste for disposal after that date, and if at the time of
32 closure of the sanitary landfill monitoring of the groundwater
33 does not reveal the presence of leachate. The department
34 shall require postclosure groundwater monitoring and shall
35 establish the requirements for the implementation of leachate

1 collection and control in cases in which leachate is found
2 during postclosure monitoring. The department shall provide
3 for a closure completion period following the date of closure
4 of a sanitary landfill. Notwithstanding the provisions of this
5 ~~paragraph subsection~~, the public agency shall retain financial
6 responsibility for closure and postclosure requirements
7 applicable to sanitary disposal projects.

8 14. The commission shall adopt rules providing for the
9 land application of soils resulting from the remediation of
10 ~~underground storage tank releases~~ petroleum releases and the
11 land application of certain solid wastes including industrial
12 sludges in the state.

13 Sec. 4. Section 455B.305, subsection 1, paragraph a, Code
14 2022, is amended to read as follows:

15 a. A permit shall be issued by the director or, at the
16 director's direction, by a local board of health for each
17 sanitary disposal project operated in this state. The permit
18 shall be issued in the name of the city or county or, where
19 applicable, in the name of the public or private agency
20 operating the project. Permits issued pursuant to [this section](#)
21 are in addition to any other licenses, permits, or ~~variances~~
22 waivers authorized or required by law, including but not
23 limited to [chapter 335](#).

24 Sec. 5. Section 455B.305, subsection 3, Code 2022, is
25 amended to read as follows:

26 3. The director shall not issue or renew a permit for a
27 sanitary landfill unless the sanitary landfill is equipped with
28 a leachate control system.

29 Sec. 6. Section 455B.306, subsection 2, unnumbered
30 paragraph 1, Code 2022, is amended to read as follows:

31 A planning area that closes all of the municipal solid waste
32 sanitary landfills located in the planning area and chooses
33 instead to use a municipal solid waste sanitary landfill in
34 another planning area may choose to retain its autonomy as long
35 as the sanitary landfill in the other planning area complies

1 with all the requirements of **this chapter**, and all solid waste
2 generated within the planning area closing its landfills is
3 consolidated at, and transported from, a permitted transfer
4 station. For purposes of **this subsection**, a planning area
5 closing its own landfills that chooses to retain its autonomy
6 shall not be required to join the planning area that contains
7 the sanitary landfill it is using for final disposal of its
8 solid waste.

9 Sec. 7. Section 455B.306, subsection 7, paragraph a, Code
10 2022, is amended to read as follows:

11 a. A closure and postclosure plan detailing the schedule
12 for and the methods by which the operator will meet the
13 conditions for proper closure and postclosure adopted by
14 rule by the commission. The plan shall include, but is not
15 limited to, the proposed frequency and types of actions to be
16 implemented prior to and following closure of an operation,
17 the proposed postclosure actions to be taken to return the
18 area to a condition suitable for other uses, and an estimate
19 of the costs of closure and postclosure and the proposed
20 method of meeting these costs. The postclosure plan shall
21 reflect the ~~thirty-year time period requirement for postclosure~~
22 responsibility entire applicable postclosure period.

23 Sec. 8. Section 455B.306, subsection 9, unnumbered
24 paragraph 1, Code 2022, is amended to read as follows:

25 In addition to the comprehensive plan filed pursuant to
26 subsection 1, a person operating, or proposing to operate, a
27 sanitary disposal project shall provide a financial assurance
28 instrument to the department prior to the initial approval of a
29 permit or prior to the renewal of a permit for an existing or
30 expanding facility ~~beginning July 1, 1988~~.

31 Sec. 9. Section 455B.306, subsection 9, paragraph b,
32 unnumbered paragraph 1, Code 2022, is amended to read as
33 follows:

34 The operator of a sanitary landfill shall maintain closure
35 and postclosure accounts, which may be combined into one

1 account. The commission shall adopt by rule the amounts to
2 be contributed to the accounts based upon the amount of solid
3 waste received by the facility. The accounts established shall
4 be specific to the facility.

5 Sec. 10. Section 455B.306, subsection 9, paragraph e, Code
6 2022, is amended to read as follows:

7 e. The annual financial statement submitted to the
8 department pursuant to subsection 7, paragraph "c", shall
9 include the current amounts established in each ~~of the accounts~~
10 account and the projected amounts to be deposited ~~in the~~
11 accounts into each account in the following year.

12 Sec. 11. Section 455B.310, subsection 7, Code 2022, is
13 amended to read as follows:

14 7. Fees imposed by this section shall be paid to the
15 department on a quarterly basis with payment due by no more
16 than ninety days following the quarter during which the fees
17 were collected. The payment shall be accompanied by a return
18 ~~which~~ that shall identify the amount of fees to be allocated to
19 the sanitary landfill alternative financial assistance program,
20 the amount of fees, in terms of cents per ton, retained for
21 meeting waste reduction and recycling goals under section
22 455D.3, and additional fees imposed for failure to meet the
23 twenty-five percent waste reduction and recycling goal under
24 section 455D.3. Sanitary landfills serving more than one
25 planning area shall submit separate reports for each planning
26 area.

27 Sec. 12. Section 455B.314, Code 2022, is amended to read as
28 follows:

29 **455B.314 Incineration at sanitary disposal projects.**

30 ~~Beginning January 1, 1990, a~~ A sanitary disposal project
31 that includes incineration as a part of its disposal process
32 shall separate from the materials to be incinerated recyclable
33 and reusable materials, materials ~~which~~ that will result in
34 uncontrolled toxic or hazardous air emissions when burned,
35 and hazardous or toxic materials ~~which~~ that are not rendered

1 nonhazardous or nontoxic by incineration. The removed
2 materials shall be recycled, reused, or treated and disposed
3 in a manner approved by the department. Separation of waste
4 includes magnetic separation.

5 Sec. 13. REPEAL. Chapter 28L, Code 2022, is repealed.

6 Sec. 14. REPEAL. Sections 455B.801, 455B.802, 455B.803,
7 455B.804, 455B.805, 455B.806, 455B.807, 455B.808, and 455B.809,
8 Code 2022, are repealed.

9

EXPLANATION

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

12 This bill relates to certain programs within the department
13 of natural resources (DNR).

14 The bill inserts the word "sanitary" before certain
15 instances of the word "landfill" in Code chapter 455B,
16 subchapter IV, part 1 (part 1). The phrase "sanitary landfill"
17 is defined in part 1 as a sanitary disposal project where
18 solid waste is buried between layers of earth. Therefore, the
19 provisions affecting a landfill in the amended Code sections
20 apply specifically to a sanitary landfill as defined in part 1.
21 The bill also changes certain instances of "sanitary disposal
22 project" and "sanitary disposal project site" to "sanitary
23 landfill" so that only a sanitary landfill, rather than a
24 sanitary disposal project in general, is subject to specific
25 regulations, including groundwater monitoring requirements and
26 the installation of shafts to relieve the accumulation of gas.

27 The bill changes instances of the word "variances" in part 1
28 to "waivers" to conform to DNR practices. The bill authorizes
29 the environmental protection commission (EPC) to adopt rules
30 providing for the land application of soils resulting from
31 the remediation of petroleum releases and land application of
32 certain solid wastes including industrial sludges, rather than
33 from the remediation of underground storage tank releases. The
34 bill authorizes an operator of a sanitary landfill to combine
35 closure and postclosure accounts into one account. The bill

1 amends other provisions in part 1 to make conforming changes
2 and remove outdated language.

3 The bill repeals the state interagency Missouri river
4 authority. Under current law, the authority consists of
5 representatives from the state executive branch who are
6 tasked with representing the interests of this state with
7 regard to its membership in the Missouri river association of
8 states and tribes, an interstate association of government
9 representatives formed to seek consensus solutions to issues
10 impacting the Missouri river basin. The state withdrew from
11 the Missouri river association of states and tribes in 2011 and
12 the association has since disbanded.

13 The bill repeals Code chapter 455B, subchapter XI, which is
14 the mercury-free recycling Act. The mercury-free recycling Act
15 required vehicle manufacturers to develop and publish plans for
16 the removal, collection, and recovery of vehicle mercury-added
17 switches and authorized EPC to enforce the plans. Code section
18 455B.803 provides for the termination of EPC's enforcement
19 of the removal, collection, and recovery plans on July 1,
20 2020. The mercury-free recycling Act also generally prohibits
21 a person from delivering an end-of-life vehicle to a scrap
22 recycling facility unless the mercury-added switch was removed
23 from the vehicle. An existing future repeal of the subchapter
24 is contingent upon the adoption of a national mercury switch
25 recovery program that meets certain standards.