

FILED FEB 19 1990

SENATE FILE 2391
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 2269)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing the department of natural resources to issue
2 operating permits for air contaminant sources and subjecting
3 violators to existing penalties.

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

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SF 2391

1 Section 1. Section 455B.134, subsection 3, unnumbered
2 paragraph 1, Code 1989, is amended to read as follows:

3 Grant, modify, or deny permits for the construction and
4 operation of new or modified air contaminant sources and for
5 related control equipment, and conditional permits for
6 electric power generating facilities subject to chapter 476A
7 and other major stationary sources, subject to the rules
8 adopted by the commission. The department shall furnish
9 necessary application forms for such permits.

10 Sec. 2. Section 455B.134, subsection 3, Code 1989, is
11 amended by adding the following new paragraph after paragraph
12 d and relettering the subsequent paragraph:

13 NEW PARAGRAPH. e. An air contaminant source for which a
14 construction permit or conditional permit has been issued,
15 shall not be operated unless an operation permit has been
16 issued for the source. An operation permit shall contain
17 conditions and schedules of compliance necessary to ensure
18 that the contaminant source will meet all applicable

5374 19 standards. When a new air contaminant source is proposed, the
20 director shall issue an operation permit concurrently with the
21 issuance of a construction permit for the source if
5374 22 appropriate.

23 Sec. 3. Section 455B.134, subsection 9, Code 1989, is
24 amended to read as follows:

25 9. Issue orders consistent with rules to cause the
26 abatement or control of air pollution or to secure compliance
27 with permit conditions. In making the orders, the director
28 shall consider the facts and circumstances bearing upon the
29 reasonableness of the emissions involved, including but not
30 limited to, the character and degree of injury to, or
31 interference with, the protection of health and the physical
32 property of the public, the practicability of reducing or
33 limiting the emissions from the air pollution source, and the
34 suitability or unsuitability of the air pollution source to
35 the area where it is located. An order may include advisory

1 recommendations for the control of emissions from an air
2 contaminant source and the reduction of the emission of air
3 contaminants.

4 Sec. 4. Section 455B.141, Code 1989, is amended to read as
5 follows:

6 455B.141 LEGAL ACTION.

7 If action to prevent, control, or abate air pollution is
8 not taken in accordance with the rules established, or orders
9 or permits issued by the department, or if the director has
10 evidence that an emergency exists by reason of air pollution
11 which requires immediate action to protect the public health
12 or property, the attorney general, at the request of the
13 director, shall commence legal action, in the name of the
14 state, for an injunction to prevent any further or continued
15 violation of such the rule, or order, or permit conditions.

16 EXPLANATION

17 This bill authorizes the department of natural resources to
18 issue operation permits for new or modified air contaminant
19 sources as well as construction permits. The construction and
20 operation permits for an air contaminant source are to be
21 issued concurrently when this procedure is appropriate.
22 Operating a facility without a required operation permit will
23 subject the violator to the same penalty or injunctive relief
24 as provided for constructing an air contaminant source without
25 a permit.

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SENATE FILE 2391

S-5374

1 Amend Senate File 2391 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "standards." the following: "In the case of a
4 construction permit in existence prior to July 1,
5 1990, the conditions of the operation permit initially
6 issued for a facility shall be the same as those
7 contained in any existing construction permit. The
8 conditions in all existing construction permits for
9 all contaminant sources in a facility may be
10 incorporated into a single operating permit."

11 2. Page 1, line 22, by inserting after the word
12 "appropriate." the following: "To the extent the
13 specific data and information has been previously
14 submitted under a construction or conditional permit
15 to the department, the data and information need not
16 be resubmitted without a specific request by the
17 department. Draft operation permits shall be provided
18 to the source for review prior to issuance."

By MICHAEL E. GRONSTAL

S-5374 FILED MARCH 7, 1990

GRONSTAL, CH.
DELUHERY
RIFE

SSB 2269
ENVIRONMENT & ENERGY
UTILITIES

SENATE FILE 2391
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL BY
CHAIRPERSON DELUHERY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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