

FILE

SENATE FILE
BY BUHR

334

Passed Senate, Date 3/25/91 (p. 835) Passed House, Date 4/17/91 P. 1313
Vote: Ayes 47 Nays 0 Vote: Ayes 76 Nays 19
Approved June 10, 1991

A BILL FOR

1 An Act relating to authorized actions of local air pollution
2 programs under the jurisdiction of the department of natural
3 resources and providing penalties.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

W
T
W
L

1 Section 1. Section 455B.146, Code 1991, is amended to read
2 as follows:

3 455B.146 CIVIL ACTION FOR COMPLIANCE -- LOCAL PROGRAM
4 ACTIONS.

5 If any order, permit, or rule of the department is being
6 violated, the attorney general shall, at the request of the
7 department or the director, institute a civil action in any
8 district court for injunctive relief to prevent any further
9 violation of the order, permit, or rule, or for the assessment
10 of a civil penalty as determined by the court, not to exceed
11 five ~~ten~~ thousand dollars per day for each day such violation
12 continues, or both such injunctive relief and civil penalty.
13 Notwithstanding sections 331.302 and 331.307, local air
14 pollution control programs authorized by certificate of
15 acceptance under this division may assess civil penalties
16 consistent with the amount established for such penalties
17 under this division.

18 2785 Sec. 2. NEW SECTION. 455B.146A CRIMINAL ACTION.

19 A person who negligently or knowingly violates a provision
20 of this division of this chapter, a permit, rule, standard, or
21 order issued under this division of this chapter, a condition
22 or limitation included in any permit issued under this
23 division of this chapter, or who negligently or knowingly
24 introduces into the air a pollutant or hazardous substance
25 which the person knew or reasonably should have known could
26 cause personal injury, property damage, or adverse
27 environmental impacts, is guilty of a serious misdemeanor for
28 a negligent violation and is guilty of an aggravated
29 misdemeanor for a knowing violation. A conviction for a
30 negligent violation is punishable by a fine of not more than
31 twenty-five thousand dollars for each day of violation or by
32 imprisonment for not more than one year, or both. If the
33 conviction is for a second or subsequent negligent violation
34 committed by a person under this section, the conviction is
35 punishable by a fine of not more than fifty thousand dollars

1 for each day of violation or by imprisonment for not more than
2 two years, or both. A conviction for a knowing violation is
3 punishable by a fine of not more than fifty thousand dollars
4 for each day of violation or by imprisonment for not more than
5 two years, or both. If the conviction is for a second or
6 subsequent violation committed by a person under this section,
7 the conviction is punishable by a fine of not more than one
8 hundred thousand dollars for each day of violation or by
9 imprisonment for not more than five years, or both. As used
10 in this section, "hazardous substance" means hazardous
11 substance as defined in section 455B.381 or 455B.411.

12 A person who knowingly makes a false statement,
13 representation, or certification in an application, record,
14 report, plan, or other document filed or required to be
15 maintained under this division of this chapter, or who
16 falsifies, tampers with or knowingly renders inaccurate a
17 monitoring device or method required to be maintained under
18 this division of this chapter or by a permit, rule,
19 regulation, or order issued under this division of this
20 chapter, is guilty of an aggravated misdemeanor and is subject
21 to a fine of not more than ten thousand dollars or
22 imprisonment in the county jail for not more than six months,
23 or both. Notwithstanding section 331.302, local air pollution
24 control programs authorized by certificate of acceptance under
25 this division may assess fines consistent with the amount
26 established for such fines under this division.

27 EXPLANATION

28 The bill authorizes local air pollution control programs
29 under the jurisdiction of the department of natural resources
30 to establish civil penalties and criminal fines more
31 consistent with those established by the department. The bill
32 also establishes annual penalties and increases the maximum
33 civil penalty for violation of orders, permits, or rules of
34 the department of natural resources relating to the air
35 quality division from \$5,000 to \$10,000. The bill may

1 establish a state mandate as defined under section 25B.3.

2

3

SENATE FILE 324

S-3155

1 Amend Senate File 324 as follows:

2 1. By striking page 1, line 18, through page 2,

3 line 26.

By COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
RALPH ROSENBERG, Chairperson

S-3155 FILED MARCH 21, 1991

Adopted 3/25 (p. 825)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

Use Energy 3/28 Do Pass 4/5/91

SENATE FILE 324
BY BUHR

(AS AMENDED AND PASSED BY THE SENATE MARCH 25, 1991)

* - Language Stricken by the Senate

³⁵¹⁵
By Passed Senate, Date 4/22/91 (p. 1391) Passed House, Date 4/17/91 (p. 1313)
Vote: Ayes 48 Nays 0 Vote: Ayes 76 Nays 19
Approved June 10, 1991

A BILL FOR

1 An Act relating to authorized actions of local air pollution
2 programs under the jurisdiction of the department of natural
3 resources and providing penalties.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

S.F. 324

1 Section 1. Section 455B.146, Code 1991, is amended to read
2 as follows:

3 455B.146 CIVIL ACTION FOR COMPLIANCE -- LOCAL PROGRAM
4 ACTIONS.

3450 5 If any order, permit, or rule of the department is being
6 violated, the attorney general shall, at the request of the
7 department or the director, institute a civil action in any
8 district court for injunctive relief to prevent any further
9 violation of the order, permit, or rule, or for the assessment
10 of a civil penalty as determined by the court, not to exceed
11 ~~five~~ ten thousand dollars per day for each day such violation
12 continues, or both such injunctive relief and civil penalty.
13 Notwithstanding sections 331.302 and 331.307, local air
14 pollution control programs authorized by certificate of
15 acceptance under this division may assess civil penalties
16 consistent with the amount established for such penalties
17 under this division.

* 18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 324

H-3656

- 1 Amend Senate File 324, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word "local"
- 4 and inserting the following: "a city or county which
- 5 maintains".
- 6 2. Page 1, line 15, by striking the word "assess"
- 7 and inserting the following: "provide".

By HOLVECK of Polk

H-3656 FILED APRIL 16, 1991

Adopted 4/17/91 (p. 1313)

HOUSE AMENDMENT TO
SENATE FILE 324

S-3515

- 1 Amend Senate File 324, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word "local"
- 4 and inserting the following: "a city or county which
- 5 maintains".
- 6 2. Page 1, line 15, by striking the word "assess"
- 7 and inserting the following: "provide".

RECEIVED FROM THE HOUSE

S-3515 FILED APRIL 19, 1991

Senate Amendment 4/22/91 (p. 1290)

certificate of acceptance under this division may provide civil penalties consistent with the amount established for such penalties under this division.

CORRECTED COPY

SENATE FILE 324

AN ACT

RELATING TO AUTHORIZED ACTIONS OF LOCAL AIR POLLUTION PROGRAMS UNDER THE JURISDICTION OF THE DEPARTMENT OF NATURAL RESOURCES AND PROVIDING PENALTIES.

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

Section 1. Section 455B.146, Code 1991, is amended to read as follows:

455B.146 CIVIL ACTION FOR COMPLIANCE -- LOCAL PROGRAM ACTIONS.

If any order, permit, or rule of the department is being violated, the attorney general shall, at the request of the department or the director, institute a civil action in any district court for injunctive relief to prevent any further violation of the order, permit, or rule, or for the assessment of a civil penalty as determined by the court, not to exceed five ten thousand dollars per day for each day such violation continues, or both such injunctive relief and civil penalty. Notwithstanding sections 331.302 and 331.307, a city or county which maintains air pollution control programs authorized by

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 324, Seventy-fourth General Assembly.

Approved *June 10*, 1991

JOHN F. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor

SF 324