

S. 3/5/98 Int. to
S. 3/17/98 Do Pass

FEB 17 1998
Place On Calendar

HOUSE FILE 2292
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 2054)

Passed House, ^(P.548) Date 3/5/98 Passed Senate, ^(P.863) Date 3/24/98
Vote: Ayes 97 Nays 6 Vote: Ayes 50 Nays 0
Approved April 2, 1998

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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HF 2292

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. The department shall adopt rules pursuant to
4 chapter 17A relating to information an applicant for a permit
5 shall submit to the department. At a minimum, the information
6 shall include engineering, investigation, and evaluation
7 information requisite to assure protection of the groundwater
8 resource, and assurances that an aquifer storage and recovery
9 site shall not unreasonably restrict other uses of the
10 aquifer. Upon application and prior to the termination date
11 specified in the original permit or a subsequent renewal
12 permit, a renewal permit may be issued by the department for
13 an additional period of twenty years. The department shall
14 not authorize withdrawals of treated water from an aquifer
15 storage and recovery site by anyone other than the permittee
16 during the period of the original permit and each subsequent
17 renewal permit. Treated water injected into an aquifer
18 covered by a permit issued pursuant to this subsection is the
19 property of the permittee.

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

22 455B.269 TAKING WATER PROHIBITED.

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

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

34 EXPLANATION

35 This bill authorizes the department of natural resources to

1 issue permits for aquifer storage and recovery sites. Aquifer
2 storage and recovery is defined as the injection and storage
3 of treated water in an aquifer through a well during times
4 when treated water is available and the withdrawal of treated
5 water from the same aquifer through the same well during times
6 when treated water is needed.

7 The bill allows the department to issue aquifer storage and
8 recovery permits for a period of 20 years or the life of the
9 project, whichever is less. Permits may be renewed an
10 unlimited number of times for periods of 20 years. The bill
11 provides that the department shall not authorize withdrawals
12 of treated water from an aquifer storage and recovery site by
13 anyone other than the permittee during the period of the
14 original permit and each subsequent renewal permit. The bill
15 provides that treated water which is injected into a permitted
16 aquifer storage and recovery site is the property of the
17 permittee. The bill requires the department to adopt rules
18 relating to information an applicant for a permit shall submit
19 to the department.

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

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HOUSE FILE 2292

AN ACT

RELATING TO PERMITS FOR AQUIFER STORAGE AND RECOVERY AND
MAKING PENALTIES APPLICABLE.

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

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

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

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

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

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

11. "Permittee" means a person who obtains a permit from the department authorizing the person to take possession by diversion, storage in an aquifer, or otherwise and to use and apply an allotted quantity of water for a designated

beneficial use, and who makes actual use of the water for that purpose or a person who obtains a permit from the department authorizing construction, use, or maintenance of a structure, dam, obstruction, deposit, or excavation in a floodway or flood plain for a designated purpose.

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

NEW SUBSECTION. 4. Permits for aquifer storage and recovery shall be granted for a period of twenty years or the life of the project, whichever is less, unless revoked by the department. The department shall adopt rules pursuant to chapter 17A relating to information an applicant for a permit shall submit to the department. At a minimum, the information shall include engineering, investigation, and evaluation information requisite to assure protection of the groundwater resource, and assurances that an aquifer storage and recovery site shall not unreasonably restrict other uses of the aquifer. Upon application and prior to the termination date specified in the original permit or a subsequent renewal permit, a renewal permit may be issued by the department for an additional period of twenty years. The department shall not authorize withdrawals of treated water from an aquifer storage and recovery site by anyone other than the permittee during the period of the original permit and each subsequent renewal permit. Treated water injected into an aquifer covered by a permit issued pursuant to this subsection is the property of the permittee.

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

455B.269 TAKING WATER PROHIBITED.

1. A person shall not take water from a natural watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use except in compliance with the sections of this part which relate to the withdrawal, diversion, or

storage of water. However, existing uses may be continued during the period of the pendency of an application for a permit.

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

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2292, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 2, 1998

TERRY E. BRANSTAD
Governor