

# Senate File 2367 - Enrolled

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SENATE FILE 2367

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1 3 AN ACT  
1 4 RELATING TO THE COMPLIANCE ADVISORY PANEL, INCLUDING THE  
1 5 APPOINTMENT OF ITS MEMBERS AND ITS POWERS AND DUTIES.  
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 9 Section 1. Section 455B.131, Code Supplement 2007, is  
1 10 amended by adding the following new subsection:  
1 11 NEW SUBSECTION. 13. "Small business stationary source"  
1 12 means a stationary air contaminant source that meets all of  
1 13 the following requirements:  
1 14 a. Employs one hundred or fewer individuals.  
1 15 b. Qualifies as a small business concern by the United  
1 16 States department of commerce pursuant to 15 U.S.C. } 632.  
1 17 c. Is not a major stationary source.  
1 18 d. Emits less than fifty tons per year of any federally  
1 19 regulated air pollutant and less than seventy-five tons per  
1 20 year of all federally regulated pollutants under the federal  
1 21 Clean Air Act Amendments of 1990, 42 U.S.C. } 7401 et seq.  
1 22 Sec. 2. NEW SECTION. 455B.133A SMALL BUSINESS STATIONARY  
1 23 SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE  
1 24 PROGRAM.  
1 25 A small business stationary source technical and  
1 26 environmental compliance assistance program shall be  
1 27 administered and enforced as required pursuant to the federal  
1 28 Clean Air Act Amendments of 1990, 42 U.S.C. } 7661f.  
1 29 Sec. 3. Section 455B.133B, Code 2007, is amended to read  
1 30 as follows:  
1 31 455B.133B AIR CONTAMINANT SOURCE FUND CREATED.  
1 32 An air contaminant source fund is created in the office of  
1 33 the treasurer of state under the control of the department.  
1 34 1. Moneys received from the fees assessed pursuant to  
1 35 section 455B.133, subsection 8, shall be deposited in the  
2 1 fund.  
2 2 2. Moneys in the fund shall be used solely to defray the  
2 3 costs related to the permit, monitoring, and inspection  
2 4 program, including the small business stationary source  
2 5 technical and environmental compliance assistance program  
2 6 required pursuant to the federal Clean Air Act Amendments of  
2 7 1990, ~~sections section 502 and 507, Pub. L. No. 101-549, and~~  
2 8 as provided in section 455B.133A.  
2 9 3. Notwithstanding section 8.33, any unexpended balance in  
2 10 the fund at the end of each fiscal year shall be retained in  
2 11 the fund. Notwithstanding section 12C.7, any interest and  
2 12 earnings on investments from money in the fund shall be  
2 13 credited to the fund.  
2 14 Sec. 4. Section 455B.150, Code 2007, is amended to read as  
2 15 follows:  
2 16 455B.150 COMPLIANCE ADVISORY PANEL == CREATION.  
2 17 A compliance advisory panel ~~shall be~~ is created, pursuant  
2 18 to Title V, section 507(e) of the federal Clean Air Act  
2 19 Amendments of 1990, ~~to review and report on the effectiveness~~  
2 20 ~~of the small business technical assistance program required by~~  
2 21 ~~the federal Clean Air Act Amendments of 1990, Pub. L. No.~~  
2 22 ~~101-549 42 U.S.C. } 7661f.~~  
2 23 1. Appointment to the compliance advisory panel shall be  
2 24 as follows:  
2 25 a. Two persons shall be appointed by the governor.  
2 26 (1) Each person shall represent the general public and  
2 27 have an interest in air quality issues. The person shall not  
2 28 be an owner or represent an owner of a small business  
2 29 stationary source.  
2 30 (2) The person shall serve for a four-year term and may be  
2 31 reappointed. A term of office shall begin and end as provided  
2 32 in section 69.19.  
2 33 (3) An appointment shall comply with sections 69.16 and  
2 34 69.16A. In addition, the appointments shall be geographically  
2 35 balanced.  
3 1 b. Four persons appointed by the leadership of the general  
3 2 assembly.  
3 3 (1) The persons shall be appointed as follows:

3 4 (a) One person by the majority leader of the senate after  
3 5 consultation with the president of the senate and the minority  
3 6 leader, and one person by the minority leader of the senate  
3 7 after consultation with the president of the senate and the  
3 8 majority leader.

3 9 (b) Two persons appointed by the speaker of the house of  
3 10 representatives after consultation with the majority leader  
3 11 and minority leader.

3 12 (2) Each person shall be an owner of a small business  
3 13 stationary source or shall represent an owner of a small  
3 14 business stationary source.

3 15 (3) The person shall serve for a two-year term and may be  
3 16 reappointed.

3 17 (4) A term shall expire upon the convening of the  
3 18 following general assembly, or when the appointee's successor  
3 19 is appointed, whichever occurs later.

3 20 c. The director or the director's designee who shall serve  
3 21 for a term of four years.

3 22 2. A vacancy shall be filled for the unexpired term by the  
3 23 original appointing authority in the manner of the original  
3 24 appointment.

3 25 3. The members are entitled to receive a per diem as  
3 26 specified in section 7E.6 for each day spent in performance of  
3 27 duties of members, and shall be reimbursed for all actual  
3 28 necessary expenses incurred in the performance of duties as  
3 29 members. Per diem and expenses shall be paid from moneys  
3 30 deposited in the air contaminant source fund created pursuant  
3 31 to section 455B.133B.

3 32 4. The compliance advisory panel shall elect a chairperson  
3 33 and may elect a vice chairperson or other officers from among  
3 34 its members as provided by its rules. The panel shall meet on  
3 35 a regular basis, but at least once each six months, and at the  
4 1 call of the chairperson or upon the written request to the  
4 2 chairperson of three or more members.

4 3 5. The department shall staff the compliance advisory  
4 4 panel and provide the panel with space to conduct its  
4 5 meetings, clerical assistance, and necessary supplies and  
4 6 equipment.

4 7 Sec. 5. NEW SECTION. 455B.151 COMPLIANCE ADVISORY PANEL  
4 8 == POWERS AND DUTIES.

4 9 The compliance advisory panel created in section 455B.150  
4 10 shall review and report on the effectiveness of the small  
4 11 business stationary source technical and environmental  
4 12 assistance program as provided in section 455B.133A. The  
4 13 compliance advisory panel shall do all of the following:

4 14 1. Render advisory opinions concerning the effectiveness  
4 15 of the small business stationary source technical and  
4 16 environmental compliance assistance program, difficulties  
4 17 encountered, and degree and severity of enforcement.

4 18 2. Make periodic reports to the administrator of the  
4 19 federal environmental protection agency concerning the  
4 20 compliance of the state small business stationary source  
4 21 technical and environmental compliance assistance program with  
4 22 the requirements of the federal Paperwork Reduction Act, 44  
4 23 U.S.C. } 3501 et seq.; the federal Regulatory Flexibility Act,  
4 24 5 U.S.C. } 601 et seq.; and the federal Equal Access to  
4 25 Justice Act, 5 U.S.C. } 504.

4 26 3. Review information for small business stationary  
4 27 sources to assure such information is understandable by the  
4 28 layperson.

4 29 4. Have the small business stationary source technical and  
4 30 environmental compliance assistance program serve as the  
4 31 secretariat for the development and dissemination of such  
4 32 reports and advisory opinions.

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5 1 JOHN P. KIBBIE  
5 2 President of the Senate

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5 6 PATRICK J. MURPHY  
5 7 Speaker of the House

5 8  
5 9 I hereby certify that this bill originated in the Senate and  
5 10 is known as Senate File 2367, Eighty-second General Assembly.

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5 14 MICHAEL E. MARSHALL

5 15 Secretary of the Senate  
5 16 Approved \_\_\_\_\_, 2008  
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5 20 CHESTER J. CULVER  
5 21 Governor