

**Senate File 2176 - Introduced**

SENATE FILE 2176  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3041)

**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.