

WITHDRAWN

SENATE FILE 2229
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
approved (p 518)
(SUCCESSOR TO SSB 2197)

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

A BILL FOR

1 An Act relating to the authorization of actions by the department
2 of natural resources regarding the federal Clean Air Act as
3 amended to January 1, 1991, and providing penalties.

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

5
6
7
8
9

SENATE FILE 2229

S-5382

- 1 Amend Senate File 2229 as follows:
- 2 1. Page 1, by striking lines 1 through 15.
- 3 2. By renumbering as necessary.

By RICHARD J. VARN

S-5382 FILED MARCH 25, 1992

Adopted 3/27 (p 1043)

16
17
18
19
20
21
22

SP 2229

WITHDRAWN

1 Section 1. Section 455B.103A, subsection 1, unnumbered
2 paragraph 1, Code Supplement 1991, is amended to read as
3 follows:

4 If a permit is required pursuant to this chapter for
5 stormwater discharge or an air contaminant source and a
6 facility to be permitted is representative of a class of
7 facilities which could be described and conditioned by a
8 single permit, the director may issue, modify, deny, or revoke
9 a general permit for all of the following conditions:

10 Sec. 2. Section 455B.103A, Code Supplement 1991, is
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 5. The enforcement provisions of division
13 III, part 1, apply to general permits for stormwater
14 discharge. The enforcement provisions of division II apply to
15 general permits for air contaminant sources.

16 Sec. 3. Section 455B.133, subsection 2, Code Supplement
17 1991, is amended to read as follows:

18 2. Adopt, amend, or repeal rules pertaining to the
19 evaluation, abatement, control, and prevention of air
20 pollution. The rules may include those that are necessary to
21 obtain approval of the state implementation plan under section
22 110 of the federal Clean Air Act as amended through January 1,
23 ~~1979~~ 1991.

24 Sec. 4. Section 455B.133, subsection 3, Code Supplement
25 1991, is amended to read as follows:

26 3. Adopt, amend, or repeal ambient air quality standards
27 for the atmosphere of this state on the basis of providing air
28 quality necessary to protect the public health and welfare and
29 to reduce emissions contributing to acid rain pursuant to
30 Title IV of the federal Clean Air Act Amendments of 1990.

31 Sec. 5. Section 455B.133, subsection 4, unnumbered
32 paragraph 1, Code Supplement 1991, is amended to read as
33 follows:

34 Adopt, amend, or repeal emission limitations or standards
35 relating to the maximum quantities of air contaminants that

1 may be emitted from any air contaminant source. The standards
2 or limitations adopted under this section shall not exceed the
3 standards or limitations promulgated by the administrator of
4 the United States environmental protection agency or the
5 requirements of the federal Clean Air Act as amended to
6 January 1, 1999 1991. This does not prohibit the commission
7 from adopting a standard for a source or class of sources for
8 which the United States environmental protection agency has
9 not promulgated a standard. This also does not prohibit the
10 commission from adopting an emission standard or limitation
11 for infectious medical waste treatment or disposal facilities
12 which exceeds the standards or limitations promulgated by the
13 administrator of the United States environmental protection
14 agency or the requirements of the federal Clean Air Act as
15 amended to January 1, 1991. The commission shall not adopt an
16 emission standard or limitation for infectious medical waste
17 treatment or disposal facilities prior to January 1, 1995,
18 which exceeds the standards or limitations promulgated by the
19 administrator of the United States environmental protection
20 agency or the requirements of the federal Clean Air Act, as
21 amended to January 1, 1991, for a hospital, or a group of
22 hospitals, licensed under chapter 135B which has been
23 operating an infectious medical waste treatment or disposal
24 facility prior to January 1, 1991.

25 Sec. 6. Section 455B.133, subsection 4, paragraph a,
26 subparagraph (1), Code Supplement 1991, is amended to read as
27 follows:

28 (1) The commission shall establish standards of
29 performance unless in the judgment of the commission it is not
30 feasible to adopt or enforce a standard of performance. If it
31 is not feasible to adopt or enforce a standard of performance,
32 the commission may adopt a design, equipment, material, work
33 practice or operational standard, or combination of those
34 standards in order to establish reasonably available control
35 technology or the lowest achievable emission rate in

1 nonattainment areas, or in order to establish best available
2 control technology in areas subject to prevention of
3 significant deterioration review, or in order to adopt the
4 emission limitations promulgated by the administrator of the
5 United States environmental protection agency under section
6 ~~the~~ ~~of~~ the federal Clean Air Act as amended to January
7 1, ~~1979~~ 1991.

8 Sec. 7. Section 455B.133, subsection 8, Code Supplement
9 1991, is amended to read as follows:

10 8. Adopt rules consistent with the federal Clean Air Act
11 Amendments of 1990, Pub. L. No. 101-549, which require the
12 owner or operator of an air contaminant source to obtain an
13 operating permit prior to operation of the source. The rules
14 shall specify the information required to be submitted with
15 the application for a permit and the conditions under which a
16 permit may be granted, modified, suspended, terminated,
17 revoked, reissued, or denied. For sources subject to the
18 provisions of Title IV of the federal Clean Air Act Amendments
19 of 1990, permit conditions shall include emission allowances
20 for sulfur dioxide emissions. The commission may impose fees,
21 including fees upon regulated pollutants emitted from an air
22 contaminant source, in an amount sufficient to cover all
23 reasonable costs, direct and indirect, required to develop and
24 administer the permit program in conformance with the federal
25 Clean Air Act Amendments of 1990, Pub. L. No. 101-549. ~~In the~~
26 ~~case of affected sources and affected~~ Affected units regulated
27 under Title IV of the federal Clean Air Act Amendments of
28 1990, Pub. L. No. 101-549, ~~such fees shall be collected only~~
29 ~~as provided in and upon submission of an application pursuant~~
30 to shall pay operating permit fees in the same manner as other
31 sources subject to operating permit requirements, except as
32 provided in section 408 of the federal Act. The fees
33 collected pursuant to this subsection shall be deposited in
34 the air contaminant source fund created pursuant to section
35 455B.133B, and shall be utilized solely to cover all

1 reasonable costs required to develop and administer the
2 programs required by Title V of the federal Clean Air Act
3 Amendments of 1990, Pub. L. No. 101-549, including the permit
4 program pursuant to section 502 of the federal Act and the
5 small business stationary source technical and environmental
6 assistance program pursuant to section 507 of the federal Act.
7 Sec. 8. Section 455B.134, subsection 3, paragraph e, Code
8 Supplement 1991, is amended to read as follows:

9 e. A regulated air contaminant source for which a
10 construction permit or conditional permit has been issued
11 shall not be operated unless an operating permit also has been
12 issued for the source. However, if the facility was in
13 compliance with permit conditions prior to the requirement for
14 an operating permit and has made timely application for an
15 operating permit, the facility may continue operation until
16 the operating permit is issued or denied. Operating permits
17 shall contain the requisite conditions and compliance
18 schedules to ensure conformance with state and federal
19 requirements including emission allowances for sulfur dioxide
20 emissions for sources subject to Title IV of the federal Clean
21 Air Act Amendments of 1990. If construction of a new air
22 contaminant source is proposed, the department may issue an
23 operating permit concurrently with the construction permit, if
24 possible and appropriate.

25 Sec. 9. NEW SECTION. 455B.146A CRIMINAL ACTION.

26 A person who negligently or knowingly violates any
27 provision of division II of this chapter, any permit, rule,
28 standard, or order issued under division II of this chapter,
29 any condition or limitation included in any permit issued
30 under division II of this chapter, or who negligently or
31 knowingly introduces into the air any pollutant or hazardous
32 substance which the person knew or reasonably should have
33 known could cause personal injury, property damage, or adverse
34 environmental impacts, is guilty of a serious misdemeanor for
35 a negligent violation and is guilty of an aggravated

1 misdemeanor for a knowing violation. A conviction for a
2 negligent violation is punishable by a fine of not more than
3 twenty-five thousand dollars for each day of violation or by
4 imprisonment for not more than one year, or both. If the
5 conviction is for a second or subsequent negligent violation
6 committed by a person under this section, however, the
7 conviction is punishable by a fine of not more than fifty
8 thousand dollars for each day of violation or by imprisonment
9 for not more than two years, or both. A conviction for a
10 knowing violation is punishable by a fine of not more than
11 fifty thousand dollars for each day of violation or by
12 imprisonment for not more than two years, or both. If the
13 conviction is for a second or subsequent knowing violation
14 committed by a person under this section, however, the
15 conviction is punishable by a fine of not more than one
16 hundred thousand dollars for each day of violation or by
17 imprisonment for not more than five years, or both.
18 Notwithstanding sections 137.21, 331.307, and 354.3, and
19 section 903.1, subsection 1, paragraph "a", a city or county
20 which maintains an air pollution control program authorized by
21 a certificate of acceptance under this division may provide
22 criminal penalties consistent with the amount established for
23 such penalties under this division. As used in this section,
24 "hazardous substance" means hazardous substance as defined in
25 section 455B.381 or 455B.411.

26 A person who knowingly makes any false statement,
27 representation, or certification in any application, record,
28 report, plan, or other document filed or required to be
29 maintained under division II of this chapter, or who
30 falsifies, tampers with, or knowingly renders inaccurate any
31 monitoring device or method required to be maintained under
32 division II of this chapter or by any permit, rule,
33 regulation, or order issued under division II of this chapter,
34 shall upon conviction be punished by a fine of not more than
35 ten thousand dollars per violation or by imprisonment in the

1 county jail for not more than six months, or by both.

2 Sec. 10. Section 455B.147, subsection 2, Code 1991, is
3 amended by striking the subsection.

4 Sec. 11. NEW SECTION. 455B.150 SMALL BUSINESS STATIONARY
5 SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE
6 PROGRAM.

7 1. A small business stationary source technical and
8 environmental compliance assistance program as required by the
9 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
10 is established at the university of northern Iowa. The
11 program shall include, but is not limited to, development and
12 implementation of a plan which includes all of the following
13 components:

14 a. Mechanisms for developing, collecting, and coordinating
15 information concerning compliance methods and technologies for
16 small business stationary sources.

17 b. Assistance to small business stationary sources
18 regarding pollution prevention and accidental release
19 detection and prevention, and the provision of information
20 regarding compliance with state and federal regulations,
21 including the obtaining of required permits.

22 c. Mechanisms to assure that small business stationary
23 sources are informed of responsibilities under the federal
24 Clean Air Act Amendments of 1990 and the provision of
25 technical assistance to meet these responsibilities.

26 d. Creation of a compliance advisory panel, pursuant to
27 Title V, section 507(e) of the federal Clean Air Act
28 Amendments of 1990, to review and report on the effectiveness
29 of the program developed under this subsection.

30 2. The governor shall appoint a state liaison for small
31 business stationary sources. The state liaison shall be
32 responsible for providing direct oversight to the small
33 business stationary source technical and environmental
34 compliance assistance program, and shall coordinate activities
35 directly with the governor, the director, the director of the

- 1 department of economic development, and the attorney general.
2 3. The state liaison shall do all of the following:
3 a. Conduct independent evaluations of the assistance
4 program.
5 b. Provide comments and recommendations to the United
6 States environmental protection agency and state and local air
7 pollution control authorities, regarding the development and
8 implementation of regulations that impact small businesses
9 following a review of existing regulations.
10 c. Facilitate and promote the participation of small
11 businesses in the development of new regulations that impact
12 small businesses.
13 d. Assist in providing reports to authorities and the
14 public regarding the applicability of the requirements of the
15 federal Clean Air Act Amendments of 1990 to small businesses.
16 e. Aid in the dissemination of information to small
17 businesses and other interested parties.
18 f. Participate in and sponsor meetings and conferences
19 with state and local regulatory officials, industry groups,
20 and small business representatives.
21 g. Aid in investigating and resolving complaints and
22 disputes from small businesses against state and local air
23 pollution control authorities.
24 h. Periodically review the services provided by the
25 program with trade associations and small business
26 representatives.
27 i. Operate a toll-free telephone hotline to provide free,
28 confidential help regarding individual source problems and
29 grievances.
30 j. Refer small businesses to the appropriate specialist in
31 the program to obtain information and assistance on affordable
32 alternative technologies, process changes, products, and
33 operational methods to reduce air pollution and accidental
34 releases.
35 k. Assist in the preparation of guideline documents by the

1 program and ensure that the language is readily understandable
2 by the lay person.

3 1. Work with trade associations and small businesses to
4 bring about voluntary compliance with regulations under the
5 federal Act.

6 m. Communicate with regional and state offices of the
7 United States small business administration, the United States
8 department of commerce, and other federal agencies that may
9 provide financial assistance programs to assist small
10 businesses in need of funds to comply with environmental
11 regulations.

12 n. Communicate with private sector financial institutions
13 to assist small businesses in locating sources of funds to
14 comply with state and local air pollution control
15 requirements.

16 o. Conduct studies to evaluate the impacts of the federal
17 Clean Air Act Amendments of 1990 on the state's economy, local
18 economies, and small businesses.

19 EXPLANATION

20 This bill provides for the authorization of actions by the
21 department of natural resources necessary to retain delegation
22 of authority to administer the provisions of the federal Clean
23 Air Act as amended to January 1, 1991.

24 The bill provides the department with authority to issue
25 general permits for air contaminant sources; to adopt, amend,
26 or repeal ambient air quality standards to reduce emissions
27 contributing to acid rain as required by the federal Clean Air
28 Act Amendments of 1990; to adopt rules for permit conditions
29 which include emission allowances for sulfur dioxide emissions
30 pursuant to the requirement of the federal Clean Air Act
31 Amendments of 1990; and to establish a small business
32 stationary source technical and environmental compliance
33 assistance program as required by the federal Clean Air Act
34 Amendments of 1990. The bill also establishes criminal
35 penalties for negligent or knowing violations related to air

1 pollutants or hazardous substances and authorizes a city or
2 county which maintains an authorized air pollution control
3 program to provide criminal penalties consistent with those
4 established by the department. The bill also eliminates
5 provisions which require departmental action on construction
6 permits within 120 days or the granting of the permit takes
7 place by default.

SENATE FILE 2229
FISCAL NOTE

A fiscal note for Senate File 2229 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2229 provides authorization for actions of the Department of Natural Resources (DNR) necessary to retain State authority over the provisions of the federal Clean Air Act of 1990. The bill provides for the establishment of a Small Business Stationary Source Technical and Environmental Assistance (SBSSTEAs) Program at the University of Northern Iowa (UNI). The bill also establishes criminal penalties for negligent or knowing violations of air pollution standards.

Fiscal Effect:

The Air Toxics Pollution Act, passed by the 1991 Legislature, provided for the foundation of the air toxic program required by the federal Environmental Protection Agency (EPA) for delegation of air toxic responsibility to the State. This bill makes changes to the state program required by the EPA. The 1991 legislation provided for the funding source for the air toxic program, so there would be no additional revenue needed to implement this bill.

The SBSSTEAs Program at UNI would require \$107,000 per year. A portion of the present Air Toxic Fee of \$25 per ton would be used to fund the Program, so additional revenue would not be necessary.

Source: Department of Natural Resources

(LSB 5248sv, JWR)

FILED MARCH 6, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 5248SV 74

pf/jw/s

VARN, CH.
FRAISE
KERSTEN

SSB 2197
ENVIRONMENT & ENERGY
UTILITIES
Now
SENATE/HOUSE FILE 2229
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the authorization of actions by the department
2 of natural resources regarding the federal Clean Air Act as
3 amended to January 1, 1991, and providing penalties.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 455B.103A, subsection 1, unnumbered
2 paragraph 1, Code Supplement 1991, is amended to read as
3 follows:

4 If a permit is required pursuant to this chapter for
5 stormwater discharge or an air contaminant source and a
6 facility to be permitted is representative of a class of
7 facilities which could be described and conditioned by a
8 single permit, the director may issue, modify, deny, or revoke
9 a general permit for all of the following conditions:

10 Sec. 2. Section 455B.103A, Code Supplement 1991, is
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 5. The enforcement provisions of division
13 III, part 1, apply to general permits for stormwater
14 discharge. The enforcement provisions of division II apply to
15 general permits for air contaminant sources.

16 Sec. 3. Section 455B.133, subsection 2, Code Supplement
17 1991, is amended to read as follows:

18 2. Adopt, amend, or repeal rules pertaining to the
19 evaluation, abatement, control, and prevention of air
20 pollution. The rules may include those that are necessary to
21 obtain approval of the state implementation plan under section
22 110 of the federal Clean Air Act as amended through January 1,
23 1979 1991.

24 Sec. 4. Section 455B.133, subsection 3, Code Supplement
25 1991, is amended to read as follows:

26 3. Adopt, amend, or repeal ambient air quality standards
27 for the atmosphere of this state on the basis of providing air
28 quality necessary to protect the public health and welfare and
29 to reduce emissions contributing to acid rain pursuant to
30 Title IV of the federal Clean Air Act Amendments of 1990.

31 Sec. 5. Section 455B.133, subsection 4, unnumbered
32 paragraph 1, Code Supplement 1991, is amended to read as
33 follows:

34 Adopt, amend, or repeal emission limitations or standards
35 relating to the maximum quantities of air contaminants that

1 may be emitted from any air contaminant source. The standards
 2 or limitations adopted under this section shall not exceed the
 3 standards or limitations promulgated by the administrator of
 4 the United States environmental protection agency or the
 5 requirements of the federal Clean Air Act as amended to
 6 January 1, ~~1990~~ 1991. This does not prohibit the commission
 7 from adopting a standard for a source or class of sources for
 8 which the United States environmental protection agency has
 9 not promulgated a standard. This also does not prohibit the
 10 commission from adopting an emission standard or limitation
 11 for infectious medical waste treatment or disposal facilities
 12 which exceeds the standards or limitations promulgated by the
 13 administrator of the United States environmental protection
 14 agency or the requirements of the federal Clean Air Act as
 15 amended to January 1, 1991. The commission shall not adopt an
 16 emission standard or limitation for infectious medical waste
 17 treatment or disposal facilities prior to January 1, 1995,
 18 which exceeds the standards or limitations promulgated by the
 19 administrator of the United States environmental protection
 20 agency or the requirements of the federal Clean Air Act, as
 21 amended to January 1, 1991, for a hospital, or a group of
 22 hospitals, licensed under chapter 135B which has been
 23 operating an infectious medical waste treatment or disposal
 24 facility prior to January 1, 1991.

25 Sec. 6. Section 455B.133, subsection 4, paragraph a,
 26 subparagraph (1), Code Supplement 1991, is amended to read as
 27 follows:

28 (1) The commission shall establish standards of
 29 performance unless in the judgment of the commission it is not
 30 feasible to adopt or enforce a standard of performance. If it
 31 is not feasible to adopt or enforce a standard of performance,
 32 the commission may adopt a design, equipment, material, work
 33 practice or operational standard, or combination of those
 34 standards in order to establish reasonably available control
 35 technology or the lowest achievable emission rate in

1 nonattainment areas, or in order to establish best available
2 control technology in areas subject to prevention of
3 significant deterioration review, or in order to adopt the
4 emission limitations promulgated by the administrator of the
5 United States environmental protection agency under section
6 ~~111-or-112~~ of the federal Clean Air Act as amended to January
7 1, ~~1979~~ 1991.

8 Sec. 7. Section 455B.133, subsection 8, Code Supplement
9 1991, is amended to read as follows:

10 8. Adopt rules consistent with the federal Clean Air Act
11 Amendments of 1990, Pub. L. No. 101-549, which require the
12 owner or operator of an air contaminant source to obtain an
13 operating permit prior to operation of the source. The rules
14 shall specify the information required to be submitted with
15 the application for a permit and the conditions under which a
16 permit may be granted, modified, suspended, terminated,
17 revoked, reissued, or denied. For sources subject to the
18 provisions of Title IV of the federal Clean Air Act Amendments
19 of 1990, permit conditions shall include emission allowances
20 for sulfur dioxide emissions. The commission may impose fees,
21 including fees upon regulated pollutants emitted from an air
22 contaminant source, in an amount sufficient to cover all
23 reasonable costs, direct and indirect, required to develop and
24 administer the permit program in conformance with the federal
25 Clean Air Act Amendments of 1990, Pub. L. No. 101-549. ~~In the~~
26 ~~case of affected sources and affected~~ Affected units regulated
27 under Title IV of the federal Clean Air Act Amendments of
28 1990, Pub. L. No. 101-549, ~~such fees shall be collected only~~
29 ~~as provided in and upon submission of an application pursuant~~
30 to shall pay operating permit fees in the same manner as other
31 sources subject to operating permit requirements, except as
32 provided in section 408 of the federal Act. The fees
33 collected pursuant to this subsection shall be deposited in
34 the air contaminant source fund created pursuant to section
35 455B.133B, and shall be utilized solely to cover all

1 reasonable costs required to develop and administer the
2 programs required by Title V of the federal Clean Air Act
3 Amendments of 1990, Pub. L. No. 101-549, including the permit
4 program pursuant to section 502 of the federal Act and the
5 small business stationary source technical and environmental
6 assistance program pursuant to section 507 of the federal Act.

7 Sec. 8. Section 455B.134, subsection 3, paragraph e, Code
8 Supplement 1991, is amended to read as follows:

9 e. A regulated air contaminant source for which a
10 construction permit or conditional permit has been issued
11 shall not be operated unless an operating permit also has been
12 issued for the source. However, if the facility was in
13 compliance with permit conditions prior to the requirement for
14 an operating permit and has made timely application for an
15 operating permit, the facility may continue operation until
16 the operating permit is issued or denied. Operating permits
17 shall contain the requisite conditions and compliance
18 schedules to ensure conformance with state and federal
19 requirements including emission allowances for sulfur dioxide
20 emissions for sources subject to Title IV of the federal Clean
21 Air Act Amendments of 1990. If construction of a new air
22 contaminant source is proposed, the department may issue an
23 operating permit concurrently with the construction permit, if
24 possible and appropriate.

25 Sec. 9. NEW SECTION. 455B.146A CRIMINAL ACTION.

26 A person who negligently or knowingly violates any
27 provision of division II of this chapter, any permit, rule,
28 standard, or order issued under division II of this chapter,
29 any condition or limitation included in any permit issued
30 under division II of this chapter, or who negligently or
31 knowingly introduces into the air any pollutant or hazardous
32 substance which the person knew or reasonably should have
33 known could cause personal injury, property damage, or adverse
34 environmental impacts, is guilty of a serious misdemeanor for
35 a negligent violation and is guilty of an aggravated

1 misdemeanor for a knowing violation. A conviction for a
2 negligent violation is punishable by a fine of not more than
3 twenty-five thousand dollars for each day of violation or by
4 imprisonment for not more than one year, or both. If the
5 conviction is for a second or subsequent negligent violation
6 committed by a person under this section, however, the
7 conviction is punishable by a fine of not more than fifty
8 thousand dollars for each day of violation or by imprisonment
9 for not more than two years, or both. A conviction for a
10 knowing violation is punishable by a fine of not more than
11 fifty thousand dollars for each day of violation or by
12 imprisonment for not more than two years, or both. If the
13 conviction is for a second or subsequent knowing violation
14 committed by a person under this section, however, the
15 conviction is punishable by a fine of not more than one
16 hundred thousand dollars for each day of violation or by
17 imprisonment for not more than five years, or both.
18 Notwithstanding sections 137.21, 331.307, and 364.3, and
19 section 903.1, subsection 1, paragraph "a", a city or county
20 which maintains an air pollution control program authorized by
21 a certificate of acceptance under this division may provide
22 criminal penalties consistent with the amount established for
23 such penalties under this division. As used in this section,
24 "hazardous substance" means hazardous substance as defined in
25 section 455B.381 or 455B.411.

26 A person who knowingly makes any false statement,
27 representation, or certification in any application, record,
28 report, plan, or other document filed or required to be
29 maintained under division II of this chapter, or who
30 falsifies, tampers with, or knowingly renders inaccurate any
31 monitoring device or method required to be maintained under
32 division II of this chapter or by any permit, rule,
33 regulation, or order issued under division II of this chapter,
34 shall upon conviction be punished by a fine of not more than
35 ten thousand dollars per violation or by imprisonment in the

2197

1 county jail for not more than six months, or by both.

2 Sec. 10. Section 455B.147, subsection 2, Code 1991, is
3 amended by striking the subsection.

4 Sec. 11. NEW SECTION. 455B.150 SMALL BUSINESS STATIONARY
5 SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE
6 PROGRAM.

7 1. A small business stationary source technical and
8 environmental compliance assistance program as required by the
9 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
10 is established at the university of northern Iowa. The
11 program shall include, but is not limited to, development and
12 implementation of a plan which includes all of the following
13 components:

14 a. Mechanisms for developing, collecting, and coordinating
15 information concerning compliance methods and technologies for
16 small business stationary sources.

17 b. Assistance to small business stationary sources
18 regarding pollution prevention and accidental release
19 detection and prevention, and the provision of information
20 regarding compliance with state and federal regulations,
21 including the obtaining of required permits.

22 c. Mechanisms to assure that small business stationary
23 sources are informed of responsibilities under the federal
24 Clean Air Act Amendments of 1990 and the provision of
25 technical assistance to meet these responsibilities.

26 d. Creation of a compliance advisory panel, pursuant to
27 Title V, section 507(e) of the federal Clean Air Act
28 Amendments of 1990, to review and report on the effectiveness
29 of the program developed under this subsection.

30 2. The governor shall appoint a state liaison for small
31 business stationary sources. The state liaison shall be
32 responsible for providing direct oversight to the small
33 business stationary source technical and environmental
34 compliance assistance program, and shall coordinate activities
35 directly with the governor, the director, the director of the

- 1 department of economic development, and the attorney general.
- 2 3. The state liaison shall do all of the following:
- 3 a. Conduct independent evaluations of the assistance
- 4 program.
- 5 b. Provide comments and recommendations to the United
- 6 States environmental protection agency and state and local air
- 7 pollution control authorities, regarding the development and
- 8 implementation of regulations that impact small businesses
- 9 following a review of existing regulations.
- 10 c. Facilitate and promote the participation of small
- 11 businesses in the development of new regulations that impact
- 12 small businesses.
- 13 d. Assist in providing reports to authorities and the
- 14 public regarding the applicability of the requirements of the
- 15 federal Clean Air Act Amendments of 1990 to small businesses.
- 16 e. Aid in the dissemination of information to small
- 17 businesses and other interested parties.
- 18 f. Participate in and sponsor meetings and conferences
- 19 with state and local regulatory officials, industry groups,
- 20 and small business representatives.
- 21 g. Aid in investigating and resolving complaints and
- 22 disputes from small businesses against state and local air
- 23 pollution control authorities.
- 24 h. Periodically review the services provided by the
- 25 program with trade associations and small business
- 26 representatives.
- 27 i. Operate a toll-free telephone hotline to provide free,
- 28 confidential help regarding individual source problems and
- 29 grievances.
- 30 j. Refer small businesses to the appropriate specialist in
- 31 the program to obtain information and assistance on affordable
- 32 alternative technologies, process changes, products, and
- 33 operational methods to reduce air pollution and accidental
- 34 releases.
- 35 k. Assist in the preparation of guideline documents by the

1 program and ensure that the language is readily understandable
2 by the lay person.

3 1. Work with trade associations and small businesses to
4 bring about voluntary compliance with regulations under the
5 federal Act.

6 m. Communicate with regional and state offices of the
7 United States small business administration, the United States
8 department of commerce, and other federal agencies that may
9 provide financial assistance programs to assist small
10 businesses in need of funds to comply with environmental
11 regulations.

12 n. Communicate with private sector financial institutions
13 to assist small businesses in locating sources of funds to
14 comply with state and local air pollution control
15 requirements.

16 o. Conduct studies to evaluate the impacts of the federal
17 Clean Air Act Amendments of 1990 on the state's economy, local
18 economies, and small businesses.

19 EXPLANATION

20 This bill provides for the authorization of actions by the
21 department of natural resources necessary to retain delegation
22 of authority to administer the provisions of the federal Clean
23 Air Act as amended to January 1, 1991.

24 The bill provides the department with authority to issue
25 general permits for air contaminant sources; to adopt, amend,
26 or repeal ambient air quality standards to reduce emissions
27 contributing to acid rain as required by the federal Clean Air
28 Act Amendments of 1990; to adopt rules for permit conditions
29 which include emission allowances for sulfur dioxide emissions
30 pursuant to the requirement of the federal Clean Air Act
31 Amendments of 1990; and to establish a small business
32 stationary source technical and environmental compliance
33 assistance program as required by the federal Clean Air Act
34 Amendments of 1990. The bill also establishes criminal
35 penalties for negligent or knowing violations related to air

1 pollutants or hazardous substances and authorizes a city or
2 county which maintains an authorized air pollution control
3 program to provide criminal penalties consistent with those
4 established by the department. The bill also eliminates
5 provisions which require departmental action on construction
6 permits within 120 days or the granting of the permit takes
7 place by default.

8 BACKGROUND STATEMENT
9 SUBMITTED BY THE AGENCY

10 The amendments requested will be necessary to allow the
11 state to retain delegation of authority to administer provi-
12 sions of the federal Clean Air Act Amendments of 1990, as
13 recently reauthorized, in Iowa. The changes are necessary to
14 retain state statutory authority equivalent to the federal
15 authority, which is a prerequisite to delegation of authority.
16 By federal law, the department must submit an application for
17 continued delegation to the United States Environmental
18 Protection Agency by November 1993; thus it is essential that
19 these changes are made during the 1992 legislative session.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35