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SENATE FILE 2167

BY COMMITTEE ON NATURAL RESOURCES

(FORMERLY SSB 2136)

Approved 2/11 (p. 377)

Sub for H. F. 2417

Passed Senate, Date 2-26-82 (p. 324) Passed House, Date 3-10-82 (p. 750)

Vote: Ayes 42 Nays 0 Vote: Ayes 89 Nays 2

Approved March 26, 1982 (p. 741)

A BILL FOR

1 An Act to update references to the federal Water Pollution
2 Control Act in chapter 455B.

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

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1 Section 1. Section 455B.30, Code 1981, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. "Federal Water Pollution Control Act"
4 means the federal Water Pollution Control Act of 1972, Pub.
5 L. 92-500, as published in 33 U.S.C. secs. 1251-1376, as
6 amended through December 31, 1981.

7 Sec. 2. Section 455B.30, subsection 5, Code 1981, is
8 amended to read as follows:

9 5. "Sewer system" means pipelines or conduits, pumping
10 stations, force mains, vehicles, vessels, conveyances,
11 injection wells, and all other constructions, devices and
12 appliances appurtenant thereto used for conducting sewage
13 or industrial waste or other wastes to a point of ultimate
14 disposal or disposal to any water of the state. To the extent
15 that they are not subject to section 402 of the federal Water
16 Pollution Control Act as-amended, ditches, pipes, and drains
17 that serve only to collect, channel, direct, and convey
18 nonpoint runoff from precipitation are not considered as sewer
19 systems for the purposes of this Act. (66GA, ch 1204)

20 Sec. 3. Section 455B.33, subsection 4, unnumbered para-
21 graph 1, Code 1981, is amended to read as follows:

22 Approve or disapprove the plans and specifications for
23 the construction of disposal systems or water supply
24 distribution systems except for those sewer extensions and
25 water supply distribution system extensions which are reviewed
26 by a city or county public works department as set forth in
27 section 455B.45. The director shall issue, revoke, suspend,
28 modify or deny permits for the operation, installation,
29 construction, addition to or modification of any disposal
30 system or water supply distribution system except for sewer
31 extensions and water supply distribution system extensions
32 which are reviewed by a city or county public works department
33 as set forth in section 455B.45. The director shall also
34 issue, revoke, suspend, modify or deny permits for the
35 discharge of any pollutant. ~~Such~~ The permits shall contain

1 such conditions and schedules of compliance as are necessary
2 to meet the requirements of this part of this division and
3 the federal Water Pollution Control Act ~~amendments-of-1972~~.
4 A permit shall not be issued to operate or discharge from
5 any disposal system unless the conditions of the permit assure
6 that any discharge from the disposal system meets or will
7 meet all applicable state and federal water quality standards
8 and effluent standards and the issuance of the permit is not
9 otherwise prohibited by the federal Water Pollution Control
10 Act ~~amendments-of-1972~~. All applications for discharge permits
11 ~~shall-be~~ are subject to public notice and opportunity for
12 public participation including public hearing as the commission
13 may by rule require. The executive director shall promptly
14 notify the applicant in writing of ~~his~~ the director's action
15 and, if the permit is denied, state the reasons for denial.
16 The applicant may appeal to the commission from the denial
17 of a permit or from any condition in any permit if ~~he-or-she~~
18 the applicant files notice of appeal with the executive
19 director within thirty days of the notice of denial or issuance
20 of the permit. The executive director shall notify the
21 applicant within thirty days of the time and place of the
22 hearing.

23 Sec. 4. Section 455B.36, subsection 1, Code 1981, is
24 amended to read as follows:

25 1. The general assembly finds and declares that because
26 the federal Water Pollution Control Act ~~amendments-of-1972~~,
27 ~~Public-law-92-500~~, provide, provides for a permit system to
28 regulate the discharge of pollutants into the waters of the
29 United States and ~~provide~~ provides that permits may be issued
30 by states which are authorized to implement ~~the-provisions~~
31 ~~of~~ that Act, it is in the interest of the people of Iowa to
32 enact ~~the-provisions-of~~ this Act (66GA, ch 1204) in order
33 to authorize the state to implement ~~the-provisions-of~~ the
34 federal Water Pollution Control Act ~~amendments-of-1972-and~~
35 ~~Acts-amendatory-of-supplementary-thereto~~, and federal

1 regulations and guidelines issued pursuant to that Act.

2 Sec. 5. Section 455B.67, subsections 1 and 5, Code 1981,
3 are amended to read as follows:

4 1. "Treatment works" means any plant, disposal field,
5 lagoon, holding or flow-regulating basin, pumping station,
6 interceptor sewer, or other works installed for the purpose
7 of treating, stabilizing, or disposing of sewage, industrial
8 waste, or other wastes, which qualify for federal grants
9 pursuant to the federal ~~water-pollution-Act-of-1956,-as-amended~~
10 Water Pollution Control Act as defined in section 455B.30,
11 or any other federal Act or program.

12 5. "Federal pollution abatement assistance" means funds
13 available to a municipality, either directly or through
14 allocation by the state, from the federal government as grants
15 for construction of sewage treatment works pursuant to the
16 federal ~~water-pollution-Act-of-1956-as-amended~~ Water Pollution
17 Control Act as defined in section 455B.30.

18 EXPLANATION

19 This bill updates references to the federal Water Pollution
20 Control Act to include all amendments through December 31,
21 1981 in chapter 455B which governs the department of
22 environmental quality.

23 The bill takes effect July 1 following enactment.

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SENATE FILE 2167

AN ACT

TO UPDATE REFERENCES TO THE FEDERAL WATER POLLUTION CONTROL ACT IN CHAPTER 455B.

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

Section 1. Section 455B.30, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Federal Water Pollution Control Act" means the federal Water Pollution Control Act of 1972, Pub. L. 92-500, as published in 33 U.S.C. secs. 1251-1376, as amended through December 31, 1981.

Sec. 2. Section 455B.30, subsection 5, Code 1981, is amended to read as follows:

5. "Sewer system" means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the federal Water

Pollution Control Act ~~as amended~~, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of this Act. (66GA, ch 1204)

Sec. 3. Section 455B.33, subsection 4, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Approve or disapprove the plans and specifications for the construction of disposal systems or water supply distribution systems except for those sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.45. The director shall issue, revoke, suspend, modify or deny permits for the operation, installation, construction, addition to or modification of any disposal system or water supply distribution system except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.45. The director shall also issue, revoke, suspend, modify or deny permits for the discharge of any pollutant. ~~Such~~ The permits shall contain ~~such~~ conditions and schedules of compliance as ~~are~~ necessary to meet the requirements of this part of this division and the federal Water Pollution Control Act ~~amendments-of-1972~~. A permit shall not be issued to operate or discharge from any disposal system unless the conditions of the permit assure that any discharge from the disposal system meets or will meet all applicable state and federal water quality standards and effluent standards and the issuance of the permit is not otherwise prohibited by the federal Water Pollution Control Act ~~amendments-of-1972~~. All applications for discharge permits ~~shall-be~~ are subject to public notice and opportunity for public participation including public hearing as the commission may by rule require. The executive director shall promptly notify the applicant in writing of ~~his~~ the director's action and, if the permit is denied, state the reasons for denial.

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The applicant may appeal to the commission from the denial of a permit or from any condition in any permit if ~~he or she~~ the applicant files notice of appeal with the executive director within thirty days of the notice of denial or issuance of the permit. The executive director shall notify the applicant within thirty days of the time and place of the hearing.

Sec. 4. Section 455B.36, subsection 1, Code 1981, is amended to read as follows:

1. The general assembly finds and declares that because the federal Water Pollution Control Act ~~amendments of 1972, Public Law 92-500, provide,~~ provides for a permit system to regulate the discharge of pollutants into the waters of the United States and provide provides that permits may be issued by states which are authorized to implement ~~the provisions~~ of that Act, it is in the interest of the people of Iowa to enact ~~the provisions of~~ this Act (66GA, ch 1204) in order to authorize the state to implement ~~the provisions of~~ the federal Water Pollution Control Act ~~amendments of 1972 and Acts amendatory or supplementary thereto,~~ and federal regulations and guidelines issued pursuant to that Act.

Sec. 5. Section 455B.67, subsections 1 and 5, Code 1981, are amended to read as follows:

1. "Treatment works" means any plant, disposal field, lagoon, holding or flow-regulating basin, pumping station, interceptor sewer, or other works installed for the purpose of treating, stabilizing, or disposing of sewage, industrial waste, or other wastes, which qualify for federal grants pursuant to the federal ~~water-pollution-Act-of-1956-as-amended~~ Water Pollution Control Act as defined in section 455B.30. or any other federal Act or program.

5. "Federal pollution abatement assistance" means funds available to a municipality, either directly or through allocation by the state, from the federal government as grants for construction of sewage treatment works pursuant to the

~~federal water-pollution-Act-of-1956-as-amended~~ Water Pollution Control Act as defined in section 455B.30.

TERRY E. BRANSTAD
President of the Senate

DEIWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2167, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved March 26, 1982

ROBERT D. RAY
Governor