

5 within the corporate limits of a city may expend federal grants or revenue sharing
 6 money or other funds not derived from local tax levies in amounts as the board
 7 deems proper to pay any part of the cost of improvements authorized in this
 8 chapter. The board may issue general obligation bonds to pay any part of the cost
 9 of improvements authorized in this chapter. The bonds shall be issued according
 10 to the provisions of division three (III) of chapter three hundred eighty-four (384)
 11 of the Code relating to general obligation bonds for essential corporate purposes.

1 SEC. 2. Section four hundred fifty-five point four (455.4), Code 1975, is
 2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The term "cost of improvements" means the
 4 costs of any improvement which is subject to assessment, including but not
 5 limited to, the costs of engineering, preliminary reports, property valuations,
 6 estimates, plans, specifications, notices, acquisition of land, easements, rights-of-
 7 way, construction, repair, supervision, inspection, testing, notices and publication,
 8 interest during construction and for a reasonable period following the completion
 9 of construction, and may include the default fund which shall amount to not
 10 more than ten percent of the total cost of an improvement assessed against
 11 benefited property.

Approved May 25, 1976

CHAPTER 1204

WATER POLLUTION CONTROL

H. F. 1477

AN ACT relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Declaration of policy.**

2 1. The general assembly finds and declares that because the Federal Water
 3 Pollution Control Act amendments of 1972, Public Law ninety-two dash five
 4 hundred (92-500), provide for a permit system to regulate the discharge of
 5 pollutants into the waters of the United States and provide that permits may be
 6 issued by states which are authorized to implement the provisions of that Act, it is
 7 in the interest of the people of Iowa to enact the provisions of this Act in order to
 8 authorize the state to implement the provisions of the Federal Water Pollution
 9 Control Act amendments of 1972 and Acts amendatory or supplementary thereto,
 10 and federal regulations and guidelines issued pursuant to that Act.

11 2. The general assembly further finds and declares that because the Federal
 12 Safe Drinking Water Act, Public Law ninety-three dash five hundred twenty-
 13 three (93-523), provides for the implementation of said Act by states which have
 14 adequate authority to do so, it is in the interest of the people of Iowa to
 15 implement the provisions of the Federal Safe Drinking Water Act and federal
 16 regulations and guidelines issued pursuant thereto.

1 SEC. 2. Section four hundred fifty-five B point thirty (455B.30), subsection
 2 three (3), Code 1975, is amended to read as follows:

3 3. "Other waste" means *heat*, garbage, municipal refuse, lime, sand, ashes, offal,
 4 oil, tar, chemicals and all other *substances wastes* which are not sewage or
 5 industrial waste which may pollute the waters of the state.

1 SEC. 3. Section four hundred fifty-five B point thirty (455B.30), subsections
2 five (5), seven (7), and ten (10), Code 1975, are amended to read as follows:

3 5. "Sewer system" means pipe lines or conduits, pumping stations, force mains,
4 *vehicles, vessels, conveyances, injection wells*, and all other constructions, devices
5 and appliances appurtenant thereto used for conducting sewage or industrial
6 waste or other wastes to a point of ultimate disposal *or disposal to any water of the*
7 *state. To the extent that they are not subject to section four hundred two (402) of the*
8 *Federal Water Pollution Control Act as amended ditches, pipes, and drains that serve*
9 *only to collect, channel, direct, and convey nonpoint runoff from precipitation are not*
10 *considered as sewer systems for the purposes of this Act.*

11 7. "Disposal system" means a system for disposing of sewage, industrial waste
12 and other wastes and includes sewer systems, treatment works, *point sources*, and
13 dispersal systems.

14 10. "Person" means ~~the state~~ *or any agency of the state or federal government* or
15 institution thereof, any municipality, governmental subdivision, *interstate body*,
16 public or private corporation, individual, partnership, or other entity and includes
17 any officer or governing or managing body of any municipality, governmental
18 subdivision, *interstate body*, or public or private corporation.

1 SEC. 4. Section four hundred fifty-five B point thirty (455B.30), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Effluent standard" means any restriction or prohibition
4 on quantities, rates, and concentrations of chemical, physical, biological,
5 radiological and other constituents which are discharged from point sources into
6 any water of the state including an effluent limitation, a water quality related
7 effluent limitation, a standard of performance for a new source, a toxic effluent
8 standard or other limitation.

9 NEW SUBSECTION. "Point source" means any discernible, confined, and
10 discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel,
11 conduit, well, discrete fissure, container, rolling stock, concentrated animal
12 feeding operation, or vessel or other floating craft, from which pollutants are or
13 may be discharged.

14 NEW SUBSECTION. "Pollutant" means sewage, industrial waste or other waste.

15 NEW SUBSECTION. "New source" means any building, structure, facility or
16 installation, from which there is or may be the discharge of a pollutant, the
17 construction of which is commenced after the publication of proposed federal
18 rules prescribing a standard of performance which will be applicable to such
19 source, if such standard is promulgated.

20 NEW SUBSECTION. "Schedule of compliance" means a schedule of remedial
21 measures including an enforceable sequence of actions or operations leading to
22 compliance with any effluent standard, water quality standard, or any other
23 requirement of this part of this division or any rule promulgated pursuant thereto.

24 NEW SUBSECTION. "Sewer extension" means pipelines or conduits constituting
25 main sewers, lateral sewers or truck* sewers used for conducting pollutants to a
26 larger interceptor sewer or to a point of ultimate disposal.

27 NEW SUBSECTION. "Water supply distribution system extension" means any
28 extension to the pipelines or conduits which carry water directly from the
29 treatment facility, source or storage facility to the consumer's service connection.

30 NEW SUBSECTION. "Production capacity" means the amount of potable water
31 which can be supplied to the distribution system in a twenty-four hour period.

32 NEW SUBSECTION. "Public water supply system" means a system for the
33 provision to the public of piped water for human consumption, if such system has
34 at least fifteen service connections or regularly serves at least twenty-five
35 individuals. Such term includes any source of water and any collection, treatment,
36 storage, and distribution facilities under control of the operator of such system
37 and used primarily in connection with such system, and any collection or
38 pretreatment storage facilities not under such control which are used primarily in

*According to enrolled Act

39 connection with such system.

40 NEW SUBSECTION. "Maximum contaminant level" means the maximum
41 permissible level of any physical, chemical, biological or radiological substance in
42 water which is delivered to any user of a public water supply system.

1 SEC. 5. Section four hundred fifty-five B point thirty-one (455B.31), Code
2 1975, is amended to read as follows:

3 **455B.31 Administrative agency.** The department shall be the agency of the
4 state to prevent, abate, or control water pollution *and to conduct the public water*
5 *supply program.*

1 SEC. 6. Section four hundred fifty-five B point thirty-two (455B.32),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Establish, modify, or repeal *water quality standards, pretreatment standards*
4 *and effluent standards for the water of the state.* The effluent standards may
5 provide for maintaining the existing quality of the water of the state where the
6 quality thereof exceeds the requirements of the water quality standards. *If the*
7 *federal environmental protection agency has promulgated an effluent standard or*
8 *pretreatment standard pursuant to section three hundred one (301), three hundred six*
9 *(306) or three hundred seven (307) of the Federal Water Pollution Control Act, a*
10 *pretreatment or effluent standard adopted pursuant to this section shall not be more*
11 *stringent than the federal effluent or pretreatment standard for such source. This*
12 *section may not preclude the establishment of a more restrictive effluent limitation in*
13 *the permit for a particular point source if the more restrictive effluent limitation is*
14 *necessary to meet water quality standards, the establishment of an effluent standard*
15 *for a source or class of sources for which the federal environmental protection agency*
16 *has not promulgated standards pursuant to section three hundred one (301), three*
17 *hundred six (306) or three hundred seven (307) of the Federal Water Pollution*
18 *Control Act. Except as required by federal law or regulation, the commission shall not*
19 *adopt an effluent standard more stringent with respect to any pollutant than is*
20 *necessary to reduce the concentration of that pollutant in the effluent to the level due*
21 *to natural causes, including the mineral and chemical characteristics of the land,*
22 *existing in the water of the state to which the effluent is discharged. Notwithstanding*
23 *any other provision of this part of this division, any new source, the construction of*
24 *which was commenced after October 18, 1972, and which was constructed as to meet*
25 *all applicable standards of performance for the new source or any more stringent*
26 *effluent limitation required to meet water quality standards, shall not be subject to*
27 *any more stringent effluent limitations during a ten-year period beginning on the date*
28 *of completion of construction or during the period of depreciation or amortization of*
29 *the pollution control equipment for the facility for the purposes of section one hundred*
30 *sixty-seven (167) or one hundred sixty-nine (169) or both sections of the Internal*
31 *Revenue Code of 1954, whichever period ends first.*

1 SEC. 7. Section four hundred fifty-five B point thirty-two (455B.32),
2 subsection three (3), Code 1975, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 3. Establish, modify or repeal rules relating to the location, construction,
5 operation, and maintenance of disposal systems and public water supply systems
6 and specifying the conditions under which the executive director shall issue,
7 revoke, suspend, modify or deny permits for the operation, installation,
8 construction, addition to or modification of any disposal system or public water
9 supply system, or for the discharge of any pollutant or for the disposal of water
10 wastes resulting from poultry and livestock operations.

11 No rules shall be adopted which regulate the hiring or firing of operators of
12 disposal systems or public water supply systems except rules which regulate the
13 certification of operators as to their technical competency.

1 SEC. 8. Section four hundred fifty-five B point thirty-two (455B.32), Code
2 1975, is amended by adding the following new subsections:

3 NEW SUBSECTION. Establish, modify or repeal rules relating to drinking water
4 standards for public water supply systems. Such standards shall specify maximum
5 contaminant levels or treatment techniques necessary to protect the public health
6 and welfare. The drinking water standards must assure compliance with federal
7 drinking water standards adopted pursuant to the Federal Safe Drinking Water
8 Act.

9 NEW SUBSECTION. Establish, modify or repeal rules relating to inspection,
10 monitoring, record keeping and reporting requirements for the owner or operator
11 of any public water supply or any disposal system or of any source which is an
12 industrial user of a publicly or privately owned disposal system.

13 NEW SUBSECTION. Adopt a statewide plan for the provision of safe drinking
14 water under emergency circumstances. All public agencies, as defined in chapter
15 twenty-eight E (28E) of the Code, shall cooperate in the development and
16 implementation of the plan. The plan shall detail the manner in which the various
17 state and local agencies shall participate in the response to an emergency. The
18 department may enter into any agreement, subject to section four hundred fifty-
19 five B point seven (455B.7) of the Code, with any state agency or unit of local
20 government or with the federal government which may be necessary to establish
21 the role of such agencies in regard to the plan. This plan shall be coordinated
22 with civil defense plans.

23 NEW SUBSECTION. Formulate and adopt specific and detailed statewide
24 standards pursuant to chapter seventeen A (17A) of the Code for review of plans
25 and specifications and the construction of sewer systems and water supply
26 distribution systems and extensions to such systems not later than October 1,
27 1977. The standards shall be based on criteria contained in the "Recommended
28 Standards for Sewage Works" and "Recommended Standards for Water Works"
29 (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River
30 board of state sanitary engineers, design manuals published by the department,
31 applicable federal guidelines and standards, standard textbooks, current technical
32 literature and applicable safety standards. The rules adopted which directly
33 pertain to the construction of sewer systems and water supply distribution
34 systems and the review of plans and specifications for such construction shall be
35 known respectively as the Iowa Standards for Sewer Systems and the Iowa
36 Standards for Water Supply Distribution Systems and shall be applicable in each
37 governmental subdivision of the state. Exceptions shall be made to the standards
38 so formulated only upon special request to and receipt of permission from the
39 department. The department shall publish the standards and make copies of such
40 standards available to governmental subdivisions and to the public.

1 SEC. 9. Section four hundred fifty-five B point thirty-three (455B.33), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.33 Executive director's duties.** The executive director shall:

5 1. Conduct investigations of alleged water pollution or of alleged violations of
6 this part of this division or any rule adopted or any permit issued pursuant
7 thereto upon written request of any state agency, political subdivision, local board
8 of health, twenty-five residents of the state, as directed by the commission, or as
9 may be necessary to accomplish the purposes of this part of this division.

10 2. Conduct periodic surveys and inspection of the construction, operation, self
11 monitoring, record keeping and reporting of all public water supply systems and
12 all disposal systems except as provided in section four hundred fifty-five B point
13 forty-five (455B.45), of the Code.

14 3. Take any action or actions allowed by law which, in the executive director's
15 judgment, are necessary to enforce or secure compliance with the provisions of
16 this part of this division or of any rule or standard established or permit issued

17 pursuant thereto.

18 4. Approve or disapprove the plans and specifications for the construction of
19 disposal systems or water supply distribution systems except for those sewer
20 extensions and water supply distribution system extensions which are reviewed by
21 a city or county public works department as set forth in section sixteen (16) of
22 this Act. The director shall issue, revoke, suspend, modify or deny permits for the
23 operation, installation, construction, addition to or modification of any disposal
24 system or water supply distribution system except for sewer extensions and water
25 supply distribution system extensions which are reviewed by a city or county
26 public works department as set forth in section sixteen (16) of this Act. The
27 director shall also issue, revoke, suspend, modify or deny permits for the
28 discharge of any pollutant. Such permits shall contain such conditions and
29 schedules of compliance as are necessary to meet the requirements of this part of
30 this division and the Federal Water Pollution Control Act amendments of 1972.
31 A permit shall not be issued to operate or discharge from any disposal system
32 unless the conditions of the permit assure that any discharge from the disposal
33 system meets or will meet all applicable state and federal water quality standards
34 and effluent standards and the issuance of the permit is not otherwise prohibited
35 by the Federal Water Pollution Control Act amendments of 1972. All
36 applications for discharge permits shall be subject to public notice and
37 opportunity for public participation including public hearing as the commission
38 may by rule require. The executive director shall promptly notify the applicant in
39 writing of his action and, if the permit is denied, state the reasons for denial. The
40 applicant may appeal to the commission from the denial of a permit or from any
41 condition in any permit if he or she files notice of appeal with the executive
42 director within thirty days of the notice of denial or issuance of the permit. The
43 executive director shall notify the applicant within thirty days of the time and
44 place of the hearing.

45 Copies of all forms or other paper instruments required to be filed during on-
46 site inspections or investigations shall be given to the owner or operator of the
47 disposal system or public water supply system being investigated or inspected
48 before the inspector or investigator leaves the site. Any other report, statement, or
49 instrument shall not be filed with the department unless a copy is sent by
50 ordinary mail to the owner or operator of the disposal system or public water
51 supply system within ten working days of the filing. If an inspection or
52 investigation is done in cooperation with another state department, the
53 department involved and the areas inspected shall be stated.

54 5. Conduct random inspections of work done by city and county public works
55 departments to ensure such public works departments are complying with this
56 Act. If a city or county public works department is not complying with section
57 sixteen (16) of this Act in reviewing plans and specifications or in granting
58 permits or both, the department shall perform these functions in that jurisdiction
59 until the city or county public works department is able to perform them.
60 Performance of these functions in a jurisdiction by a local public works
61 department shall not be suspended or revoked until after notice and opportunity
62 for hearing as provided in chapter seventeen A (17A) of the Code.

63 The department shall give technical assistance to city and county public works
64 departments upon request of such local public works departments.

1 Sec. 10. Section four hundred fifty-five B point thirty-four (455B.34), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.34 Violations.** If there is conclusive evidence that any person has
5 violated or is violating any provision of this part of this division, or of any rule or
6 standard established or permit issued pursuant thereto; then:

7 1. The executive director may issue an order directing the person to desist in
8 the practice which constitutes the violation or to take such corrective action as

9 may be necessary to ensure that the violation will cease. The person to whom
10 such order is issued may cause to be commenced a contested case within the
11 meaning of the Iowa administrative procedure Act by filing with the executive
12 director within thirty days a notice of appeal to the commission. On appeal the
13 commission may affirm, modify or vacate the order of the executive director; or

14 2. If it is determined by the executive director that an emergency exists
15 respecting any matter affecting or likely to affect the public health, the executive
16 director may issue any order necessary to terminate the emergency without notice
17 and without hearing. Any such order shall be binding and effective immediately
18 and until such order is modified or vacated at a hearing before the commission or
19 by a court; or

20 3. The executive director or the commission may request the attorney general
21 to institute legal proceedings pursuant to section four hundred fifty-five B point
22 forty-nine (455B.49) of the Code.

1 SEC. 11. Section four hundred fifty-five B point thirty-five (455B.35),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 In establishing, modifying, or repealing *water* quality standards for the water of
4 the state, or in establishing, modifying, or repealing effluent standards for
5 disposal systems, the commission shall ~~consider~~ *base its decision upon data*
6 *gathered from sources within the state regarding the following:*

1 SEC. 12. Section four hundred fifty-five B point thirty-five (455B.35), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The economic costs and benefits. The goal shall be a
4 reasonable balance between total costs to the people and to the economy, and the
5 resultant benefits to the people of Iowa.

1 SEC. 13. Chapter four hundred fifty-five B (455B), Division three (III), part
2 one (1), Code 1975, is amended by adding the following new section:

3 NEW SECTION. Upon a satisfactory showing by any person to the executive
4 director that public disclosure of any record, report, permit, permit application or
5 other document or information or part thereof would divulge methods or
6 processes entitled to protection as a trade secret, any such record, report, permit,
7 permit application or other document or part thereof other than effluent data and
8 analytical results of monitoring or public water supply systems, shall be accorded
9 confidential treatment. Notwithstanding the provisions of chapter sixty-eight A
10 (68A) of the Code, a person in connection with duties or employment by the
11 department shall not make public any information accorded confidential status,
12 however any such record or other information accorded confidential status may
13 be disclosed or transmitted to other officers, employees or authorized
14 representatives of this state or the United States concerned with carrying out this
15 part of this division or when relevant in any proceeding under this Act.

1 SEC. 14. Section four hundred fifty-five B point thirty-nine (455B.39), Code
2 1975, is amended to read as follows:

3 **455B.39 Judicial review.** ~~Judicial~~ *Except as provided in section twenty (20) of*
4 *this Act, judicial review of any order or other action of the commission or of the*
5 *executive director may be sought in accordance with the terms of the Iowa*
6 *administrative procedure Act. Notwithstanding the terms of said Act, petitions*
7 *for judicial review may be filed in the district court of the county in which the*
8 *alleged offense was committed or such final order was entered. The setting aside*
9 *of any order of the executive director or the commission by the court shall not*
10 *preclude the commission or the executive director from again instituting*
11 *proceedings against the same person if the commission or the executive director*
12 *feels that the public health is endangered.*

1 SEC. 15. Section four hundred fifty-five B point forty-four (455B.44), Code
2 1975, is amended to read as follows:

3 **455B.44 Failure constitutes contempt.** Failure to obey any order issued by
4 the department with reference to ~~matters pertaining to the pollution of water of~~
5 ~~the state a violation of this part of this division or any rule promulgated or permit~~
6 ~~issued pursuant thereto~~ shall constitute prima-facie evidence of contempt. In such
7 event the department may certify to the district court of the county in which such
8 alleged disobedience occurred the fact of such failure. The district court after
9 notice, as prescribed by the court, to the parties in interest shall then proceed to
10 hear the matter and if it finds that the order was lawful and reasonable it shall
11 order the party to comply with the order. If the person fails to comply with the
12 court order, ~~he~~ *that person* shall be guilty of contempt and shall be fined not to
13 exceed five hundred dollars for each day that he *or she* fails to comply with the
14 court order. The penalties provided in this section shall be considered as
15 additional to any penalty which may be imposed under the law relative to
16 nuisances or any other statute relating to the pollution of *any* waters of the state
17 *or related to public water supply systems* and a conviction under this section shall
18 not be a bar to prosecution under any other penal statute.

1 SEC. 16. Section four hundred fifty-five B point forty-five (455B.45), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.45 Written permits required.** It shall be unlawful to carry on any of the
5 following activities without first securing a written permit from the executive
6 director, or from a city or county public works department if such local public
7 works department reviews the activity under this section, as required by the
8 commission:

9 1. The construction, installation or modification of any disposal system or
10 water supply distribution system or part thereof or any extension or addition
11 thereto except those sewer extensions and water supply distribution system
12 extensions that are subject to review and approval by a city or county public
13 works department pursuant to this section.

14 2. The construction or use of any new point source for the discharge of any
15 pollutant into any water of the state.

16 3. The operation of any waste disposal system or water supply distribution
17 system or any part of or extension or addition to such system. This provision shall
18 not apply to any pretreatment system the effluent of which is to be discharged
19 directly to another disposal system for final treatment and disposal.

20 Upon adoption of standards by the commission pursuant to section eight (8) of
21 this Act, plans and specifications for sewer extensions and water supply
22 distribution system extensions covered by this section shall be submitted to the
23 city or county public works department for approval if the local public works
24 department employs a qualified, registered engineer who reviews the plans and
25 specifications using the specific state standards known as the Iowa Standards for
26 Sewer Systems and the Iowa Standards for Water Supply Distribution Systems
27 that have been formulated and adopted by the commission pursuant to section
28 eight (8) of this Act. The reviewing engineer shall be a full-time employee of the
29 governmental subdivision and the qualifications of that engineer shall be
30 submitted to the executive director or his designee for approval prior to issuing
31 written permits. The local agency shall issue a written permit to construct if:

32 a. The submitted plans and specifications are in substantial compliance with
33 departmental rules and the Iowa Standards for Sewer Systems and the Iowa
34 Standards for Water Supply Distribution Systems.

35 b. The extensions primarily serve residential consumers and will not result in
36 an increase greater than five percent of the capacity of the treatment works or
37 serve more than two hundred fifty dwelling units or, in the case of an extension to
38 a water supply distribution system, such extension will have a capacity of less
39 than five percent of such system or will serve fewer than two hundred fifty
40 dwelling units; and

41 c. The proposed sewer extension will not exceed the capacity of any treatment
42 works which received a state or federal monetary grant after 1972; and

43 d. The proposed water supply distribution system extension will not exceed the
44 production capacity of any water supply distribution system constructed after
45 1972.

46 After issuing a permit, the city or county public works department shall notify
47 the director of such issuance by forwarding a copy of the permit to the director.
48 In addition, the local agency shall submit quarterly reports to the director
49 including such information as capacity of local treatment plants and production
50 capacity of water supply distribution systems as well as other necessary
51 information requested by the director for the purpose of implementing chapter
52 four hundred fifty-five B (455B) of the Code.

53 Plans and specifications for all other waste disposal systems and water supply
54 distribution systems, including sewer extensions and water supply distribution
55 system extensions not reviewed by a city or county public works department
56 under this section, shall be submitted to the department before a written permit
57 may be issued. The construction of any such waste disposal system or water
58 supply distribution system shall be in accordance with standards formulated and
59 adopted by the commission pursuant to section eight (8) of this Act or otherwise
60 approved by the department. If it is necessary or desirable to make material
61 changes in such plans or specifications, revised plans or specifications together
62 with reasons for the proposed changes must be submitted to the department for a
63 supplemental written permit.

64 Prior to the adoption of statewide standards, the department may delegate the
65 authority to review plans and specifications to those governmental subdivisions if
66 in addition to compliance with subsection three (3) of this section that
67 governmental subdivision agrees to comply with all state and federal regulations
68 and submits a plan for the review of plans and specifications including a
69 complete set of local standard specifications for such improvements.

70 The director may suspend or revoke delegation of review and permit authority
71 after notice and hearing as set forth in chapter seventeen A (17A) of the Code if
72 the director determines that a city or county public works department has
73 approved extensions which do not comply with design criteria, which exceed the
74 capacity of waste treatment plants or the production capacity of water supply
75 distribution systems or which otherwise violate state or federal requirements.

76 The department shall exempt any public water system from any requirement
77 respecting a maximum contaminant level or any treatment technique requirement
78 of an applicable national drinking water regulation insofar as these regulations
79 apply to contaminants which the commission determines are harmless or
80 beneficial to the health of consumers, when the owner of a public water supply
81 system determines that funds are not reasonably available to provide for
82 controlling amounts of those contaminants which are harmless or beneficial to the
83 health of consumers.

1 SEC. 17. Section four hundred fifty-five B point forty-six (455B.46), Code
2 1975, is amended to read as follows:

3 **455B.46 Disposal system plans.** The department may *also* require the owner
4 of a ~~waste~~ disposal system, discharging ~~sewage or wastes~~ *pollutants* into any of the
5 water of the state, *or of a public water supply system* to file with it complete plans
6 of the whole or any part of such system and any other information and records
7 concerning the installation and operation of such system.

1 SEC. 18. Section four hundred fifty-five B point forty-eight (455B.48), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.48 Prohibited discharges.** A pollutant shall not be disposed of by
5 dumping, depositing or discharging such pollutant into any water of the state
6 except that this section shall not be construed to prohibit the discharge of

7 adequately treated sewage, industrial waste, or other waste pursuant to a permit
8 issued by the executive director. A pollutant whether treated or untreated shall
9 not be discharged into any state-owned natural or artificial lake.

1 SEC. 19. Section four hundred fifty-five B point forty-nine (455B.49),
2 subsections two (2) and four (4), Code 1975, are amended to read as follows:

3 2. Any person who willfully or negligently discharges any pollutants in
4 violation of ~~section~~ *sections 455B.45 or four hundred fifty-five B point forty-eight*
5 *(455B.48) of the Code* or in violation of any condition or limitation included in
6 any permit issued under section 455B.45 *or in violation of any water quality*
7 *standard or effluent standard* or, with respect to the introduction of pollutants into
8 publicly owned treatment works, violates a pretreatment standard or toxic
9 effluent standard, shall be punished by a fine not to exceed ten thousand dollars
10 for each day of violation. If the conviction is for a violation committed by a
11 person after ~~his~~ *the person's* first conviction under this section, the punishment
12 shall be a fine not to exceed twenty thousand dollars for each day of violation.

13 4. The attorney general shall, at the request of the commission or the executive
14 director, institute any legal proceedings, *including an action for an injunction or a*
15 *temporary injunction*, necessary to enforce the penalty provisions of part 1 of
16 division III of this chapter or to obtain compliance with the provisions of part 1
17 of division III of this chapter or any rules promulgated or any provision of any
18 permit issued under part 1 of division III of this chapter. *In any such action, any*
19 *previous findings of fact of the executive director or the commission after notice and*
20 *hearing shall be conclusive if supported by substantial evidence in the record when the*
21 *record is viewed as a whole.*

1 SEC. 20. Section four hundred fifty-five B point forty-nine (455B.49), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. If the attorney general has instituted legal proceedings in
4 accordance with this section, all related issues which could otherwise be raised by
5 the alleged violator in a proceeding for judicial review under section four hundred
6 fifty-five B point thirty-nine (455B.39) of the Code shall be raised in the legal
7 proceedings instituted in accordance with this section.

1 SEC. 21. Chapter four hundred fifty-five B (455B), Division three (III), part
2 one (1), Code 1975, is amended by adding the following new section:

3 NEW SECTION. **Variations and exemptions.** The commission may, after public
4 notice and hearing, grant exemptions from a maximum contaminant level or
5 treatment technique, or both. The commission may also grant a variance from
6 drinking water standards for public water supply systems when the characteristics
7 of the raw water sources, which are available to a system, cannot meet the
8 requirements with respect to maximum contaminant level of such standards
9 despite application of the best treatment techniques which are generally available
10 and provided that the commission determines that the variance will not result in
11 an unreasonable risk to the public health. A schedule of compliance may be
12 prescribed by the commission, at the time the variance or exemption is granted.
13 The commission shall also require such interim measures to minimize the
14 contaminant levels of systems subject to the variance or exemption as may
15 reasonably be implemented.

1 SEC. 22. Section four hundred fifty-five B point seventy-four (455B.74), Code
2 1975, is amended to read as follows:

3 **455B.74 Prior rules.** Any rule adopted or order ~~or permit~~ issued under
4 chapters 136A, 455B and 455C of prior Codes, by the Iowa water pollution
5 control commission or by the state department of health, shall remain effective
6 until modified or rescinded by action of the water quality commission unless such
7 rule is inconsistent or contrary to this division ~~III~~. *Any permit issued under chapter*
8 *four hundred fifty-five B (455B) of prior Codes shall remain effective until modified or*
9 *revoked by the executive director.*

1 SEC. 23. Section four hundred fifty-five B point thirty-two (455B.32),
2 subsection four (4), and sections four hundred fifty-five B point thirty-seven
3 (455B.37), four hundred fifty-five B point thirty-eight (455B.38), four hundred
4 fifty-five B point forty-three (455B.43), four hundred fifty-five B point sixty-five
5 (455B.65), and four hundred fifty-five B point sixty-six (455B.66), Code 1975, are
6 repealed.

Approved June 23, 1976

CHAPTER 1205

CONSERVATION COMMISSION, SOIL CONSERVATION AND
DEVELOPMENT COMMISSION

H. F. 1558

AN ACT appropriating funds for public projects under the jurisdiction of the state conservation
commission, the sewage works construction fund, the department of soil conservation, and the
Iowa development commission; and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. There is appropriated from the general fund of the state for the
2 fiscal period beginning July 1, 1976, and ending June 30, 1979, except as provided
3 in subsection three (3) of this section, to the following named agencies for the
4 purposes indicated, the following amounts, or so much thereof as is necessary:

5 1. STATE CONSERVATION COMMISSION
6 For construction, replacement, development and alterations to state
7 parks and preserves, state forestry facilities and state waters including
8 artificial lake development; erosion and siltation control; river, stream
9 and lake access; land acquisition; publications; and engineering and
10 planning services or to supplement any prior appropriation for such
11 purposes \$ 4,000,000

12 2. SEWAGE WORKS CONSTRUCTION FUND
13 a. For the purpose of providing the state's twenty-five percent of the
14 eligible cost of eligible projects as defined under section four hundred
15 fifty-five B point sixty-seven (455B.67), subsection four (4) of the
16 Code, attributable to the period July 1, 1966 through June 30, 1969 \$ 20,000

17 b. For payments to the governing bodies responsible for publicly-
18 owned sewage treatment facilities which are eligible for seventy-five
19 percent grants under the federal Water Pollution Act amendments of
20 1972, eighty-six (86) Stat. eight hundred sixteen (816), in an amount
21 equal to five percent of the amount approved as the eligible cost of the
22 project by the Iowa water pollution control commission \$ 6,000,000

23 3. DEPARTMENT OF SOIL CONSERVATION
24 For cost sharing to provide state funding of not to exceed fifty
25 percent of the approved cost of permanent soil conservation practices
26 instituted under chapter four hundred sixty-seven A (467A) of the
27 Code with priority given to projects on watersheds above state-owned
28 lakes and to the owner-operated or family-operated farms, except that
29 not more than five percent of the amount herein appropriated may be
30 used for cost sharing to abate complaints filed under sections four
31 hundred sixty-seven A point forty-seven (467A.47) and four hundred
32 sixty-seven A point forty-eight (467A.48) of the Code \$ 4,000,000
33 Unencumbered or unobligated funds appropriated by this subsection