

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to certain conditional permits issued by the
2 department of natural resources relating to air and water
3 quality.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.105, subsection 11, paragraph a,
2 Code 2014, is amended to read as follows:

3 a. Adopt, by rule, procedures and forms necessary to
4 implement the provisions of this chapter and chapters 459,
5 459A, and 459B relating to permits, ~~conditional permits,~~ and
6 general permits. The commission may also adopt, by rule, a
7 schedule of fees for permit ~~and conditional permit~~ applications
8 and a schedule of fees which may be periodically assessed
9 for administration of permits ~~and conditional permits~~. In
10 determining the fee schedules, the commission shall consider:

11 (1) The state's reasonable cost of reviewing applications,
12 issuing permits ~~and conditional permits,~~ and checking
13 compliance with the terms of the permits.

14 (2) The relative benefits to the applicant and to the
15 public of permit ~~and conditional permit~~ review, issuance, and
16 monitoring compliance. It is the intention of the legislature
17 that permit fees shall not cover any costs connected with
18 correcting violation of the terms of any permit and shall not
19 impose unreasonable costs on any municipality.

20 (3) The typical costs of the particular types of projects
21 or activities for which permits ~~or conditional permits~~ are
22 required, provided that in no circumstances shall fees be in
23 excess of the actual costs to the department.

24 Sec. 2. Section 455B.133, subsection 6, paragraph a, Code
25 2014, is amended to read as follows:

26 a. Require, by rules, notice of the construction of any
27 air contaminant source which may cause or contribute to air
28 pollution, and the submission of plans and specifications to
29 the department, or other information deemed necessary, for the
30 installation of air contaminant sources and related control
31 equipment. ~~The rules shall allow the owner or operator of a~~
32 ~~major stationary source to elect to obtain a conditional permit~~
33 ~~in lieu of a construction permit.~~ The rules relating to a
34 ~~conditional permit for an electric power generating facility~~
35 ~~subject to chapter 476A and other major stationary sources~~

1 shall allow the submission of engineering descriptions, flow
2 diagrams and schematics that quantitatively and qualitatively
3 identify emission streams and alternative control equipment
4 that will provide compliance with emission standards. Such
5 rules shall not specify any particular method to be used to
6 reduce undesirable levels of emissions, nor type, design, or
7 method of installation of any equipment to be used to reduce
8 such levels of emissions, nor the type, design, or method of
9 installation or type of construction of any manufacturing
10 processes or kinds of equipment, nor specify the kind or
11 composition of fuels permitted to be sold, stored, or used
12 unless authorized by subsection 4 of this section.

13 Sec. 3. Section 455B.134, subsection 3, unnumbered
14 paragraph 1, Code 2014, is amended to read as follows:

15 Grant, modify, suspend, terminate, revoke, reissue,
16 or deny permits for the construction or operation of new,
17 modified, or existing air contaminant sources and for related
18 control equipment, ~~and conditional permits for electric~~
19 ~~power generating facilities subject to chapter 476A and other~~
20 ~~major stationary sources,~~ subject to the rules adopted by the
21 commission. The department shall furnish necessary application
22 forms for such permits.

23 Sec. 4. Section 455B.134, subsection 3, paragraphs a, b, c,
24 and e, Code 2014, are amended to read as follows:

25 a. No air contaminant source shall be installed, altered
26 so that it significantly affects emissions, or placed in use
27 unless a construction ~~or conditional~~ permit has been issued for
28 the source.

29 b. The condition of expected performance shall be reasonably
30 detailed in the construction ~~or conditional~~ permit.

31 c. All applications for permits ~~other than conditional~~
32 ~~permits for electric generating facilities~~ shall be subject to
33 such notice and public participation as may be provided by rule
34 by the commission. Upon denial or limitation of a permit ~~other~~
35 ~~than a conditional permit for an electric generating facility,~~

1 the applicant shall be notified of such denial and informed of
2 the reason or reasons therefor, and such applicant shall be
3 entitled to a hearing before the commission.

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

20 Sec. 5. Section 455B.134, subsection 3, paragraph d, Code
21 2014, is amended by striking the paragraph.

22 Sec. 6. Section 455B.147, subsection 2, Code 2014, is
23 amended by striking the subsection.

24 Sec. 7. Section 455B.173, subsection 3, paragraph a, Code
25 2014, is amended by striking the paragraph.

26 Sec. 8. Section 455B.174, subsection 4, paragraph d, Code
27 2014, is amended by striking the paragraph.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill eliminates the ability of the department of
32 natural resources to issue certain conditional permits
33 related to air and water quality to electric power generating
34 facilities.