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FEB 28 1984
Place On Calendar

HOUSE FILE 2387

BY COMMITTEE ON NATURAL RESOURCE

(Formerly Study Bill 608)

Passed House, Date 3-12-84 (1947) Passed Senate, Date 3-30-84
Vote: Ayes 91 Nays 1 Vote: Ayes 44 Nays 0
Approved April 17, 1984

A BILL FOR

1 An Act relating to the authority of the department of water,
2 air and waste management over public water supply systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2387

1 Section 1. Section 455B.173, subsection 3, unnumbered
2 paragraph 2, and subsection 8, Code Supplement 1983, are
3 amended to read as follows:

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

21 8. Formulate and adopt specific and detailed statewide
22 standards pursuant to chapter 17A for review of plans and
23 specifications and the construction of sewer systems ~~and-water~~
24 ~~supply-distribution-systems~~ and extensions to such systems
25 not later than October 1, 1977. The standards shall be based
26 on criteria contained in the "Recommended Standards for Sewage
27 Works" and ~~"Recommended Standards for Water Works"~~ ~~(Ten States~~
28 ~~Standards)~~ as adopted by the Great Lakes-Upper Mississippi
29 River board of state sanitary engineers, design manuals
30 published by the department, applicable federal guidelines
31 and standards, standard textbooks, current technical literature
32 and applicable safety standards. ~~The-material-standards-for~~
33 ~~polyvinyl-chloride-pipe-shall-not-exceed-the-specifications~~
34 ~~for-polyvinyl-chloride-pipe-in-designations-D-1784-69,-D-2241-~~
35 ~~73,-D-2564-76,-D-2672-76,-D-3036-73-and-D-3139-73-of-the~~

1 ~~American-society-of-testing-and-materials~~ The rules adopted
2 which directly pertain to the construction of sewer systems
3 ~~and-water-supply-distribution-systems~~ and the review of plans
4 and specifications for such construction shall be known
5 ~~respectively~~ as the Iowa Standards for Sewer Systems ~~and-the~~
6 ~~Iowa-Standards-for-Water-Supply-Distribution-Systems~~ and shall
7 be applicable in each governmental subdivision of the state.
8 Exceptions shall be made to the standards so formulated only
9 upon special request to and receipt of permission from the
10 department. The department shall publish the standards and
11 make copies of ~~such~~ the standards available to governmental
12 subdivisions and to the public.

13 Sec. 2. Section 455B.174, subsection 2 Code Supplement
14 1983, is amended to read as follows:

15 2. Conduct periodic surveys and inspection of the
16 ~~construction~~, operation, self-monitoring, record keeping and
17 reporting of all public water supply systems and all disposal
18 systems except as provided in section 455B.183.

19 Sec. 3. Section 455B.174, subsection 4, unnumbered para-
20 graph 1, Code Supplement 1983, is amended to read as follows:

21 Approve or disapprove the plans and specifications for
22 the construction of disposal systems ~~or-public-water-supply~~
23 ~~systems~~ except for those sewer extensions ~~and-water-supply~~
24 ~~distribution-system-extensions~~ which are reviewed by a city
25 or county public works department as set forth in section
26 455B.183. The executive director shall issue, revoke, suspend,
27 modify or deny permits for the operation, installation,
28 construction, addition to or modification of any disposal
29 system ~~or-public-water-supply-system~~ except for sewer
30 extensions ~~and-water-supply-distribution-system-extensions~~
31 which are reviewed by a city or county public works department
32 as set forth in section 455B.183. The executive director
33 shall also issue, revoke, suspend, modify or deny permits
34 for the discharge of any pollutant. The permits shall contain
35 conditions and schedules of compliance as necessary to meet

1 the requirements of this part of this division and the federal
2 Water Pollution Control Act. A permit shall not be issued
3 to operate or discharge from any disposal system unless the
4 conditions of the permit assure that any discharge from the
5 disposal system meets or will meet all applicable state and
6 federal water quality standards and effluent standards and
7 the issuance of the permit is not otherwise prohibited by
8 the federal Water Pollution Control Act. All applications
9 for discharge permits are subject to public notice and
10 opportunity for public participation including public hearing
11 as the commission may by rule require. The executive director
12 shall promptly notify the applicant in writing of the executive
13 director's action and, if the permit is denied, state the
14 reasons for denial. The applicant may appeal to the commission
15 from the denial of a permit or from any condition in any
16 permit if the applicant files notice of appeal with the
17 executive director within thirty days of the notice of denial
18 or issuance of the permit. The executive director shall
19 notify the applicant within thirty days of the time and place
20 of the hearing.

21 Sec. 4. Section 455B.183, Code Supplement 1983, is amended
22 to read as follows:

23 455B.183 WRITTEN PERMITS REQUIRED. It is unlawful to
24 carry on any of the following activities without first securing
25 a written permit from the executive director, or from a city
26 or county public works department if the public works
27 department reviews the activity under this section, as required
28 by the commission:

29 1. The construction, installation or modification of any
30 disposal system ~~or public water supply system~~ or part thereof
31 of or any extension or addition thereto to a disposal system
32 ~~except those sewer extensions and water supply distribution~~
33 ~~system extensions~~ that are subject to review and approval
34 by a city or county public works department pursuant to this
35 section and private sewage disposal systems. ~~A permit shall~~

1 be-issued-for-the-construction,-installation-or-modification
2 of-a-public-water-supply-distribution-system-or-part-of-a
3 system-if-a-qualified,-registered-engineer-certifies-to-the
4 commission-that-the-plans-for-the-system-or-part-of-the-system
5 meet-the-requirements-of-state-and-federal-law-or-regulations.-
6 The-permit-shall-state-that-approval-is-based-only-upon-the
7 engineer's-certification-that-the-system's-design-meets-the
8 requirements-of-all-applicable-state-and-federal-laws-and
9 regulations-

10 2. The construction or use of any a new point source for
11 the discharge of any a pollutant into any water of the state.

12 3. The operation of any a waste disposal system or public
13 water-supply-system or any a part of or extension or addition
14 to such a waste disposal system. This provision does not
15 apply to any a pretreatment system the effluent of which is
16 to be discharged directly to another disposal system for final
17 treatment and disposal or any a private sewage disposal system.

18 Upon adoption of standards by the commission pursuant to
19 section 455B.173, subsections 6 to 9, plans and specifications
20 for sewer extensions and-water-supply-distribution-system
21 extensions covered by this section shall be submitted to the
22 city or county public works department for approval if the
23 local public works department employs a qualified, registered
24 engineer who reviews the plans and specifications using the
25 specific state standards known as the Iowa Standards for Sewer
26 Systems and-the-Iowa-Standards-for-Water-Supply-Distribution
27 Systems that have been formulated and adopted by the commission
28 pursuant to section 455B.173, subsections 6 to 9. The local
29 agency shall issue a written permit to construct if all of
30 the following apply:

31 a. The submitted plans and specifications are in
32 substantial compliance with departmental rules and the Iowa
33 Standards for Sewer Systems and-the-Iowa-Standards-for-Water
34 Supply-Distribution-Systems.

35 b. The extensions primarily serve residential consumers

1 and will not result in an increase greater than five percent
2 of the capacity of the treatment works or serve more than
3 two hundred fifty dwelling units ~~or, in the case of an~~
4 ~~extension to a water supply distribution system, the extension~~
5 ~~will have a capacity of less than five percent of the system~~
6 ~~or will serve fewer than two hundred fifty dwelling units.~~

7 c. The proposed sewer extension will not exceed the
8 capacity of any treatment works which received a state or
9 federal monetary grant after 1972.

10 ~~d. The proposed water supply distribution system extension~~
11 ~~will not exceed the production capacity of any public water~~
12 ~~supply system constructed after 1972.~~

13 After issuing a permit, the city or county public works
14 department shall notify the executive director of such the
15 issuance by forwarding a copy of the permit to the executive
16 director. In addition, the local agency shall submit quarterly
17 reports to the executive director including such information
18 as the capacity of local treatment plants ~~and production~~
19 ~~capacity of public water supply systems~~ as well as other
20 necessary information requested by the executive director
21 for the purpose of implementing this chapter.

22 Plans and specifications for all other waste disposal
23 systems and public water supply systems, including sewer
24 extensions ~~and water supply distribution system extensions~~
25 not reviewed by a city or county public works department under
26 this section, shall be submitted to the department before
27 a written permit may be issued. The construction of any such
28 waste disposal system ~~or public water supply system~~ shall
29 be in accordance with standards formulated and adopted by
30 the commission pursuant to section 455B.173, subsections 6
31 to 9, or otherwise approved by the department. If it is
32 necessary or desirable to make material changes in the plans
33 or specifications, revised plans or specifications together
34 with reasons for the proposed changes must be submitted to
35 the department for a supplemental written permit.

1 Prior to the adoption of statewide standards, the department
2 may delegate the authority to review plans and specifications
3 to those governmental subdivisions if in addition to compliance
4 with subsection 3 the governmental subdivisions agree to
5 comply with all state and federal regulations and submit plans
6 for the review of plans and specifications including a complete
7 set of local standard specifications for such improvements.

8 The executive director may suspend or revoke delegation
9 of review and permit authority after notice and hearing as
10 set forth in chapter 17A if the executive director determines
11 that a city or county public works department has approved
12 extensions which do not comply with design criteria, which
13 exceed the capacity of waste treatment plants ~~or the production~~
14 ~~capacity of public water supply systems~~ or which otherwise
15 violate state or federal requirements.

16 The department shall exempt any a public water supply
17 system from any a requirement respecting a maximum contaminant
18 level or any a treatment technique requirement of an applicable
19 national drinking water regulation if these regulations apply
20 to contaminants which the commission determines are harmless
21 or beneficial to the health of consumers and if the owner
22 of a public water supply system determines that funds are
23 not reasonably available to provide for controlling amounts
24 of those contaminants which are harmless or beneficial to
25 the health of consumers.

26 Sec. 5. Section 455B.220 is amended by adding the fol-
27 lowing new subsection:

28 NEW SUBSECTION. 3. A certificate of proper classification
29 may be issued without examination to operators of a water
30 distribution system in which water is conveyed from a supply
31 point to the premises of consumers without treatment which
32 in some way alters the physical, chemical, or bacteriological
33 quality of the water and which serves a population of not
34 more than two hundred fifty persons. Renewals of those
35 certificates issued shall be governed by the provisions of

1 this part 2 of division III and rules promulgated pursuant
2 to this part. Notwithstanding chapter 258A, continuing
3 education requirements shall not be imposed as a condition
4 of certificate renewal for certificates issued under this
5 subsection.

6 EXPLANATION

7 This bill removes the regulatory authority of the depart-
8 ment of water, air and waste management over the construction,
9 location, operation and maintenance of public water supply
10 systems. It does not remove the authority of the department
11 to establish drinking water standards and inspection, monitor-
12 ing and reporting requirements for public water supply systems.

13 The bill also provides for certificates for operators of
14 small public water distribution systems which do not treat
15 the water.

16 The bill takes effect July 1 following enactment.

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1 Amend House File 2387 as follows:

2 1. Page 1, by striking line 1 through page 6,
3 line 25, and inserting in lieu thereof the following:

4 "Section 1. Section 455B.183, subsection 1 and
5 unnumbered paragraph 4, Code Supplement 1983, are
6 amended to read as follows:

7 1. The construction, installation or modification
8 of any disposal system or public water supply system
9 or part thereof or any extension or addition thereto
10 except those sewer extensions and water supply
11 distribution system extensions that are subject to
12 review and approval by a city or county public works
13 department pursuant to this section and private sewage
14 disposal systems. A permit shall be issued for the
15 construction, installation or modification of a public
16 water supply distribution system or part of a system
17 if a qualified, registered engineer certifies to the
18 commission that the plans for the system or part of
19 the system meet the requirements of state and federal
20 law or regulations. The permit shall state that
21 approval is based only upon the engineer's
22 certification that the system's design meets the
23 requirements of all applicable state and federal laws
24 and regulations and the review of the department shall
25 be advisory.

26 Plans and specifications for all other waste
27 disposal systems and public water supply systems,
28 including sewer extensions and water supply
29 distribution system extensions not reviewed by a city
30 or county public works department under this section,
31 shall be submitted to the department certified by
32 a registered engineer as provided in subsection 1
33 before a written permit ~~may-be~~ is issued. The
34 construction of any such waste disposal system or
35 public water supply system shall be in accordance
36 with standards formulated and adopted by the commission
37 pursuant to section 455B.173, subsections 6 to 9,
38 ~~or otherwise approved by the department.~~ If it is
39 necessary or desirable to make material changes in
40 the plans or specifications, revised plans or
41 specifications together with reasons for the proposed
42 changes must be submitted to the department certified
43 by a registered engineer as provided in subsection
44 1 for a supplemental written permit."

HOUSE FILE 2387

H-5435

- 1 Amend House File 2387 as follows:
- 2 1. Page 1, by striking lines 32 through page 2,
- 3 line 1 and inserting in lieu thereof the following:
- 4 "and applicable safety standards. The material
- 5 standards for polyvinyl chloride pipe shall not exceed
- 6 the specifications for polyvinyl chloride pipe in
- 7 designations D-1784-69, D-2241-73, D-2564-76, D-2672-
- 8 76, D-3036-73 and D-3139-73 of the American society
- 9 of testing and material. The rules adopted".
- 10 2. Page 3, line 29, by inserting after the word
- 11 "modification" the words "except repairs,".

H-5435 FILED MARCH 6, 1984

BY SCHROEDER of Pottawattamie

Adopted 3/12 (p. 945)

Placed out of order (p. 941)

HOUSE FILE 2387

H-5524

1 Amend House File 2387 as follows:

2 1. Page 1, by striking line 1 through page 6,
3 line 25, and inserting in lieu thereof the following:

4 "Section 1. Section 455B.183, subsection 1 and
5 unnumbered paragraph 4, Code Supplement 1983, are
6 amended to read as follows:

7 1. The construction, installation or modification
8 of any disposal system or public water supply system
9 or part thereof or any extension or addition thereto
10 except those sewer extensions and water supply
11 distribution system extensions that are subject to
12 review and approval by a city or county public works
13 department pursuant to this section and private sewage
14 disposal systems. A permit shall be issued for the
15 construction, installation or modification of a public
16 water supply ~~distribution~~ system or part of a system
17 if a qualified, registered engineer certifies to the
18 commission that the plans for the system or part of
19 the system meet the requirements of state and federal
20 law or regulations. The permit shall state that
21 approval is based only upon the engineer's
22 certification that the system's design meets the
23 requirements of all applicable state and federal laws
24 and regulations and the review of the department shall
25 be advisory.

26 Plans and specifications for all other waste
27 disposal systems and public water supply systems,
28 including sewer extensions and water supply
29 distribution system extensions not reviewed by a city
30 or county public works department under this section,
31 shall be submitted to the department before a written
32 permit may be issued. Plans and specifications for
33 public water supply systems and water supply
34 distribution system extensions must be certified by
35 a registered engineer as provided in subsection 1.
36 The construction of any such waste disposal system
37 or public water supply system shall be in accordance
38 with standards formulated and adopted by the commission
39 pursuant to section 455B.173, subsections 6 to 9,
40 ~~or otherwise approved by the department.~~ If it is
41 necessary or desirable to make material changes in
42 the plans or specifications, revised plans or
43 specifications together with reasons for the proposed
44 changes must be submitted to the department for a
45 supplemental written permit. The revised plans and
46 specifications for a public water supply system must
47 be certified by a registered engineer as provided in
48 subsection 1."

BY GROTH of Buena Vista
SKOW of Guthrie
WELDEN of Hardin
STUELAND of Clinton
SULLIVAN of Van Buren

H-5524 FILED MARCH 8, 1984

Adopted 3/12 (J. 947)

Sen. Natural Resources 3/14 Do Pass 3/21 (p. 958.)

HOUSE FILE 2387

BY COMMITTEE ON NATURAL RESOURCES
(As Amended and Passed by the House)

Passed House, Date 3-12-84 (p. 947) Passed Senate, Date 3-30-84 (p. 1195)

Vote: Ayes 91 Nays 1 Vote: Ayes 44 Nays 0

Approved April 17, 1984 (p. 2116)

A BILL FOR

1 An Act relating to the authority of the department of water,
2 air and waste management over public water supply systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 455B.183, subsection 1 and unnumbered
2 paragraph 4, Code Supplement 1983, are amended to read as
3 follows:

4 1. The construction, installation or modification of any
5 disposal system or public water supply system or part thereof
6 or any extension or addition thereto except those sewer
7 extensions and water supply distribution system extensions
8 that are subject to review and approval by a city or county
9 public works department pursuant to this section and private
10 sewage disposal systems. A permit shall be issued for the
11 construction, installation or modification of a public water
12 supply ~~distribution~~ system or part of a system if a qualified,
13 registered engineer certifies to the commission that the plans
14 for the system or part of the system meet the requirements
15 of state and federal law or regulations. The permit shall
16 state that approval is based only upon the engineer's
17 certification that the system's design meets the requirements
18 of all applicable state and federal laws and regulations and
19 the review of the department shall be advisory.

20 Plans and specifications for all other waste disposal
21 systems and public water supply systems, including sewer
22 extensions and water supply distribution system extensions
23 not reviewed by a city or county public works department under
24 this section, shall be submitted to the department before
25 a written permit may be issued. Plans and specifications
26 for public water supply systems and water supply distribution
27 system extensions must be certified by a registered engineer
28 as provided in subsection 1. The construction of any such
29 waste disposal system or public water supply system shall
30 be in accordance with standards formulated and adopted by
31 the commission pursuant to section 455B.173, subsections 6
32 to 9, ~~or otherwise approved by the department.~~ If it is
33 necessary or desirable to make material changes in the plans
34 or specifications, revised plans or specifications together
35 with reasons for the proposed changes must be submitted to

1 the department for a supplemental written permit. The revised
2 plans and specifications for a public water supply system
3 must be certified by a registered engineer as provided in
4 subsection 1.

5 Sec. 2. Section 455B.220 is amended by adding the fol-
6 lowing new subsection:

7 NEW SUBSECTION. 3. A certificate of proper classification
8 may be issued without examination to operators of a water
9 distribution system in which water is conveyed from a supply
10 point to the premises of consumers without treatment which
11 in some way alters the physical, chemical, or bacteriological
12 quality of the water and which serves a population of not
13 more than two hundred fifty persons. Renewals of those
14 certificates issued shall be governed by the provisions of
15 this part 2 of division III and rules promulgated pursuant
16 to this part. Notwithstanding chapter 258A, continuing
17 education requirements shall not be imposed as a condition
18 of certificate renewal for certificates issued under this
19 subsection.

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HOUSE FILE 2387

AN ACT

RELATING TO THE AUTHORITY OF THE DEPARTMENT OF WATER, AIR
AND WASTE MANAGEMENT OVER PUBLIC WATER SUPPLY SYSTEMS.

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

Section 1. Section 455B.183, subsection 1 and unnumbered paragraph 4, Code Supplement 1983, are amended to read as follows:

1. The construction, installation or modification of any disposal system or public water supply system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section and private sewage disposal systems. A permit shall be issued for the construction, installation or modification of a public water supply ~~distribution~~ system or part of a system if a qualified, registered engineer certifies to the commission that the plans for the system or part of the system meet the requirements of state and federal law or regulations. The permit shall state that approval is based only upon the engineer's certification that the system's design meets the requirements

of all applicable state and federal laws and regulations and the review of the department shall be advisory.

Plans and specifications for all other waste disposal systems and public water supply systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. Plans and specifications for public water supply systems and water supply distribution system extensions must be certified by a registered engineer as provided in subsection 1. The construction of any such waste disposal system or public water supply system shall be in accordance with standards formulated and adopted by the commission pursuant to section 455B.173, subsections 6 to 97-~~or-otherwise-approved-by-the-department~~. If it is necessary or desirable to make material changes in the plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit. The revised plans and specifications for a public water supply system must be certified by a registered engineer as provided in subsection 1.

Sec. 2. Section 455B.220 is amended by adding the following new subsection:

NEW SUBSECTION. 3. A certificate of proper classification may be issued without examination to operators of a water distribution system in which water is conveyed from a supply point to the premises of consumers without treatment which in some way alters the physical, chemical, or bacteriological quality of the water and which serves a population of not more than two hundred fifty persons. Renewals of those certificates issued shall be governed by the provisions of this part 2 of division III and rules promulgated pursuant to this part. Notwithstanding chapter 258A, continuing education requirements shall not be imposed as a condition

of certificate renewal for certificates issued under this subsection.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2387, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 17, 1984

TERRY E. BRANSTAD
Governor