

March 19, 1969  
Agriculture, *Pass 3-26*

HOUSE FILE 598

By CAMP, CRABB, SCHROEDER  
PRIEBE, OSSIAN, BAILEY  
GRASSLEY, FISHER of  
GREENE and ROORDA

Passed House, Date *5-7-69* Passed Senate, Date *5-13-69*

Vote: Ayes *102* Nays *10* Vote: Ayes *32* Nays *13*

Approved .....

## A BILL FOR

- 1 An Act relating to water pollution control.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section four hundred fifty-five B point four
- 4 (455B.4), Code 1966, is hereby amended as follows:
- 5 1. By inserting in subsection five (5) after the word
- 6 "agriculture" the following: ", or his designee".
- 7 2. By striking from subsection six (6), line one (1),
- 8 the word "four" and inserting in lieu thereof the word "Three".
- 9 3. By striking from subsection six (6), line five (5), the
- 10 word "four" and inserting in lieu thereof the word "three".
- 11 4. By inserting in subsection six (6), line seven (7), after
- 12 the comma the word "and".
- 13 5. By striking from subsection six (6) all of such subsec-
- 14 tion after the word "farmer" in line eight (8) and inserting in
- 15 lieu thereof a period.
- 16 6. By adding at the end thereof the following new subsection:
- 17 "The director of the state soil conservation commission."
- 18 Sec. 2. Section four hundred fifty-five B point nine (455B.9),
- 19 Code 1966, is hereby amended as follows:
- 20 1. By striking from subsection five (5) all of such subsec-
- 21 tion after the word "be" in line two (2) and inserting in lieu
- 22 thereof the words "submitted to the state department of health
- 23 for approval or disapproval."
- 24 2. By adding at the end thereof the following new subsection
- 25 "The commission shall cooperate with other agencies in the

1 state of Iowa which concern themselves with agricultural  
2 operations to determine those operations which may pollute  
3 the waters of the state. No permit shall be required to  
4 engage in such operations, but persons engaged in such opera-  
5 tions shall be notified by the commission and shall be required  
6 to register with the commission and provide such information  
7 relating to such operations as the commission may reasonably  
8 require.”

9 Sec. 3. Section four hundred fifty-five B point twelve  
10 (455B.12) Code 1966, is hereby amended by striking lines  
11 twelve (12) through twenty (20), inclusive, and inserting in  
12 lieu thereof the words “the problem and failing to do so within  
13 a reasonable periof of time, the commission shall then issue an  
14 order fixing the time and place of a hearing. Such hearing shall  
15 be public”.

16 Sec. 4. Section four hundred fifty-five B point twenty-five  
17 (455B.25) Code 1966, is hereby amended by adding at the end  
18 thereof the following new subsection.

19 “It shall be unlawful for any person to carry on any opera-  
20 tion after being notified by the commission that such operation  
21 has a potential for polluting the waters of the state without  
22 first registering such operation as directed by the commission.”

#### EXPLANATION OF HOUSE FILE 598

This bill will change the membership of the Water Pollution Commission by reducing the number of lay members from four to three and including the director of the State Soil Conservation Commission.

The bill will also clarify the requirements to be followed by the agricultural industry to prevent water pollution.

1 Amend House File 598 by adding the following new  
2 sections:

3 Sec. 5. As used in this Act, unless the context requires  
4 otherwise:

5 1. "Treatment works" means any plant, disposal field, la-  
6 goon, holding or flow-regulating basin, pumping station, or  
7 other works installed for the purpose of treating, stabiliz-  
8 ing, or disposing of sewage, industrial waste, or other wastes.

9 2. "Sewer system" means pipelines or conduits, pumping  
10 stations, force mains, and all other constructions, devices,  
11 and appliances appurtenant thereto used for conducting sewage  
12 or industrial waste or other wastes to a point of ultimate  
13 disposal.

14 3. "Commission" means the Iowa water pollution control  
15 commission.

16 4. "Construction" means the erection, building, acquisi-  
17 tion, alteration, reconstruction, improvement, or extension  
18 of sewer systems and treatment works; preliminary planning  
19 to determine the economic and engineering feasibility of said  
20 systems and works; the engineering, architectural, legal,  
21 fiscal, and economic investigations and studies, surveys,  
22 designs, plans, working drawings, specifications, procedures,  
23 inspection, and supervision, and other action necessary in  
24 the construction of said systems, and works.

25 5. "Eligible project" means a project for construction of  
26 sewer systems and sewage treatment works;

27 a. For which approval of the commission is required under  
28 chapter four hundred fifty-five B (455B) of the Code.

29 b. Which is, in the judgment of the commission, eligible  
30 for federal pollution abatement assistance, whether or not  
31 federal funds are then available for such purpose.

32 c. Which conforms with applicable rules and regulations  
33 of the commission.

34 d. Which is, in the judgment of the commission, necessary  
35 for the accomplishment of the state's policy of water purity  
36 as stated in section four hundred fifty-five B point one  
37 (455B.1) of the Code.

38 6. "Municipality" means any city, town, sanitary district,  
39 or other governmental body or corporation empowered to pro-  
40 vide sewage collection and treatment services, or any combina-  
41 tion of two or more of such governmental bodies or corpora-  
42 tions acting jointly, in connection with an eligible project.

43 7. "Federal pollution abatement assistance" means funds  
44 available to a municipality, either directly or through allo-  
45 cations by the state, from the federal government as grants  
46 for construction of sewer systems or sewage treatment works  
47 pursuant to the federal Water Pollution Control Act of 1956  
48 (P.L. 84-660) as amended, or pursuant to any other federal  
49 act or program.

50 Sec. 6. The commission is hereby authorized to make grants,  
51 as funds are available, to any municipality to assist such mu-  
52 nicipality in the construction of sewer systems or sewage  
53 treatment works.

54 Sec. 7. The commission shall accept and administer all  
55 funds granted by the state.

56 In allocating state grants under this Act, the commission  
57 shall give consideration to:

58 1. The public benefits to be derived by the construction.

59 2. The ultimate cost of constructing and maintaining the  
60 works.

61 3. The public interest and public necessity for the works.

62 4. The adequacy of the provisions made or proposed by the  
63 municipality for assuring proper and efficient operations and  
64 maintenance of the treatment works after the completion of  
65 construction thereof.

66 5. The applicant's readiness to start construction, includ-  
67 ing financing and planning.

68 Sec. 8 The commission may, in the name of the state, con-  
69 tract with any municipality concerning eligible projects. Any  
70 such contract may include such provisions as may be agreed  
71 upon by the parties, and shall include, in substance, the  
72 following provisions:

73 1. An estimate of the reasonable cost of the project as  
74 determined by the commission.

75 2. An agreement by the commission to pay to the municipality,  
76 during the progress of construction or following completion of  
77 the construction as may be agreed upon by the parties, an amount  
78 equal to one-half of that portion of the actual cost of the proj-  
79 ect, or the reasonable cost of the project as determined by the  
80 commission, whichever is less, that is not paid by the federal  
81 government.

82 3. An agreement by the municipality:

83 a. To proceed expeditiously with, and complete, the project  
84 in accordance with plans approved pursuant to this Act and pur-  
85 suant to chapter four hundred fifty-five B (455B) of the Code.

86 b. To commence operation of the sewage treatment works on  
87 completion of the project, and not to discontinue operation  
88 or dispose of the sewage treatment works without the approval  
89 of the commission.

90 c. To operate and maintain the sewage treatment works in  
91 accordance with applicable provisions of chapter four hundred  
92 fifty-five B (455B) of the Code and rules and regulations of  
93 the commission.

94 d. To secure approval of the commission before applying  
95 for federal assistance for pollution abatement, in order to  
96 maximize the amounts of such assistance received or to be  
97 received for all projects in Iowa

98 e. To provide for the payment by the municipality of its  
99 share of the cost of the project.

100 4. A provision that, in the event federal assistance which  
101 was not included in the calculation of the state payment pur-  
102 suant to subsection two (2) of this section becomes available  
103 to the municipality, the amount of the state payment shall be  
104 recalculated with the inclusion of such additional federal  
105 assistance and the municipality shall pay to the state the  
106 amount by which the state payment actually made exceeds the  
107 state payment determined by the recalculation.

108 Sec. 9. The commission may adopt such rules and regulations  
109 as are necessary for the effective administration of this Act.

110 Sec. 10. All contracts entered into pursuant to this Act  
111 shall be subject to approval by the attorney general as to  
112 form. All payments by the state pursuant to such contracts  
113 shall be made after audit and by warrant of the state comp-  
114 troller.

115 Sec. 11. There is hereby established in the state treasury  
116 a fund to be known as the "sewerage works construction fund".  
117 All moneys in the sewerage works construction fund are hereby  
118 appropriated for and shall be used by the commission in carry-  
119 ing out of the purposes of this Act.

120 Sec. 12. There hereby is appropriated from the general  
121 fund of the state of Iowa to the sewerage works construction  
122 fund for the biennium beginning July 1, 1969, and ending June  
123 30, 1971, the sum of four million (4,000,000) dollars.

Filed - *Let 5-7*  
April 23, 1969

GANNON of Jasper

1 Amend House File 598 by adding thereto the following  
2 new section:

3 Sec. 5. Section seven hundred thirty-two point three  
4 (732.3), Code 1966, is hereby amended by adding to the end  
5 thereof the following new paragraph:

6 "If any county or municipal government throws, or causes  
7 to be thrown, any garbage, or any kind of discharge, refuse,  
8 or such other pollutants, from meat packing plants or other-  
9 wise, into any river, well, spring, cistern, reservoir,  
10 stream, or pond, or in or upon any land adjoining thereto  
11 which is subject to overflow, such county or municipal  
12 government shall be fined not less than ten thousand dollars  
13 for the first offense, and not less than twenty thousand  
14 dollars for any subsequent offenses."

Filed - *withdraw 5-7*  
April 30, 1969

VAN ROEKEL of Marion  
MIDDLESWART of Warren  
SCHWARTZ of Wapello  
PONCY of Wapello  
PIERSON of Mahaska  
ROORDA of Jasper

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1 Amend the amendment to House File 598, filed April 30, 1969,  
2 by Van Roekel of Marion, et al., by striking from line  
3 twelve (12) the words "not less than ten thousand  
4 dollars" and all of lines thirteen (13) and  
5 fourteen (14) and inserting in lieu thereof the  
6 following:

7 "Upon conviction thereof according to the following  
8 schedule:

9 Population of	First	Each
10 County or Municipality	Offense	Subsequent Offense
11 Under 1,000	\$ 100	\$ 500
12 1,000 to 25,000	1,000	5,000
13 25,000 to 100,000	2,000	10,000
14 Over 100,000	5,000	25,000."

Filed - *withdraw 5-7*  
May 1, 1969

VAN ROEKEL of Marion

1 Amend the Camp amendment to House File 598, filed April 15,  
2 1969, as follows:

3 1. By striking lines three (3) through six (6) and inserting in  
4 lieu thereof the following:

5 "Sec. 1. Section four hundred fifty-five B point four (455B.4),  
6 Code 1966, is hereby amended as follows:

7 1. By striking from line two (2) the word 'nine' and inserting  
8 in lieu thereof the word 'eleven'.

9 2. By inserting in subsection five (5), line one (1), after  
10 the word 'agriculture' the words ', or his deputy'.

11 3. By striking from subsection six (6), line one (1), the  
12 word 'Four' and inserting in lieu thereof the word 'Five'.

13 4. By striking from subsection six (6), line five (5), the  
14 word 'four' and inserting in lieu thereof the word 'five'.

15 5. By striking from subsection six (6), line eight (8), the  
16 word 'one' and inserting in lieu thereof the word 'two'.

17 6. By adding the following new subsection:

18 "The director of the state soil conservation committee."

19 2. Line seventeen (17) by striking the words "types of" and  
20 inserting in lieu thereof the words "livestock and poultry".

21 3. Line nineteen (19) by striking the word "agricultural" and  
22 inserting in lieu thereof the words "livestock and poultry".

23 4. Line twenty (20) by striking the word "that" and inserting  
24 in lieu thereof the word "where".

25 5. Line twenty-four (24) by striking the words "engage in such  
26 agricultural" and inserting in lieu thereof the words "initiate such  
27 livestock and poultry".

28 6. Lines twenty-eight (28) and twenty-nine (29) by striking the  
29 words "Any other requirement in this chapter to the contrary notwith-  
30 standing" and inserting in lieu thereof the words "Except as other-  
31 wise provided in section four hundred fifty-five B point twenty-five  
32 (455B.25) of the Code.

Filed - *adopted 5-7*

April 21, 1969

BAILEY of Wright

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1 Amend the Camp amendment to House File 598, filed  
2 April 15, by striking from line six (6) the word  
3 "designee" and inserting in lieu thereof the word  
4 "deputy".

Filed - *adopted 5-7*

May 1, 1969

CAMP of Clinton

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1 Amend House File 598 as follows:

2 1. Amend the Gannon amendment of April 23, 1969,  
3 to House File 598 by striking the period in line  
4 eighty-one (81) and inserting in lieu thereof the words  
5 "but not less than twenty-five percent (25%) of the  
6 cost so determined".

✓ Filed and adopted

May 7, 1969

GANNON of Jasper

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1 Amend House File 598 by striking everything after the  
2 enacting clause and inserting in lieu thereof the following:  
3 Section 1. Section four hundred fifty-five B point four  
4 (455B.4) Code 1966, is hereby amended by inserting in sub-  
5 section five (5), line one (1), after the word "agriculture"  
6 the words ", or his designee".  
7 Sec. 2. Section four hundred fifty-five B point nine  
8 (455B.9), Code 1966, is hereby amended as follows:  
9 1. By striking from subsection five (5) all of said sub-  
10 section after the word "be" in line two (2) and inserting in  
11 lieu thereof the words "submitted to the state department of  
12 health for approval or disapproval."  
13 2. By adding at the end thereof the following new sub-  
14 section:  
15 "The commission shall cooperate with other agencies in  
16 the state which concern themselves with agricultural operations  
17 to determine those types of operations in which potential  
18 pollution of the waters of the state exists. Persons engaged  
19 in such agricultural operations prior to and including July 1,  
20 1969, shall be notified by the commission that potential pollu-  
21 tion exists and shall be required to register with the commis-  
22 sion and provide such information relating to their operations  
23 as the commission may reasonably require. Persons who intend  
24 to engage in such agricultural operations subsequent to July  
25 1, 1969, shall be required to register with the commission  
26 before commencing such operations and shall provide such infor-  
27 mation relating to their planned operations as the commission  
28 may reasonably require. Any other requirement in this chapter  
29 to the contrary notwithstanding, no such registrant shall be  
30 required to make application and obtain a permit for disposal  
31 of waste water unless the commission determines that the agri-  
32 cultural operations of such registrant are, in fact, pollut-  
33 ing the waters of the state."  
34 Sec. 3. Section four hundred fifty-five B point twelve  
35 (455B.12), Code 1966, is hereby amended by striking lines  
36 twelve (12) through twenty (20), inclusive, and inserting in  
37 lieu thereof the words "the problem and, failing to do so  
38 within a reasonable period of time, the commission shall then  
39 issue an order fixing the time and place of hearing. Such  
40 hearing shall be public".

Filed - adopted as amended 5-7  
April 15, 1969

CAMP of Clinton

May 8, 1969

*Reprinted  
copy*

HOUSE FILE 598

By CAMP, CRABB, SCHROEDER,  
PRIEBE, OSSIAN, BAILEY,  
GRASSLEY, FISHER of  
Greene and ROORDA  
(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date 5-7-69 Passed Senate, Date 5-23-69

Vote: Ayes 102 Nays 10 Vote: Ayes 32 Nays 13

Approved .....

*Passed House as amended  
by Senate 5/23;  
87-14.*

# A BILL FOR

- 1 An Act relating to water-pollution control.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section four hundred fifty-five B point
- 4 four (455B.4), Code 1966, is hereby amended as follows:
- 5 1. By striking from line two (2) the word "nine"
- 6 and inserting in lieu thereof the word "eleven".
- 7 2. By inserting in subsection five (5), line one (1),
- 8 after the word "agriculture" the words ", or his deputy".
- 9 3. By striking from subsection six (6), line one (1),
- 10 the word "Four" and inserting in lieu thereof the word
- 11 "Five".
- 12 4. By striking from subsection six (6), line five (5),
- 13 the word "four" and inserting in lieu thereof the word
- 14 "five".
- 15 5. By striking from subsection six (6), line eight (8),
- 16 the word "one" and inserting in lieu thereof the word "two".
- 17 6. By adding the following new subsection:
- 18 "The director of the state soil conservation committee."
- 19 Sec. 2. Section four hundred fifty-five B point nine
- 20 (455B.9), Code 1966, is hereby amended as follows:
- 21 1. By striking from subsection five (5) all of said
- 22 subsection after the word "be" in line two (2) and inserting
- 23 in lieu thereof the words "submitted to the state
- 24 department of health for approval or disapproval."
- 25 2. By adding at the end thereof the following new

1 subsection:

2 "The commission shall cooperate with other agencies in  
3 the state which concern themselves with agricultural  
4 operations to determine those livestock and poultry operations  
5 in which potential pollution of the waters of the state  
6 exists. Persons engaged in such livestock and poultry  
7 operations prior to and including July 1, 1969 shall be  
8 notified by the commission where potential pollution exists  
9 and shall be required to register with the commission and  
10 provide such information relating to other operations  
11 as the commission may reasonably require. Persons who intend  
12 to initiate such livestock and poultry operations subsequent  
13 to July 1, 1969 shall be required to register with the  
14 commission before commencing such operations and shall  
15 provide such information relating to their planned operations  
16 as the commission may reasonably require. Except as  
17 otherwise provided in section four hundred fifty-five B point  
18 twenty-five (455B.25) of the Code, no such registrant shall  
19 be required to make application and obtain a permit for  
20 disposal of waste water unless the commission determines that  
21 the agricultural operations of such registrant are, in fact,  
22 polluting the waters of the state."

23 Sec. 3. Section four hundred fifty-five B point  
24 twelve (455B.12), Code 1966, is hereby amended by striking  
25 lines twelve (12) through twenty (20), inclusive, and  
26 inserting in lieu thereof the words "the problem and, failing  
27 to do so within a reasonable period of time, the commission  
28 shall then issue an order fixing the time and place of  
29 hearing. Such hearing shall be public".

#### EXPLANATION OF HOUSE FILE 598

This bill will change the membership of the Water Pollution Commission by reducing the number of lay members from four to three and including the director of the State Soil Conservation Committee.

The bill will also clarify the requirements to be followed by the agricultural industry to prevent water pollution.

SENATE AMENDMENT TO HOUSE FILE 598

- 1 Amend House File 598 (reprint) as follows:
- 2 1. On page 2, line 2, by striking the word "shall"
- 3 and inserting in lieu thereof the word "may".
- 4 2. On page 2, line 22, after the word "polluting"
- 5 by inserting "or may reasonably pollute".

Received and concurred  
May 23, 1969

- 1 Amend House File 598 as follows:
- 2 1. On page 2, line 2, by striking the word "shall" and
- 3 inserting in lieu thereof the word "may".
- 4 2. On page 2, line 22, after the word "polluting" by
- 5 inserting "or may reasonably pollute".

Filed and adopted  
May 23, 1969

*Senate*  
By CLARKE, SCHABEN and GAUDINEER

- 1 Amend House File 598 by striking lines 23 through
- 2 29, inclusive.

Filed and withdrawn  
May 23, 1969

*Senate*  
By GAUDINEER

- 1 Amend House File 598, as amended and passed by the
- 2 House, on page 2, line 2, by striking the word "shall" and
- 3 inserting in lieu thereof the word "may".
- 4 Further amend page 2 by striking all after the period
- 5 in line 11, and all of lines 12 through 22 inclusive, and
- 6 inserting in lieu thereof the following: "Persons who
- 7 intend to initiate livestock feeding operation with the
- 8 capacity of one thousand (1,000) head or more subsequent
- 9 to July 1, 1969, shall be required to register with the
- 10 commission before commencing such operation and shall
- 11 provide such information relating to their planned opera-
- 12 tions as the commission may reasonably require.

Filed and withdrawn  
May 23, 1969

*Schaben*  
By SCHABEN

- 1 Amend House File 598, as passed by the House, by striking
- 2 on page 1, lines 5 through 18.

Filed and lost  
May 23, 1969

*Senate*  
By DODERER