

Sen Commerce 5/16 D. Pass 5/18

APR 26 1977  
Place On Calendar

HOUSE FILE 569  
By COMMITTEE ON NATURAL RESOURCES  
(Formerly Study Bill 234)

Passed House, Date 5-11-77 (p. 2068) Passed Senate, Date 5-19-77 (p. 1718)  
Vote: Ayes 87 Nays 0 Vote: Ayes 48 Nays 0  
Approved 7/8/77

## A BILL FOR

1 An Act providing for the issuance by the department of  
2 environmental quality of conditional permits for  
3 certain electric power generating facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Section four hundred fifty-five B point twelve  
2 (455B.12), subsection ten (10), unnumbered paragraph one (1),  
3 Code 1977, is amended to read as follows:

4 Require, by rules, notice of the construction or the  
5 installation of any equipment which may cause or contribute  
6 to air pollution, and the submission of plans and specifi-  
7 cations to the department, or such other information deemed  
8 necessary, for the installation of equipment from which air  
9 contaminants may be emitted to the atmosphere and related  
10 control equipment. The rules relating to a conditional permit  
11 for an electric power generating facility subject to chapter  
12 four hundred seventy-six A (476A) of the Code shall allow  
13 the submission of engineering descriptions, flow diagrams  
14 and schematics that quantitatively and qualitatively identify  
15 emission streams and alternative control equipment that will  
16 provide compliance with emission standards. Such rules shall  
17 not specify any particular method to be used to reduce  
18 undesirable levels of emissions, nor type, design, or method  
19 of installation of any equipment to be used to reduce such  
20 levels of emissions, nor the type, design, or method of  
21 installation or type of construction of any manufacturing  
22 processes or kinds of equipment, nor specify the kind or com-  
23 position of fuels permitted to be sold, stored, or used.

24 Sec. 2. Section four hundred fifty-five B point thirteen  
25 (455B.13), subsection three (3), unnumbered paragraph one  
26 (1), Code 1977, is amended to read as follows:

27 Grant, modify, or deny permits for the installation of  
28 new equipment capable of emitting air contaminants to produce  
29 air pollution and for related control equipment, and conditional  
30 permits for electric power generating facilities subject to  
31 chapter four hundred seventy-six A (476A) of the Code, subject  
32 to the rules adopted by the commission. The department shall  
33 furnish necessary application forms for such permits.

34 Sec. 3. Section four hundred fifty-five B point thirteen  
35 (455B.13), subsection three (3), Code 1977, is amended by

1 adding the following new lettered paragraph:

2 NEW LETTERED PARAGRAPH. All applications for conditional  
3 permits shall be subject to such notice and opportunity for  
4 public participation as may be consistent with chapter four  
5 hundred seventy-six A (476A) of the Code or any agreement  
6 pursuant thereto under chapter twenty-eight E (28E) of the  
7 Code. The applicant or intervenor may appeal to the commission  
8 from the denial of a conditional permit or any of its  
9 conditions. For the purposes of chapter four hundred seventy-  
10 six A (476A) of the Code, the issuance or denial of a  
11 conditional permit by the executive director or by the  
12 commission upon appeal shall be a determination that the  
13 electric power generating facility does or does not meet the  
14 permit and licensing requirements of the commission. The  
15 issuance of a conditional permit shall not relieve the  
16 applicant of the responsibility to submit final and detailed  
17 construction plans and drawings and an application for a  
18 construction permit for control equipment that will meet the  
19 emission limitations established in the conditional permit.

20 Sec. 4. Section four hundred fifty-five B point twenty-  
21 six (455B.26), Code 1977, is amended to read as follows:

22 455B.26 FAILURE--PROCEDURE. Upon failure of the executive  
23 director to take action within sixty days after an application  
24 for installation permit or variance, or upon failure of the  
25 commission to enter a final order or determination within  
26 sixty days after the final argument in a public hearing, the  
27 person seeking such action shall be entitled to treat such  
28 failure to act as a grant of the requested permit or variance,  
29 or of a finding favorable to the respondent in a public hear-  
30 ing, as the case may be. This section shall not apply to  
31 an application for a conditional permit for an electric power  
32 generating facility subject to chapter four hundred seventy-  
33 six A (476A) of the Code.

34 Sec. 5. Section four hundred fifty-five B point thirty-  
35 two (455B.32), subsection three (3), unnumbered paragraph

1 two (2), Code 1977, is amended to read as follows:

2 Establish, modify or repeal rules relating to the location,  
3 construction, operation, and maintenance of disposal systems  
4 and public water supply systems and specifying the conditions  
5 under which the executive director shall issue, revoke,  
6 suspend, modify or deny permits for the operation,  
7 installation, construction, addition to or modification of  
8 any disposal system or public water supply system, or for  
9 the discharge of any pollutant or for the disposal of water  
10 wastes resulting from poultry and livestock operations. The  
11 rules specifying the conditions under which the executive  
12 director shall issue permits for the construction of an  
13 electric power generating facility subject to chapter four  
14 hundred seventy-six A (476A) of the Code shall provide for  
15 issuing a conditional permit upon the submission of engineering  
16 descriptions, flow diagrams and schematics that qualitatively  
17 and quantitatively identify effluent streams and alternative  
18 disposal systems that will provide compliance with effluent  
19 standards or limitations.

20 Sec. 6. Section four hundred fifty-five B point thirty-  
21 three (455B.33), subsection four (4), Code 1977, is amended  
22 by adding the following new paragraph:

23 NEW PARAGRAPH. The executive director shall also issue  
24 or deny conditional permits for the construction of disposal  
25 systems for electric power generating facilities subject to  
26 chapter four hundred seventy-six A (476A) of the Code. All  
27 applications for conditional permits shall be subject to such  
28 notice and opportunity for public participation as may be  
29 required by the commission and as may be consistent with  
30 chapter four hundred seventy-six A (476A) of the Code and  
31 any agreement pursuant thereto under chapter twenty-eight  
32 E (28E) of the Code. The applicant or an intervenor may  
33 appeal to the commission from the denial of a conditional  
34 permit or any of its conditions. For the purposes of chapter  
35 four hundred seventy-six A (476A) of the Code, the issuance

1 or denial of a conditional permit by the executive director  
2 or the commission upon appeal shall be a determination that  
3 the electric power generating facility does or does not meet  
4 the permit and licensing requirements of the commission.  
5 The issuance of a conditional permit shall not relieve the  
6 applicant of the responsibility to submit final and detailed  
7 construction plans and drawing and an application for a  
8 construction permit for a disposal system that will meet the  
9 effluent limitations in the conditional permit.

EXPLANATION

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The bill provides for the issuance of conditional permits  
by the department of environmental quality for air quality  
and water quality purposes to electric power generating fa-  
cilities subject to chapter 476A. These are power plants  
which have a capacity of one hundred megawatts of electricity.  
The issuance of a conditional permit would be a determina-  
tion that the facility does meet the permit requirements and  
would not relieve the applicant of the responsibility to  
obtain the ordinary permits for air quality and water quality.

LSB 1566H  
dsb/jw/5

HOUSE FILE 569

AN ACT

PROVIDING FOR THE ISSUANCE BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY OF CONDITIONAL PERMITS FOR CERTAIN ELECTRIC POWER GENERATING FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section four hundred fifty-five B point twelve (455B.12), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Require, by rules, notice of the construction or the installation of any equipment which may cause or contribute to air pollution, and the submission of plans and specifications to the department, or such other information deemed necessary, for the installation of equipment from which air contaminants may be emitted to the atmosphere and related control equipment. The rules relating to a conditional permit for an electric power generating facility subject to chapter four hundred seventy-six A (476A) of the Code shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used.

Sec. 2. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Grant, modify, or deny permits for the installation of new equipment capable of emitting air contaminants to produce

air pollution and for related control equipment, and conditional permits for electric power generating facilities subject to chapter four hundred seventy-six A (476A) of the Code, subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.

Sec. 3. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), Code 1977, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. All applications for conditional permits shall be subject to such notice and opportunity for public participation as may be consistent with chapter four hundred seventy-six A (476A) of the Code or any agreement pursuant thereto under chapter twenty-eight E (28E) of the Code. The applicant or intervenor may appeal to the commission from the denial of a conditional permit or any of its conditions. For the purposes of chapter four hundred seventy-six A (476A) of the Code, the issuance or denial of a conditional permit by the executive director or by the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawings and an application for a construction permit for control equipment that will meet the emission limitations established in the conditional permit.

Sec. 4. Section four hundred fifty-five B point twenty-six (455B.26), Code 1977, is amended to read as follows:

455B.26 FAILURE--PROCEDURE. Upon failure of the executive director to take action within sixty days after an application for installation permit or variance, or upon failure of the commission to enter a final order or determination within sixty days after the final argument in a public hearing, the person seeking such action shall be entitled to treat such failure to act as a grant of the requested permit or variance, or of a finding favorable to the respondent in a public hear-

ing, as the case may be. This section shall not apply to an application for a conditional permit for an electric power generating facility subject to chapter four hundred seventy-six A (476A) of the Code.

Sec. 5. Section four hundred fifty-five B point thirty-two (455B.32), subsection three (3), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Establish, modify or repeal rules relating to the location, construction, operation, and maintenance of disposal systems and public water supply systems and specifying the conditions under which the executive director shall issue, revoke, suspend, modify or deny permits for the operation, installation, construction, addition to or modification of any disposal system or public water supply system, or for the discharge of any pollutant or for the disposal of water wastes resulting from poultry and livestock operations. The rules specifying the conditions under which the executive director shall issue permits for the construction of an electric power generating facility subject to chapter four hundred seventy-six A (476A) of the Code shall provide for issuing a conditional permit upon the submission of engineering descriptions, flow diagrams and schematics that qualitatively and quantitatively identify effluent streams and alternative disposal systems that will provide compliance with effluent standards or limitations.

Sec. 6. Section four hundred fifty-five B point thirty-three (455B.33), subsection four (4), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. The executive director shall also issue or deny conditional permits for the construction of disposal systems for electric power generating facilities subject to chapter four hundred seventy-six A (476A) of the Code. All applications for conditional permits shall be subject to such notice and opportunity for public participation as may be required by the commission and as may be consistent with chapter four hundred seventy-six A (476A) of the Code and any agreement pursuant thereto under chapter twenty-eight

E (28E) of the Code. The applicant or an intervenor may appeal to the commission from the denial of a conditional permit or any of its conditions. For the purposes of chapter four hundred seventy-six A (476A) of the Code, the issuance or denial of a conditional permit by the executive director or the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawing and an application for a construction permit for a disposal system that will meet the effluent limitations in the conditional permit.

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 569, Sixty-seventh General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved \_\_\_\_\_, 1977

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ROBERT D. RAY  
Governor