

FEB 23 2005
Place On Calendar

HOUSE FILE 399
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 170)

Passed House, Date 3-14-05 Passed Senate, Date 4-11-05
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0
Approved 4-15-05

A BILL FOR

1 An Act relating to the disposal of solid waste by planning areas
2 and related solid waste management plans and reports.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 399

1 Section 1. Section 455B.305, Code 2005, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 7. The director shall not issue or renew
4 a permit for a transfer station operating as part of an
5 agreement between two planning areas pursuant to section
6 455B.306, subsection 1A, until the applicant, in conjunction
7 with all local governments using the transfer station,
8 documents that alternative methods of solid waste disposal
9 other than final disposal in a sanitary landfill have been
10 implemented as set forth in the plan filed pursuant to section
11 455B.306.

12 Sec. 2. Section 455B.306, subsection 1, unnumbered
13 paragraph 1, Code 2005, is amended to read as follows:

14 A city, county, and a private agency operating or planning
15 to operate a sanitary disposal project shall file with the
16 director a one of two types of comprehensive plan plans
17 detailing the method by which the city, county, or private
18 agency will comply with this part 1. The first type is a
19 comprehensive plan in which solid waste is disposed of in a
20 sanitary landfill within the planning area. The second type
21 is a comprehensive plan in which all solid waste is
22 consolidated at and transported from a transfer station for
23 disposal at a sanitary landfill in another comprehensive
24 planning area.

25 PARAGRAPH DIVIDED. All cities and counties shall also file
26 with the director a comprehensive plan detailing the method by
27 which the city or county will comply with the requirements of
28 section 455B.302 to establish and implement a comprehensive
29 solid waste reduction program for its residents.

30 Sec. 3. Section 455B.306, Code 2005, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 1A. A planning area that closes all of
33 the municipal solid waste sanitary landfills located in the
34 planning area and chooses to use a municipal solid waste
35 sanitary landfill in another planning area that complies with

1 all requirements under subtitle D of the federal Resource
2 Conservation and Recovery Act, with all solid waste generated
3 within the planning area being consolidated at and transported
4 from a permitted transfer station, may elect to retain
5 autonomy as a planning area and shall not be required to join
6 the planning area where the landfill being used for final
7 disposal of solid waste is located. If a planning area makes
8 the election under this subsection, the planning area
9 receiving the solid waste from the planning area making the
10 election shall not be required to include the planning area
11 making the election in a comprehensive plan provided no
12 services are shared between the two planning areas other than
13 the acceptance of solid waste for sanitary landfill. The
14 planning area receiving the solid waste shall only be
15 responsible for the permitting, planning, and waste reduction
16 and diversion programs in the planning area receiving the
17 solid waste. If the department determines that solid waste
18 cannot reasonably be consolidated and transported from a
19 particular transfer station, the department may establish
20 permit conditions to address the transport and disposal of the
21 solid waste. An election may be made under this subsection
22 only if the two comprehensive planning areas enter into an
23 agreement pursuant to chapter 28E that includes, at a minimum,
24 all of the following:

25 a. A detailed methodology of the manner in which solid
26 waste will be tracked and reported between the two planning
27 areas.

28 b. A detailed methodology of the manner in which the
29 receiving sanitary landfill will collect, remit, and report
30 tonnage fees, pursuant to section 455B.310, paid by the
31 planning area that is transporting the solid waste. The
32 methodology shall include both the remittances of tonnage fees
33 to the state and the retained tonnage fees.

34 Sec. 4. Section 455B.306, subsection 6, paragraph e, Code
35 2005, is amended to read as follows:

1 e. A description of the planning area and service area to
2 be served by the city, county, or private agency under the
3 comprehensive plan. A Except as provided in subsection 1A, a
4 comprehensive plan shall not include a planning area or
5 service area, any part of which is included in another
6 comprehensive plan.

7 Sec. 5. Section 455B.310, subsection 4, paragraph d, Code
8 2005, is amended to read as follows:

9 d. Each sanitary landfill owner or operator shall submit a
10 return to the department identifying the use of all fees
11 retained under this section including the manner in which the
12 fees were distributed. A planning area entering into an
13 agreement pursuant to section 455B.306, subsection 1A, shall
14 submit such information to the department and a planning area
15 receiving the solid waste under such an agreement shall, in
16 addition, submit evidence to the department demonstrating that
17 required retained fees were returned in a timely manner to
18 other planning areas under the agreement. The return shall be
19 submitted concurrently with the return required under
20 subsection 7.

21 Sec. 6. Section 455B.310, subsection 7, Code 2005, is
22 amended to read as follows:

23 7. Fees imposed by this section shall be paid to the
24 department on a quarterly basis with payment due by no more
25 than ninety days following the quarter during which the fees
26 were collected. The payment shall be accompanied by a return
27 which shall identify the amount of fees to be allocated to the
28 landfill alternative financial assistance program, the amount
29 of fees, in terms of cents per ton, retained for meeting waste
30 reduction and recycling goals under section 455D.3, and
31 additional fees imposed for failure to meet the twenty-five
32 percent waste reduction and recycling goal under section
33 455D.3. Sanitary landfills serving more than one planning
34 area shall submit separate reports for each planning area.

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EXPLANATION

1 This bill relates to the disposal of solid waste by
2 planning areas and related solid waste management plans and
3 reports.

4 The bill provides that a planning area that closes all of
5 the municipal solid waste sanitary landfills located in the
6 planning area and chooses to use a municipal solid waste
7 sanitary landfill that is in compliance with applicable
8 federal regulations, with all solid waste generated within the
9 planning area being consolidated at and transported from a
10 permitted transfer station, may elect to retain autonomy as a
11 planning area and shall not be required to join the planning
12 area where the landfill being used for final disposal of solid
13 waste is located. The bill provides that, if a planning area
14 makes the election to retain autonomy, the planning area
15 receiving the solid waste from the planning area making the
16 election shall not be required to include the planning area
17 making the election in a comprehensive plan provided no
18 services are shared between the two planning areas other than
19 the acceptance of solid waste for landfill and shall only be
20 responsible for the permitting, planning, and waste reduction
21 and diversion programs in the home planning area. The bill
22 provides that, if the department of natural resources
23 determines that solid waste cannot reasonably be consolidated
24 and transported from a particular transfer station, the
25 department may establish permit conditions to address the
26 transport and disposal of the solid waste. The bill provides
27 that an election to remain autonomous may be made only if the
28 two comprehensive planning areas enter into an agreement that
29 includes, at minimum, methodologies for tracking solid waste
30 and for the collection, remittance, and reporting of tonnage
31 fees.

32 The bill provides that the director of the department of
33 natural resources shall not issue or renew a permit for a
34 transfer station operating under an agreement between two
35 planning areas until the applicant, in conjunction with all

1 local governments using the transfer station, documents that
2 alternative methods of solid waste disposal other than final
3 disposal in a sanitary landfill have been implemented as set
4 forth in a comprehensive plan.

5 The bill allows for two types of comprehensive plans for
6 complying with solid waste management requirements. The bill
7 provides that the first type is a comprehensive plan in which
8 solid waste is disposed of in a sanitary landfill within the
9 planning area and the second type is a comprehensive plan in
10 which all solid waste is consolidated at and transported from
11 a transfer station for disposal at a sanitary landfill in
12 another comprehensive planning area.

13 The bill provides that any planning area that is part of an
14 agreement between planning areas for the acceptance of solid
15 waste for sanitary landfill shall submit such information to
16 the department and a planning area receiving the solid waste
17 under such an agreement shall, in addition, submit evidence to
18 the department demonstrating that required retained fees were
19 returned in a timely manner to other planning areas under the
20 agreement.

21 The bill provides that a sanitary landfill serving more
22 than one planning area must submit separate reports for each
23 planning area.

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HOUSE FILE 399

AN ACT

RELATING TO THE DISPOSAL OF SOLID WASTE BY PLANNING AREAS AND
RELATED SOLID WASTE MANAGEMENT PLANS AND REPORTS.

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

Section 1. Section 455B.305, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The director shall not issue or renew a permit for a transfer station operating as part of an agreement between two planning areas pursuant to section 455B.306, subsection 1A, until the applicant, in conjunction with all local governments using the transfer station, documents that alternative methods of solid waste disposal other than final disposal in a sanitary landfill have been implemented as set forth in the plan filed pursuant to section 455B.306.

Sec. 2. Section 455B.306, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A city, county, and a private agency operating or planning to operate a sanitary disposal project shall file with the director a one of two types of comprehensive plan plans detailing the method by which the city, county, or private agency will comply with this part 1. The first type is a comprehensive plan in which solid waste is disposed of in a sanitary landfill within the planning area. The second type is a comprehensive plan in which all solid waste is consolidated at and transported from a transfer station for disposal at a sanitary landfill in another comprehensive planning area.

PARAGRAPH DIVIDED. All cities and counties shall also file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents.

Sec. 3. Section 455B.306, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses to use a municipal solid waste sanitary landfill in another planning area that complies with all requirements under subtitle D of the federal Resource Conservation and Recovery Act, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located. If a planning area makes the election under this subsection, the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan provided no services are shared between the two planning areas other than the acceptance of solid waste for sanitary landfill. The planning area receiving the solid waste shall only be responsible for the permitting, planning, and waste reduction and diversion programs in the planning area receiving the solid waste. If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station, the department may establish permit conditions to address the transport and disposal of the solid waste. An election may be made under this subsection only if the two comprehensive planning areas enter into an agreement pursuant to chapter 28E that includes, at a minimum, all of the following:

a. A detailed methodology of the manner in which solid waste will be tracked and reported between the two planning areas.

b. A detailed methodology of the manner in which the receiving sanitary landfill will collect, remit, and report tonnage fees, pursuant to section 455B.310, paid by the planning area that is transporting the solid waste. The methodology shall include both the remittances of tonnage fees to the state and the retained tonnage fees.

Sec. 4. Section 455B.306, subsection 6, paragraph e, Code 2005, is amended to read as follows:

e. A description of the planning area and service area to be served by the city, county, or private agency under the comprehensive plan. A Except as provided in subsection 1A, a comprehensive plan shall not include a planning area or service area, any part of which is included in another comprehensive plan.

Sec. 5. Section 455B.310, subsection 4, paragraph d, Code 2005, is amended to read as follows:

d. Each sanitary landfill owner or operator shall submit a return to the department identifying the use of all fees retained under this section including the manner in which the fees were distributed. A planning area entering into an agreement pursuant to section 455B.306, subsection 1A, shall submit such information to the department and a planning area receiving the solid waste under such an agreement shall, in addition, submit evidence to the department demonstrating that required retained fees were returned in a timely manner to other planning areas under the agreement. The return shall be submitted concurrently with the return required under subsection 7.

Sec. 6. Section 455B.310, subsection 7, Code 2005, is amended to read as follows:

7. Fees imposed by this section shall be paid to the department on a quarterly basis with payment due by no more

than ninety days following the quarter during which the fees were collected. The payment shall be accompanied by a return which shall identify the amount of fees to be allocated to the landfill alternative financial assistance program, the amount of fees, in terms of cents per ton, retained for meeting waste reduction and recycling goals under section 455D.3, and additional fees imposed for failure to meet the twenty-five percent waste reduction and recycling goal under section 455D.3. Sanitary landfills serving more than one planning area shall submit separate reports for each planning area.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 399, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/15, 2005

THOMAS J. VILSACK
Governor