

*See Natural Resources 3/29  
Do Pass 4/4 (p. 1347)  
" " 1/23 (p. 188)*

FILED MAR 20 1979

SENATE FILE 436

By COMMITTEE ON NATURAL  
RESOURCES *approved 3/1/79*  
*(p. 874)*

Passed Senate, Date 3-26-79 (p. 752) *Failed* Passed House, Date 1-25-80 (p. 205)  
Vote: Ayes 46 Nays 0 Vote: Ayes 46 Nays 10  
Approved \_\_\_\_\_  
*motion to reconsider*

# A BILL FOR

1 An Act relating to the department of environmental quality's  
2 authority over public water supply systems.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section four hundred fifty-five B point thirty-  
2 three (455B.33), subsection four (4), unnumbered paragraph  
3 one (1), Code 1979, is amended to read as follows:

4 Approve or disapprove the plans and specifications for  
5 the construction of disposal systems or public water supply  
6 ~~distribution~~ systems except for those sewer extensions and  
7 water supply distribution system extensions which are reviewed  
8 by a city or county public works department as set forth in  
9 section 455B.45. The director shall issue, revoke, suspend,  
10 modify or deny permits for the operation, installation,  
11 construction, addition to or modification of any disposal  
12 system or public water supply ~~distribution~~ system except for  
13 sewer extensions and water supply distribution system  
14 extensions which are reviewed by a city or county public works  
15 department as set forth in section 455B.45. The director  
16 shall also issue, revoke, suspend, modify or deny permits  
17 for the discharge of any pollutant. Such permits shall contain  
18 such conditions and schedules of compliance as are necessary  
19 to meet the requirements of this part of this division and  
20 the federal Water Pollution Control Act amendments of 1972.  
21 A permit shall not be issued to operate or discharge from  
22 any disposal system unless the conditions of the permit assure  
23 that any discharge from the disposal system meets or will  
24 meet all applicable state and federal water quality standards  
25 and effluent standards and the issuance of the permit is not  
26 otherwise prohibited by the federal Water Pollution Control  
27 Act amendments of 1972. All applications for discharge permits  
28 shall be subject to public notice and opportunity for public  
29 participation including public hearing as the commission may  
30 by rule require. The executive director shall promptly notify  
31 the applicant in writing of her or his action and, if the  
32 permit is denied, state the reasons for denial. The applicant  
33 may appeal to the commission from the denial of a permit or  
34 from any condition in any permit if he or she files notice  
35 of appeal with the executive director within thirty days of

1 the notice of denial or issuance of the permit. The executive  
2 director shall notify the applicant within thirty days of  
3 the time and place of the hearing.

4 Sec. 2. Section four hundred fifty-five B point forty-  
5 five (455B.45), Code 1979, is amended to read as follows:

6 455B.45 WRITTEN PERMITS REQUIRED.

7 1. It shall be unlawful to carry on any of the following  
8 activities without first securing a written permit from the  
9 executive director, or from a city or county public ~~public~~  
10 works department if such local public works department reviews  
11 the activity under this section, as required by the commission:

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

18 2 b. The construction or use of any new point source for  
19 the discharge of any pollutant into any water of the state.

20 3 c. The operation of any waste disposal system or public  
21 water supply ~~distribution~~ system or any part of or extension  
22 or addition to such system. This provision shall not apply  
23 to any pretreatment system the effluent of which is to be  
24 discharged directly to another disposal system for final  
25 treatment and disposal.

26 2. Upon adoption of standards by the commission pursuant  
27 to section 455B.32, subsections 8 to 11, plans and  
28 specifications for sewer extensions and water supply  
29 distribution system extensions covered by this section shall  
30 be submitted to the city or county public works department  
31 for approval if the local public works department employs  
32 a qualified, registered engineer who reviews the plans and  
33 specifications using the specific state standards known as  
34 the Iowa Standards for Sewer Systems and the Iowa Standards  
35 for Water Supply Distribution Systems that have been formulated

1 and adopted by the commission pursuant to section 455B.32,  
2 subsections 8 to 11. The reviewing engineer shall be a full-  
3 time employee of the governmental subdivision and the  
4 qualifications of that engineer shall be submitted to the  
5 executive director or ~~his~~ the director's designee for approval  
6 prior to issuing written permits. The local agency shall  
7 issue a written permit to construct if:

8 a. The submitted plans and specifications are in  
9 substantial compliance with departmental rules and the Iowa  
10 Standards for Sewer Systems and the Iowa Standards for Water  
11 Supply Distribution Systems.

12 b. The extensions primarily serve residential consumers  
13 and will not result in an increase greater than five percent  
14 of the capacity of the treatment works or serve more than  
15 two hundred fifty dwelling units or, in the case of an  
16 extension to a water supply distribution system, such extension  
17 will have a capacity of less than five percent of such system  
18 or will serve fewer than two hundred fifty dwelling units;  
19 and

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

23 d. The proposed water supply distribution system extension  
24 will not exceed the production capacity of any public water  
25 supply ~~distribution~~ system constructed after 1972.

26 3. After issuing a permit, the city or county public works  
27 department shall notify the director of such issuance by  
28 forwarding a copy of the permit to the director. In addition,  
29 the local agency shall submit quarterly reports to the director  
30 including such information as capacity of local treatment  
31 plants and production capacity of public water supply  
32 ~~distribution~~ systems as well as other necessary information  
33 requested by the director for the purpose of implementing  
34 this chapter.

35 4. Plans and specifications for all other waste disposal

1 systems and public water supply ~~distribution~~ systems, including  
2 sewer extensions and water supply distribution system  
3 extensions not reviewed by a city or county public works  
4 department under this section, shall be submitted to the  
5 department before a written permit may be issued. The  
6 construction of any such waste disposal system or public water  
7 supply ~~distribution~~ system shall be in accordance with  
8 standards formulated and adopted by the commission pursuant  
9 to section 455B.32, subsections 8 to 11, or otherwise approved  
10 by the department. If it is necessary or desirable to make  
11 material changes in such plans or specifications, revised  
12 plans or specifications together with reasons for the proposed  
13 changes must be submitted to the department for a supplemental  
14 written permit.

15 5. Prior to the adoption of statewide standards, the  
16 department may delegate the authority to review plans and  
17 specifications to those governmental subdivisions if in  
18 addition to compliance with subsection 3 that governmental  
19 subdivision agrees to comply with all state and federal  
20 regulations and submits a plan for the review of plans and  
21 specifications including a complete set of local standard  
22 specifications for such improvements.

23 6. The director may suspend or revoke delegation of review  
24 and permit authority after notice and hearing as set forth  
25 in chapter 17A if the director determines that a city or  
26 county public works department has approved extensions which  
27 do not comply with design criteria, which exceed the capacity  
28 of waste treatment plants or the production capacity of public  
29 water supply ~~distribution~~ systems or which otherwise violate  
30 state or federal requirements.

31 7. The department shall exempt any public water system  
32 from any requirement respecting a maximum contaminant level  
33 or any treatment technique requirement of an applicable  
34 national drinking water regulation insofar as these regulations  
35 apply to contaminants which the commission determines are

1 harmless or beneficial to the health of consumers, when the  
2 owner of a public water supply system determines that funds  
3 are not reasonably available to provide for controlling amounts  
4 of those contaminants which are harmless or beneficial to  
5 the health of consumers.

6 Sec. 3. This Act, being deemed of immediate importance,  
7 shall take effect from and after its publication in The  
8 Monticello Express, a newspaper published in Monticello, Iowa,  
9 and in The Record-Herald and Indianola Tribune, a newspaper  
10 published in Indianola, Iowa.

11 EXPLANATION

12 This bill attempts to clarify the authority of the de-  
13 partment of environmental quality to issue permits for public  
14 water supply systems as authorized under section 455B.32,  
15 subsection 3. As amended in 1976, sections 455B.33 and 455B.45  
16 of the code use the term "water supply distribution systems"  
17 rather than the term "public water supply systems" which  
18 raises doubt as to the specific authority of the department.  
19 This bill substitutes the term "public water supply system"  
20 for the term "water supply distribution system". The authority  
21 of local public works departments to issue permits for sewer  
22 and water main extensions is not affected. The terms "public  
23 water supply system" and "water supply distribution system  
24 extension" are defined in section 455B.30 of the Code.

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SENATE FILE 436

H-5062

1 Amend Senate File 436 as passed by the Senate as  
2 follows:  
3 1. Page 5, line 5, by inserting after the word  
4 "consumers." the words "The department shall not make  
5 the test results regarding that requirement available  
6 to the public until after a determination on the  
7 granting of the exemption is made. If the exemption  
8 is granted the permit of the public water supply  
9 system shall be approved or remain approved in the  
10 same manner as any other public water supply system  
11 that is in compliance with the requirements."

H-5062 FILED - *Lost 1/25 (g. 204)*  
JANUARY 24, 1980

BY MILLER of Buchanan

SENATE FILE 436

H-5063

1 Amend Senate File 436 as passed by the Senate as  
2 follows:  
3 1. Page 1, by inserting before line 1 the follow-  
4 ing:  
5 "Section 1. Section four hundred fifty-five B  
6 point thirty-two (455B.32), subsection eight (8),  
7 Code 1979, as that section is amended by Acts of the  
8 Sixty-eighth General Assembly, 1979 Session, chapter  
9 twelve (12), section sixteen (16), is amended to read  
10 as follows:  
11 8. Establish, modify or repeal rules relating  
12 to drinking water standards for public water supply  
13 systems. Such standards shall specify maximum  
14 contaminant levels or treatment techniques necessary  
15 to protect the public health and welfare. The drinking  
16 water standards must assure compliance with federal  
17 drinking water standards adopted pursuant to the  
18 federal Safe Drinking Water Act. A rule proposed  
19 under this subsection shall be sent to the members  
20 of the standing committee in each house of the general  
21 assembly that is responsible for natural resources  
22 accompanied by an economic impact statement in the  
23 manner provided in section seventeen A point four  
24 (17A.4), subsection one (1), paragraph c of the Code  
25 at the same time the proposed rule is filed with the  
26 administrative rules coordinator."  
27 2. By renumbering the sections to conform with  
28 this amendment.

H-5063 FILED *Adopted 1/25 (g. 203)* BY MILLER of Buchanan  
JANUARY 24, 1980

*Placed to remainder*

SENATE FILE 436

1 Amend Senate File 436 as passed by the Senate as  
2 follows:

3 1. Page 1, line 17, by inserting after the word  
4 "pollutant." the words "The director shall also suspend  
5 the permit or modify the permit to require that the  
6 payment of property taxes be given priority over other  
7 payments if the county auditor certifies to the director  
8 that the public water supply system is delinquent in the  
9 payment of property taxes."

H-3989 FILED *Adopted 1/25/80 (p. 203)* BY DAVITT of Warren  
APRIL 18, 1979

SENATE FILE 436

H-5132

1 Amend Senate File 436 as passed by the Senate as  
2 follows:  
3 1. Page 5, by inserting after line 5 the following:  
4 "Sec. \_\_\_\_ . Section four hundred fifty-five B point  
5 fifty-three (455B.53), Code 1979, is amended to read  
6 as follows:  
7 455B.53 BOARD. The governor shall appoint, subject  
8 to the approval of two-thirds of the members of the  
9 senate, a board of certification consisting of the  
10 following ~~five~~ seven members:  
11 1. One member who is a waterworks operator holding  
12 a valid certificate of the highest classification  
13 issued by the department.  
14 2. One member who is a waterworks operator holding  
15 a valid certificate and currently working for a water  
16 system in a city of three thousand or less population.  
17 2 3. One member who is a waste waterworks operator  
18 holding a valid certificate of the highest  
19 classification issued by the department.  
20 4. One member who is a waste waterworks operator  
21 holding a valid certificate and currently working  
22 for a waste water system in a city of three thousand  
23 or less population.  
24 3 5. One member employed by the department who  
25 is qualified in water and waste waterworks operation.  
26 4 6. Two members who shall not be certificated  
27 waterworks operators or certificated waste waterworks  
28 operators, but who shall be interested and  
29 knowledgeable in water supply or waste water collection  
30 and treatment, and who shall represent the general  
31 public.  
32 The members prescribed in subsections 1 to 3 five  
33 (5) shall have been engaged in the practice of their  
34 professions for five years preceding their  
35 appointments, the last two years of which shall have  
36 been in Iowa.  
37 Professional associations or societies composed  
38 of waterworks operators or waste waterworks operators  
39 may recommend the names of potential board members  
40 to the governor, but the governor shall not be bound  
41 by the recommendations. Members of the board shall  
42 not be required to be members of any such associations  
43 or societies.  
44 The members of the board shall be appointed for  
45 three-year terms. Any vacancy shall be filled by  
46 appointment for the unexpired term. Members shall  
47 be limited to serving three terms or nine years,  
48 whichever is less."  
49 2. By renumbering the sections to conform with  
50 this amendment.

SENATE FILE 436

H-5065

1 Amend Senate File 436 as passed by the Senate as  
2 follows:

3 1. Page 1, line 2, by striking the word  
4 "subsection" and inserting in lieu thereof the words  
5 "subsection two (2) and subsection".

6 2. Page 1, line 3, by striking the word "is" and  
7 inserting in lieu thereof the word "are".

8 3. Page 1, by inserting after line 3, the follow-  
9 ing:

10 "2. Conduct periodic surveys and inspection of  
11 the construction, operation, self-monitoring, record  
12 keeping and reporting of all public water supply  
13 systems and all disposal systems except as provided  
14 in section 455B.45. If a chemical test is required  
15 of the water in a public water supply system, including  
16 those under section four hundred fifty-five B point  
17 forty-five (455E.45) of the Code, the sample shall  
18 be collected and the cost of the test paid by the  
19 department unless the public water supply system is  
20 in a city having a population of twenty thousand or  
21 more."

H-5065 FILED  
JANUARY 25, 1980  
ADOPTED (p. 204)

BY MILLER of Buchanan

*Article to be amended*

SENATE FILE 436

H-5094

1 Amend amendment H-5062 to page 5 of Senate File  
2 436 as follows:

3 1. By striking lines 3 through 11 and inserting  
4 in lieu thereof the following:

5 "1. Page 5, line 5, by inserting after the word  
6 "consumers." the words "The department may make the  
7 raw test results public, however, the department  
8 shall not issue any approval or disapproval until  
9 after a determination on the granting of an exemption  
10 is made. All public water supply systems exempted  
11 shall be approved or remain approved in the same  
12 manner as any other public water supply system that  
13 is in compliance with the requirements of this  
14 chapter."

H-5094 FILED  
JANUARY 30, 1980

BY SMALLEY of Polk  
MILLER of Buchanan

SENATE FILE 436

H-5095

1 Amend amendment H-5063 to page 1 of Senate File  
2 436, as follows:

3 1. By striking lines 18 through 26 and insert  
4 in lieu thereof the following: "Rules proposed under  
5 this subsection which would require an appropriation  
6 to be operative shall not become effective until  
7 monies to implement the rules are appropriated."

H-5095 FILED

BY SMALLEY of Polk  
MILLER of Buchanan