

CHAPTER 1029

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

S.F. 2248

AN ACT relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

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

DIVISION I
PERSONS CONTESTING THE DENIAL
OF APPLICATIONS OR PERMITS ISSUED UNDER NPDES

Section 1. Section 455B.174, subsection 4, paragraph b, Code Supplement 2009, is amended to read as follows:

b. In addition to the requirements of paragraph "a", 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. All applications for discharge permits are subject to public notice and opportunity for public participation including public hearing as the department may by rule require. The director shall promptly notify the applicant in writing of the director's action and, if the permit is denied, state the reasons for denial. The A person who is an applicant or permittee may appeal to the commission from contest the denial of a permit or from any condition in any of a permit issued by the director, if the applicant files notice of appeal with person notifies the director within thirty days of the director's notice of denial or issuance of the permit. The director shall notify the applicant within thirty days of the time and place of the hearing. Notwithstanding section 17A.11, subsection 1, if the applicant or permittee timely contests the director's action, the presiding officer in the resulting contested case proceeding shall be an administrative law judge assigned by the division of administrative hearings pursuant to sections 10A.801 and 17A.11.

DIVISION II
NPDES PERMITS ISSUED TO CONFINEMENT FEEDING OPERATIONS

Sec. 2. Section 459.311, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding subsection 1, a confinement feeding operation that is a concentrated animal feeding operation as defined in 40 C.F.R. § 122.23(b) shall comply with applicable national pollutant discharge elimination system permit requirements as provided in the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412, pursuant to rules that shall be adopted by the commission. Any rules adopted pursuant to this subsection shall be no more stringent than requirements under the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

Approved March 8, 2010