

JAN 16 1998
ENVIRONMENTAL PROTECTION

HOUSE FILE 2054
BY LAMBERTI, CATALDO, and
GIPP

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to permits for aquifer storage and recovery and
2 making penalties applicable.

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

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1 Section 1. Section 455B.261, Code 1997, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 0A. "Aquifer" means a water-bearing
4 geologic formation which is capable of yielding a usable
5 quantity of water to a well or spring and which transports and
6 stores groundwater.

7 NEW SUBSECTION. 0B. "Aquifer storage and recovery" means
8 the injection and storage of treated water in an aquifer
9 through a permitted well during times when treated water is
10 available, and withdrawal of the treated water from the same
11 aquifer through the same well during times when treated water
12 is needed.

13 Sec. 2. Section 455B.261, subsections 10 and 11, Code
14 1997, are amended to read as follows:

15 10. "Permit" means a written authorization issued by the
16 department to a permittee which authorizes diversion, storage,
17 including storage of treated water in an aquifer, or
18 withdrawal of water limited as to quantity, time, place, and
19 rate in accordance with this part or authorizes construction,
20 use, or maintenance of a structure, dam, obstruction, deposit,
21 or excavation in a floodway or flood plain in accordance with
22 the principles and policies of protecting life and property
23 from floods as specified in this part.

24 11. "Permittee" means a person who obtains a permit from
25 the department authorizing the person to take possession by
26 diversion, storage in an aquifer, or otherwise and to use and
27 apply an allotted quantity of water for a designated
28 beneficial use, and who makes actual use of the water for that
29 purpose or a person who obtains a permit from the department
30 authorizing construction, use, or maintenance of a structure,
31 dam, obstruction, deposit, or excavation in a floodway or
32 flood plain for a designated purpose.

33 Sec. 3. Section 455B.265, Code 1997, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 4. Permits for aquifer storage and

1 recovery shall be granted for a period of twenty years or the
2 life of the project, whichever is less, unless revoked by the
3 department. Upon application and prior to the termination
4 date specified in the original permit or a subsequent renewal
5 permit, a renewal permit may be issued by the department for
6 an additional period of twenty years. The department shall
7 not authorize withdrawals of treated water from an aquifer
8 storage and recovery site by anyone other than the permittee
9 during the period of the original permit and each subsequent
10 renewal permit. Treated water injected into an aquifer
11 covered by a permit issued pursuant to this subsection is the
12 property of the permittee.

13 Sec. 4. Section 455B.269, Code 1997, is amended to read as
14 follows:

15 455B.269 TAKING WATER PROHIBITED.

16 1. A person shall not take water from a natural
17 watercourse, underground basin or watercourse, drainage ditch,
18 or settling basin within this state for any purpose other than
19 a nonregulated use except in compliance with the sections of
20 this part which relate to the withdrawal, diversion, or
21 storage of water. However, existing uses may be continued
22 during the period of the pendency of an application for a
23 permit.

24 2. A person, other than the aquifer storage and recovery
25 permittee, shall not take treated water from a permitted
26 aquifer storage and recovery site within this state.

27 EXPLANATION

28 This bill authorizes the department of natural resources to
29 issue permits for aquifer storage and recovery sites. Aquifer
30 storage and recovery is defined as the injection and storage
31 of treated water in an aquifer through a well during times
32 when treated water is available and the withdrawal of treated
33 water from the same aquifer through the same well during times
34 when treated water is needed.

35 The bill allows the department to issue aquifer storage and

1 recovery permits for a period of 20 years or the life of the
2 project, whichever is less. Permits may be renewed an
3 unlimited number of times for periods of 20 years. The bill
4 provides that the department shall not authorize withdrawals
5 of treated water from an aquifer storage and recovery site by
6 anyone other than the permittee during the period of the
7 original permit and each subsequent renewal permit. The bill
8 provides that treated water which is injected into a permitted
9 aquifer storage and recovery site is the property of the
10 permittee.

11 The bill prohibits the withdrawal of treated water from a
12 permitted aquifer storage and recovery site within this state
13 by a person other than the aquifer storage and recovery
14 permittee. A person violating this prohibition is subject to
15 a civil penalty not to exceed \$500 for each day the violation
16 occurs as provided in Code section 455B.279.

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