

455B.175 Violations.

1. If there is substantial evidence that any person has violated or is violating any provision of, or any rule or standard established or permit issued pursuant to, [this part 1 of subchapter III](#), [chapter 459](#), [subchapter III](#), [chapter 459A](#), or [chapter 459B](#), then one of the following may apply:

a. The director may issue an order directing the person to desist in the practice which constitutes the violation or to take such corrective action as may be necessary to ensure that the violation will cease. The person to whom such order is issued may cause to be commenced a contested case within the meaning of the Iowa administrative procedure Act, [chapter 17A](#), by filing with the director a notice of appeal to the commission. The applicable time frames for the issuance and appeal of the order are defined in [section 455B.110](#). On appeal the commission may affirm, modify, or vacate the order of the director.

b. If it is determined by the director that an emergency exists respecting any matter affecting or likely to affect the public health, the director may issue any order necessary to terminate the emergency without notice and without hearing. Any such order shall be binding and effective immediately and until such order is modified or vacated at a hearing before the commission or by a court.

c. The director, with the approval of the commission, may request the attorney general to institute legal proceedings pursuant to [section 455B.191](#) or [459.604](#).

2. Notwithstanding the limitations on civil and criminal penalty amounts in [sections 331.302](#) and [331.307](#), a county that has entered into an agreement with the department pursuant to [sections 455B.174](#) and [455B.183](#) regarding the construction of semipublic sewage disposal systems may assess civil penalties in amounts consistent with and not exceeding the amounts established for such penalties under [this subchapter III](#).

[C66, 71, §455B.12, 455B.15, 455B.17; C73, 75, §455B.34, 455B.37; C77, 79, 81, §455B.34] C83, §455B.175

83 Acts, ch 137, §5; 86 Acts, ch 1245, §1899; 2003 Acts, ch 44, §114; 2007 Acts, ch 82, §1; 2009 Acts, ch 155, §29, 34; 2011 Acts, ch 97, §3; 2019 Acts, ch 97, §3; 2021 Acts, ch 76, §91; 2021 Acts, ch 174, §21

Referred to in §459.601, 459A.501

Section amended