

REPRINTED

FEB 20 1997
Place On Calendar

HOUSE FILE 309
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 107)

Passed House, Date ^(P.548) 3-11-97 Passed Senate, Date 3/24/97
Vote: Ayes 108 Nays 0 Vote: Ayes 47 Nays 0
Approved March 31, 1997

A BILL FOR

1 An Act relating to review and oversight of actions of the ozone
2 transport assessment group.

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

4
5

HOUSE FILE 309

H-1151

- 1 Amend House File 309 as follows:
- 2 1. Page 5, by striking lines 9 and 10 and
- 3 inserting the following: "within the state of Iowa
- 4 contribute significantly to nonattainment of an ozone
- 5 standard".

By RANTS of Woodbury

H-1151 FILED MARCH 10, 1997

adopted 3-11-97
(P.548)

14
15
16
17
18
19
20
21
22
23

TLSB 1545HV 77

tm/jj/8

HF 309

1 Section 1. FINDINGS. The general assembly finds and
2 declares all of the following:

3 1. The federal Clean Air Act, 42 U.S.C. § 7401 et seq., as
4 amended by the federal Clean Air Act Amendments of 1990, Pub.
5 L. No. 101-549, contains a comprehensive regulatory scheme for
6 the control of emissions from mobile and stationary sources.

7 2. Ozone and other air pollutants have declined
8 substantially during the past twenty-five years throughout the
9 United States due to the implementation of the federal Clean
10 Air Act, and additional air quality improvements will result
11 as the federal Clean Air Act Amendments of 1990 are
12 implemented.

13 3. The northeast ozone transport commission, established
14 in 42 U.S.C. § 7511c, in an effort to remedy the serious ozone
15 nonattainment conditions prevailing in urbanized areas of the
16 northeastern United States, has proposed emission control
17 requirements for stationary and mobile sources more stringent
18 than those applicable to states outside of the northeast ozone
19 transport region, including a petition to the United States
20 environmental protection agency concerning low-emitting
21 vehicle emission control requirements and a memorandum of
22 understanding concerning stationary source emission control
23 requirements.

24 4. The northeast ozone transport commission's initiatives,
25 together with other local emission control actions, will help
26 northeastern states to attain the national ambient air quality
27 standard for ozone established by the United States
28 environmental protection agency.

29 5. In response to concerns raised by certain northeastern
30 states about the interstate transport of ozone, the United
31 States environmental protection agency has convened the ozone
32 transport assessment group, involving representatives from the
33 original twelve northeastern states in the ozone transport
34 region and representatives from twenty-five states to the west
35 and south of the northeast ozone transport region, including

1 Iowa, to consider means to reduce the atmospheric transport of
2 ozone.

3 6. The ozone transport assessment group will develop
4 recommendations in 1997 for emission control actions in states
5 outside of the northeast ozone transport region that may form
6 the basis for United States environmental protection agency
7 enforcement actions under the federal Clean Air Act, including
8 the preparation and submission of state implementation plans
9 calling for control actions in Iowa not specifically mandated
10 by the federal Clean Air Act Amendments of 1990.

11 7. Computer modeling studies prepared by the ozone
12 transport assessment group indicate all of the following:

13 a. Ozone nonattainment is caused predominantly by local
14 emission sources in densely populated urbanized areas.

15 b. Emissions originating in Iowa do not contribute
16 significantly to the nonattainment of ozone standards in other
17 states or regions.

18 8. Emission controls for stationary and mobile sources
19 under consideration by the ozone transport assessment group
20 for states outside the northeast ozone transport region are
21 more stringent and more costly than those mandated by the
22 federal Clean Air Act Amendments of 1990, and could impair the
23 competitiveness of businesses and industries in Iowa with
24 negligible environmental benefits and with adverse effects on
25 employment and income in Iowa.

26 9. The emission control requirements under consideration
27 by the ozone transport assessment group could impede economic
28 development, to the detriment of the well-being of the
29 citizens of Iowa and its economy.

30 10. Legislative oversight of proposed actions of the ozone
31 transport assessment group, and related actions of the United
32 States environmental protection agency directly or indirectly
33 affecting the citizens and economy of Iowa, is in the public
34 interest.

35 Sec. 2. OZONE TRANSPORT ASSESSMENT GROUP DECISION MAKING.

1 1. The director of the department of natural resources
2 shall provide periodic reports on progress in the ozone
3 transport assessment group decision-making process to the
4 senate standing committee on natural resources and environment
5 and the house of representatives standing committee on
6 environmental protection if the general assembly is in
7 session, and to the legislative council if the general
8 assembly is not in session. The director shall also submit
9 any ozone transport assessment group decisions or
10 recommendations, together with an explanation thereof, as
11 expeditiously as is practicable to the senate standing
12 committee on natural resources and environment and the house
13 of representatives standing committee on environmental
14 protection for review if the general assembly is in session,
15 and to the legislative council if the general assembly is not
16 in session.

17 2. If the general assembly is in session, within a
18 reasonable amount of time following receipt of the ozone
19 transport assessment group decisions or recommendations, the
20 senate standing committee on natural resources and environment
21 and the house of representatives standing committee on
22 environmental protection may convene public hearings to
23 receive comments from agencies of government and other
24 interested parties on the prospective impact of the decisions
25 or recommendations on this state's economy and the
26 environment, including the impact on energy use, environment,
27 economic development, utility costs and rates, transportation
28 fuel costs, and industrial competitiveness. If the general
29 assembly is not in session, the legislative council may
30 convene public hearings for the same purposes.

31 Sec. 3. STATE IMPLEMENTATION PLAN.

32 1. Upon publication by the United States environmental
33 protection agency of a notice of proposed rulemaking to
34 require states to submit state implementation plan revisions
35 or upon the issuance of a request by the United States

1 environmental protection agency for submission of a state
2 implementation plan for Iowa related to ozone attainment, the
3 director of the department of natural resources shall notify
4 the senate standing committee on natural resources and
5 environment, the house of representatives standing committee
6 on environmental protection, and the administrative rules
7 review committee of the request or notice if the general
8 assembly is in session. If the general assembly is not in
9 session, the director shall notify the legislative council and
10 the administrative rules review committee. The director shall
11 also provide the committees or the legislative council and the
12 administrative rules review committee with copies of any state
13 implementation plan prepared by the department pursuant to
14 such a request or notice not less than sixty days prior to the
15 submission of the state implementation plan to the United
16 States environmental protection agency.

17 2. Within a reasonable amount of time following receipt of
18 the state implementation plan, if the general assembly is in
19 session, the senate standing committee on natural resources
20 and environment and the house of representatives standing
21 committee on environmental protection shall convene public
22 hearings to receive comments from agencies of government and
23 other interested parties on the prospective impact of the
24 state implementation plan on this state's economy and
25 environment, including impacts on energy use, the environment,
26 economic development, utility costs and rates, transportation
27 fuel costs, and industrial competitiveness. If the general
28 assembly is not in session, the legislative council may
29 convene public hearings for the same purposes.

30 3. The department shall not implement the state
31 implementation plan through the use of emergency rules adopted
32 under section 17A.4, subsection 2, or made effective under
33 section 17A.5, subsection 2.

34 4. In the absence of a recommendation or other act of the
35 general assembly, or of the legislative council if the general

1 assembly is not in session, endorsing the state implementation
2 plan, the director shall not submit to the United States
3 environmental protection agency any state implementation plan
4 related to ozone transport which would impose emission
5 controls in Iowa more stringent than necessary for Iowa to
6 demonstrate attainment with any national ambient air quality
7 standard for ozone, unless all of the following can be shown:

8 a. Emissions from other than natural sources located
9 within the state of Iowa contribute at a level greater than
10 eight parts per billion to nonattainment of an ozone standard
11 in another state.

12 b. Technically feasible emission reductions in such other
13 nonattaining state would not permit the nonattaining state to
14 demonstrate attainment and maintenance of an ozone standard.

15 c. Technically and economically feasible emission
16 reductions in the state of Iowa will significantly benefit or
17 enable a nonattaining state to achieve the ozone standard.

18 EXPLANATION

19 This bill provides for the legislative review and oversight
20 of the ozone transport assessment group which was convened by
21 the United States environmental protection agency. The ozone
22 transport assessment group consists of representatives from 12
23 northeastern states and representatives from 25 states west
24 and south of the northeast ozone transport region and was
25 convened to consider means to reduce the atmospheric transport
26 of ozone. The ozone transport assessment group will develop
27 recommendations in 1997 for emission control actions in states
28 outside the northeastern region of the United States that may
29 form the basis for United States environmental protection
30 agency enforcement actions under the federal Clean Air Act.

31 The bill provides that the director of the department of
32 natural resources shall submit reports on the ozone transport
33 assessment group decision-making process and on any ozone
34 transport assessment group decisions or recommendations to the
35 senate standing committee on natural resources and environment

1 and the house of representatives standing committee on
2 environmental protection if the general assembly is in
3 session, and to the legislative council if the general
4 assembly is not in session. The bill provides that the
5 committees or the legislative council shall hold public
6 hearings following the receipt of ozone transport assessment
7 group decisions or recommendations to receive comments on the
8 decisions or recommendations.

9 The bill provides that, if the general assembly is in
10 session, the director shall notify the senate standing
11 committee on natural resources and environment, the house of
12 representatives standing committee on environmental
13 protection, and the administrative rules review committee of
14 the issuance of a request or notice by the United States
15 environmental protection agency for the submission of a state
16 implementation plan for Iowa related to ozone attainment. If
17 the general assembly is not in session, the director shall
18 notify the legislative council, and the administrative rules
19 review committee. The director shall also provide a copy of
20 the implementation plan to the committees or the legislative
21 council, and the administrative rules review committee. The
22 bill provides that following receipt of the plan, the
23 committees shall hold public hearings for comments on the
24 plan. If the general assembly is not in session, the
25 legislative council may convene public hearings for comments
26 on the plan. The department shall not implement the state
27 implementation plan through the use of emergency rules.
28 Absent a recommendation or other act endorsing the plan by the
29 general assembly or the legislative council if the general
30 assembly is not in session, the director shall not submit a
31 plan that would impose emission controls more stringent than
32 necessary to meet the national standards, unless certain
33 requirements are met.

34
35

HOUSE FILE 309
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 107)

(As Amended and Passed by the House, March 11, 1997)

Passed House, Date _____ Passed Senate, Date 3/24/97
Vote: Ayes _____ Nays _____ Vote: Ayes 47 Nays 0
Approved March 31, 1997

A BILL FOR

1 An Act relating to review and oversight of actions of the ozone
2 transport assessment group.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

House Amendments _____

HF 309

1 Section 1. FINDINGS. The general assembly finds and
2 declares all of the following:

3 1. The federal Clean Air Act, 42 U.S.C. § 7401 et seq., as
4 amended by the federal Clean Air Act Amendments of 1990, Pub.
5 L. No. 101-549, contains a comprehensive regulatory scheme for
6 the control of emissions from mobile and stationary sources.

7 2. Ozone and other air pollutants have declined
8 substantially during the past twenty-five years throughout the
9 United States due to the implementation of the federal Clean
10 Air Act, and additional air quality improvements will result
11 as the federal Clean Air Act Amendments of 1990 are
12 implemented.

13 3. The northeast ozone transport commission, established
14 in 42 U.S.C. § 7511c, in an effort to remedy the serious ozone
15 nonattainment conditions prevailing in urbanized areas of the
16 northeastern United States, has proposed emission control
17 requirements for stationary and mobile sources more stringent
18 than those applicable to states outside of the northeast ozone
19 transport region, including a petition to the United States
20 environmental protection agency concerning low-emitting
21 vehicle emission control requirements and a memorandum of
22 understanding concerning stationary source emission control
23 requirements.

24 4. The northeast ozone transport commission's initiatives,
25 together with other local emission control actions, will help
26 northeastern states to attain the national ambient air quality
27 standard for ozone established by the United States
28 environmental protection agency.

29 5. In response to concerns raised by certain northeastern
30 states about the interstate transport of ozone, the United
31 States environmental protection agency has convened the ozone
32 transport assessment group, involving representatives from the
33 original twelve northeastern states in the ozone transport
34 region and representatives from twenty-five states to the west
35 and south of the northeast ozone transport region, including

1 Iowa, to consider means to reduce the atmospheric transport of
2 ozone.

3 6. The ozone transport assessment group will develop
4 recommendations in 1997 for emission control actions in states
5 outside of the northeast ozone transport region that may form
6 the basis for United States environmental protection agency
7 enforcement actions under the federal Clean Air Act, including
8 the preparation and submission of state implementation plans
9 calling for control actions in Iowa not specifically mandated
10 by the federal Clean Air Act Amendments of 1990.

11 7. Computer modeling studies prepared by the ozone
12 transport assessment group indicate all of the following:

13 a. Ozone nonattainment is caused predominantly by local
14 emission sources in densely populated urbanized areas.

15 b. Emissions originating in Iowa do not contribute
16 significantly to the nonattainment of ozone standards in other
17 states or regions.

18 8. Emission controls for stationary and mobile sources
19 under consideration by the ozone transport assessment group
20 for states outside the northeast ozone transport region are
21 more stringent and more costly than those mandated by the
22 federal Clean Air Act Amendments of 1990, and could impair the
23 competitiveness of businesses and industries in Iowa with
24 negligible environmental benefits and with adverse effects on
25 employment and income in Iowa.

26 9. The emission control requirements under consideration
27 by the ozone transport assessment group could impede economic
28 development, to the detriment of the well-being of the
29 citizens of Iowa and its economy.

30 10. Legislative oversight of proposed actions of the ozone
31 transport assessment group, and related actions of the United
32 States environmental protection agency directly or indirectly
33 affecting the citizens and economy of Iowa, is in the public
34 interest.

35 Sec. 2. OZONE TRANSPORT ASSESSMENT GROUP DECISION MAKING.

1 1. The director of the department of natural resources
2 shall provide periodic reports on progress in the ozone
3 transport assessment group decision-making process to the
4 senate standing committee on natural resources and environment
5 and the house of representatives standing committee on
6 environmental protection if the general assembly is in
7 session, and to the legislative council if the general
8 assembly is not in session. The director shall also submit
9 any ozone transport assessment group decisions or
10 recommendations, together with an explanation thereof, as
11 expeditiously as is practicable to the senate standing
12 committee on natural resources and environment and the house
13 of representatives standing committee on environmental
14 protection for review if the general assembly is in session,
15 and to the legislative council if the general assembly is not
16 in session.

17 2. If the general assembly is in session, within a
18 reasonable amount of time following receipt of the ozone
19 transport assessment group decisions or recommendations, the
20 senate standing committee on natural resources and environment
21 and the house of representatives standing committee on
22 environmental protection may convene public hearings to
23 receive comments from agencies of government and other
24 interested parties on the prospective impact of the decisions
25 or recommendations on this state's economy and the
26 environment, including the impact on energy use, environment,
27 economic development, utility costs and rates, transportation
28 fuel costs, and industrial competitiveness. If the general
29 assembly is not in session, the legislative council may
30 convene public hearings for the same purposes.

31 Sec. 3. STATE IMPLEMENTATION PLAN.

32 1. Upon publication by the United States environmental
33 protection agency of a notice of proposed rulemaking to
34 require states to submit state implementation plan revisions
35 or upon the issuance of a request by the United States

1 environmental protection agency for submission of a state
2 implementation plan for Iowa related to ozone attainment, the
3 director of the department of natural resources shall notify
4 the senate standing committee on natural resources and
5 environment, the house of representatives standing committee
6 on environmental protection, and the administrative rules
7 review committee of the request or notice if the general
8 assembly is in session. If the general assembly is not in
9 session, the director shall notify the legislative council and
10 the administrative rules review committee. The director shall
11 also provide the committees or the legislative council and the
12 administrative rules review committee with copies of any state
13 implementation plan prepared by the department pursuant to
14 such a request or notice not less than sixty days prior to the
15 submission of the state implementation plan to the United
16 States environmental protection agency.

17 2. Within a reasonable amount of time following receipt of
18 the state implementation plan, if the general assembly is in
19 session, the senate standing committee on natural resources
20 and environment and the house of representatives standing
21 committee on environmental protection shall convene public
22 hearings to receive comments from agencies of government and
23 other interested parties on the prospective impact of the
24 state implementation plan on this state's economy and
25 environment, including impacts on energy use, the environment,
26 economic development, utility costs and rates, transportation
27 fuel costs, and industrial competitiveness. If the general
28 assembly is not in session, the legislative council may
29 convene public hearings for the same purposes.

30 3. The department shall not implement the state
31 implementation plan through the use of emergency rules adopted
32 under section 17A.4, subsection 2, or made effective under
33 section 17A.5, subsection 2.

34 4. In the absence of a recommendation or other act of the
35 general assembly, or of the legislative council if the general

1 assembly is not in session, endorsing the state implementation
2 plan, the director shall not submit to the United States
3 environmental protection agency any state implementation plan
4 related to ozone transport which would impose emission
5 controls in Iowa more stringent than necessary for Iowa to
6 demonstrate attainment with any national ambient air quality
7 standard for ozone, unless all of the following can be shown:

8 a. Emissions from other than natural sources located
9 within the state of Iowa contribute significantly to
10 nonattainment of an ozone standard in another state.

11 b. Technically feasible emission reductions in such other
12 nonattaining state would not permit the nonattaining state to
13 demonstrate attainment and maintenance of an ozone standard.

14 c. Technically and economically feasible emission
15 reductions in the state of Iowa will significantly benefit or
16 enable a nonattaining state to achieve the ozone standard.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

*Runte, Chern.
Jenkins, Burnett*

HSB 107
ENVIRONMENTAL PROTECTION

Succeeded By
SF (H) 309
HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON HAHN)

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

A BILL FOR

1 An Act relating to review and oversight of actions of the ozone
2 transport assessment group.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

2/8/90

1 Section 1. FINDINGS. The general assembly finds and
2 declares all of the following:

3 1. The federal Clean Air Act, 42 U.S.C. § 7401 et seq., as
4 amended by the federal Clean Air Act Amendments of 1990, Pub.
5 L. No. 101-549, contains a comprehensive regulatory scheme for
6 the control of emissions from mobile and stationary sources.

7 2. Ozone and other air pollutants have declined
8 substantially during the past twenty-five years throughout the
9 United States due to the implementation of the federal Clean
10 Air Act, and additional air quality improvements will result
11 as the federal Clean Air Act Amendments of 1990 are
12 implemented.

13 3. The northeast ozone transport commission, established
14 in 42 U.S.C. § 7511c, in an effort to remedy the serious ozone
15 nonattainment conditions prevailing in urbanized areas of the
16 northeastern United States, has proposed emission control
17 requirements for stationary and mobile sources more stringent
18 than those applicable to states outside of the northeast ozone
19 transport region, including a petition to the United States
20 environmental protection agency concerning low-emitting
21 vehicle emission control requirements and a memorandum of
22 understanding concerning stationary source emission control
23 requirements.

24 4. The northeast ozone transport commission's initiatives,
25 together with other local emission control actions, will help
26 northeastern states to attain the national ambient air quality
27 standard for ozone established by the United States
28 environmental protection agency.

29 5. In response to concerns raised by certain northeastern
30 states about the interstate transport of ozone, the United
31 States environmental protection agency has convened the ozone
32 transport assessment group, involving representatives from
33 twenty-five states to the west and south of the northeast
34 ozone transport region, including Iowa, to consider means to
35 reduce the atmospheric transport of ozone.

1 6. The ozone transport assessment group will develop
2 recommendations in 1997 for emission control actions in states
3 outside of the northeast ozone transport region that may form
4 the basis for United States environmental protection agency
5 enforcement actions under the federal Clean Air Act, including
6 the preparation and submission of state implementation plans
7 calling for control actions in Iowa not specifically mandated
8 by the federal Clean Air Act Amendments of 1990.

9 7. Computer modeling studies prepared by the ozone
10 transport assessment group indicate all of the following:

11 a. Ozone nonattainment is caused predominantly by local
12 emission sources in densely populated urbanized areas.

13 b. Emissions originating in Iowa do not contribute
14 significantly to the nonattainment of ozone standards in other
15 states or regions.

16 c. Extreme emission controls imposed locally or in upwind
17 areas would not permit some urban areas to demonstrate
18 attainment of the current national ozone standard.

19 8. Emission controls for stationary and mobile sources
20 under consideration by the ozone transport assessment group
21 for states outside the northeast ozone transport region are
22 more stringent and more costly than those mandated by the
23 federal Clean Air Act Amendments of 1990, and could impair the
24 competitiveness of businesses and industries in Iowa with
25 negligible environmental benefits and with adverse effects on
26 employment and income in Iowa.

27 9. The emission control requirements under consideration
28 by the ozone transport assessment group could impede economic
29 development, to the detriment of the well-being of the
30 citizens of Iowa and its economy.

31 10. Legislative oversight of proposed actions of the ozone
32 transport assessment group, and related actions of the United
33 States environmental protection agency directly or indirectly
34 affecting the citizens and economy of Iowa, is in the public
35 interest.

1 Sec. 2. OZONE TRANSPORT ASSESSMENT GROUP DECISION MAKING.

2 1. The director of the department of natural resources
3 shall provide periodic reports on progress in the ozone
4 transport assessment group decision-making process to the
5 senate standing committee on natural resources and environment
6 and the house of representatives standing committee on
7 environmental protection if the general assembly is in
8 session, and to the legislative council if the general
9 assembly is not in session. The director shall also submit
10 any ozone transport assessment group decisions or
11 recommendations, together with an explanation thereof, as
12 expeditiously as is practicable to the senate standing
13 committee on natural resources and environment and the house
14 of representatives standing committee on environmental
15 protection for review if the general assembly is in session,
16 and to the legislative council if the general assembly is not
17 in session.

18 2. If the general assembly is in session, within a
19 reasonable amount of time following receipt of the ozone
20 transport assessment group decisions or recommendations, the
21 senate standing committee on natural resources and environment
22 and the house of representatives standing committee on
23 environmental protection may convene public hearings to
24 receive comments from agencies of government and other
25 interested parties on the prospective impact of the decisions
26 or recommendations on this state's economy and the
27 environment, including the impact on energy use, environment,
28 economic development, utility costs and rates, transportation
29 fuel costs, and industrial competitiveness. If the general
30 assembly is not in session, the legislative council may
31 convene public hearings for the same purposes.

32 Sec. 3. STATE IMPLEMENTATION PLAN.

33 1. Upon the issuance of a request by the United States
34 environmental protection agency for submission of a state
35 implementation plan for Iowa related to ozone attainment, the

1 director of the department of natural resources shall notify
2 the senate standing committee on natural resources and
3 environment, the house of representatives standing committee
4 on environmental protection, and the administrative rules
5 review committee of the request if the general assembly is in
6 session. If the general assembly is not in session, the
7 director shall notify the legislative council and the
8 administrative rules review committee. The director shall
9 also provide the committees or the legislative council and the
10 administrative rules review committee with copies of any state
11 implementation plan prepared by the department pursuant to
12 such a request not less than sixty days prior to the
13 submission of the state implementation plan to the United
14 States environmental protection agency.

15 2. Within a reasonable amount of time following receipt of
16 the state implementation plan, if the general assembly is in
17 session, the senate standing committee on natural resources
18 and environment and the house of representatives standing
19 committee on environmental protection shall convene public
20 hearings to receive comments from agencies of government and
21 other interested parties on the prospective impact of the
22 state implementation plan on this state's economy and
23 environment, including impacts on energy use, the environment,
24 economic development, utility costs and rates, transportation
25 fuel costs, and industrial competitiveness. If the general
26 assembly is not in session, the legislative council may
27 convene public hearings for the same purposes.

28 3. In the absence of a recommendation or other act of the
29 general assembly, or of the legislative council if the general
30 assembly is not in session, endorsing the state implementation
31 plan, the director shall not submit to the United States
32 environmental protection agency any state implementation plan
33 related to ozone attainment which would impose emission
34 controls in Iowa more stringent than necessary for Iowa to
35 demonstrate attainment which with any national ambient air

1 quality standard for ozone, unless both of the following can
2 be shown:

3 a. Man-made emissions from sources located within the
4 state of Iowa contribute significantly to nonattainment of an
5 ozone standard in another state.

6 b. Feasible emission reductions in such other nonattaining
7 state would not permit the nonattaining state to demonstrate
8 attainment and maintenance of an ozone standard.

9 EXPLANATION

10 This bill provides for the legislative review and oversight
11 of the ozone transport assessment group which was convened by
12 the United States environmental protection agency. The ozone
13 transport assessment group consists of representatives from 25
14 states west and south of the northeast ozone transport region
15 and was convened to consider means to reduce the atmospheric
16 transport of ozone. The ozone transport assessment group will
17 develop recommendations in 1997 for emission control actions
18 in states outside the northeastern region of the United States
19 that may form the basis for United States environmental
20 protection agency enforcement actions under the federal Clean
21 Air Act.

22 The bill provides that the director of the department of
23 natural resources shall submit reports on the ozone transport
24 assessment group decision-making process and on any ozone
25 transport assessment group decisions or recommendations to the
26 senate standing committee on natural resources and environment
27 and the house of representatives standing committee on
28 environmental protection if the general assembly is in
29 session, and to the legislative council if the general
30 assembly is not in session. The bill provides that the
31 committees or the legislative council shall hold public
32 hearings following the receipt of ozone transport assessment
33 group decisions or recommendations to receive comments on the
34 decisions or recommendations.

35 The bill provides that, if the general assembly is in

1 session, the director shall notify the senate standing
2 committee on natural resources and environment, the house of
3 representatives standing committee on environmental
4 protection, and the administrative rules review committee of
5 the issuance of a request by the United States environmental
6 protection agency for the submission of a state implementation
7 plan for Iowa related to ozone attainment. If the general
8 assembly is not in session, the director shall notify the
9 legislative council, and the administrative rules review
10 committee. The director shall also provide a copy of the
11 implementation plan to the committees or the legislative
12 council, and the administrative rules review committee. The
13 bill provides that following receipt of the plan, the
14 committees shall hold public hearings for comments on the
15 plan. If the general assembly is not in session, the
16 legislative council may convene public hearings for comments
17 on the plan. Absent a recommendation or other act endorsing
18 the plan by the general assembly or the legislative council if
19 the general assembly is not in session, the director shall not
20 submit a plan that would impose emission controls more
21 stringent than necessary to meet the national standards,
22 unless certain requirements are met.

23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 309

AN ACT

RELATING TO REVIEW AND OVERSIGHT OF ACTIONS OF THE OZONE
TRANSPORT ASSESSMENT GROUP.

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

Section 1. FINDINGS. The general assembly finds and declares all of the following:

1. The federal Clean Air Act, 42 U.S.C. § 7401 et seq., as amended by the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, contains a comprehensive regulatory scheme for the control of emissions from mobile and stationary sources.

2. Ozone and other air pollutants have declined substantially during the past twenty-five years throughout the United States due to the implementation of the federal Clean Air Act, and additional air quality improvements will result as the federal Clean Air Act Amendments of 1990 are implemented.

3. The northeast ozone transport commission, established in 42 U.S.C. § 7511c, in an effort to remedy the serious ozone nonattainment conditions prevailing in urbanized areas of the

northeastern United States, has proposed emission control requirements for stationary and mobile sources more stringent than those applicable to states outside of the northeast ozone transport region, including a petition to the United States environmental protection agency concerning low-emitting vehicle emission control requirements and a memorandum of understanding concerning stationary source emission control requirements.

4. The northeast ozone transport commission's initiatives, together with other local emission control actions, will help northeastern states to attain the national ambient air quality standard for ozone established by the United States environmental protection agency.

5. In response to concerns raised by certain northeastern states about the interstate transport of ozone, the United States environmental protection agency has convened the ozone transport assessment group, involving representatives from the original twelve northeastern states in the ozone transport region and representatives from twenty-five states to the west and south of the northeast ozone transport region, including Iowa, to consider means to reduce the atmospheric transport of ozone.

6. The ozone transport assessment group will develop recommendations in 1997 for emission control actions in states outside of the northeast ozone transport region that may form the basis for United States environmental protection agency enforcement actions under the federal Clean Air Act, including the preparation and submission of state implementation plans calling for control actions in Iowa not specifically mandated by the federal Clean Air Act Amendments of 1990.

7. Computer modeling studies prepared by the ozone transport assessment group indicate all of the following:

a. Ozone nonattainment is caused predominantly by local emission sources in densely populated urbanized areas.

b. Emissions originating in Iowa do not contribute significantly to the nonattainment of ozone standards in other states or regions.

8. Emission controls for stationary and mobile sources under consideration by the ozone transport assessment group for states outside the northeast ozone transport region are more stringent and more costly than those mandated by the federal Clean Air Act Amendments of 1990, and could impair the competitiveness of businesses and industries in Iowa with negligible environmental benefits and with adverse effects on employment and income in Iowa.

9. The emission control requirements under consideration by the ozone transport assessment group could impede economic development, to the detriment of the well-being of the citizens of Iowa and its economy.

10. Legislative oversight of proposed actions of the ozone transport assessment group, and related actions of the United States environmental protection agency directly or indirectly affecting the citizens and economy of Iowa, is in the public interest.

Sec. 2. OZONE TRANSPORT ASSESSMENT GROUP DECISION MAKING.

1. The director of the department of natural resources shall provide periodic reports on progress in the ozone transport assessment group decision-making process to the senate standing committee on natural resources and environment and the house of representatives standing committee on environmental protection if the general assembly is in session, and to the legislative council if the general assembly is not in session. The director shall also submit any ozone transport assessment group decisions or recommendations, together with an explanation thereof, as expeditiously as is practicable to the senate standing committee on natural resources and environment and the house of representatives standing committee on environmental protection for review if the general assembly is in session,

and to the legislative council if the general assembly is not in session.

2. If the general assembly is in session, within a reasonable amount of time following receipt of the ozone transport assessment group decisions or recommendations, the senate standing committee on natural resources and environment and the house of representatives standing committee on environmental protection may convene public hearings to receive comments from agencies of government and other interested parties on the prospective impact of the decisions or recommendations on this state's economy and the environment, including the impact on energy use, environment, economic development, utility costs and rates, transportation fuel costs, and industrial competitiveness. If the general assembly is not in session, the legislative council may convene public hearings for the same purposes.

Sec. 3. STATE IMPLEMENTATION PLAN.

1. Upon publication by the United States environmental protection agency of a notice of proposed rulemaking to require states to submit state implementation plan revisions or upon the issuance of a request by the United States environmental protection agency for submission of a state implementation plan for Iowa related to ozone attainment, the director of the department of natural resources shall notify the senate standing committee on natural resources and environment, the house of representatives standing committee on environmental protection, and the administrative rules review committee of the request or notice if the general assembly is in session. If the general assembly is not in session, the director shall notify the legislative council and the administrative rules review committee. The director shall also provide the committees or the legislative council and the administrative rules review committee with copies of any state implementation plan prepared by the department pursuant to such a request or notice not less than sixty days prior to the

submission of the state implementation plan to the United States environmental protection agency.

2. Within a reasonable amount of time following receipt of the state implementation plan, if the general assembly is in session, the senate standing committee on natural resources and environment and the house of representatives standing committee on environmental protection shall convene public hearings to receive comments from agencies of government and other interested parties on the prospective impact of the state implementation plan on this state's economy and environment, including impacts on energy use, the environment, economic development, utility costs and rates, transportation fuel costs, and industrial competitiveness. If the general assembly is not in session, the legislative council may convene public hearings for the same purposes.

3. The department shall not implement the state implementation plan through the use of emergency rules adopted under section 17A.4, subsection 2, or made effective under section 17A.5, subsection 2.

4. In the absence of a recommendation or other act of the general assembly, or of the legislative council if the general assembly is not in session, endorsing the state implementation plan, the director shall not submit to the United States environmental protection agency any state implementation plan related to ozone transport which would impose emission controls in Iowa more stringent than necessary for Iowa to demonstrate attainment with any national ambient air quality standard for ozone, unless all of the following can be shown:

- a. Emissions from other than natural sources located within the state of Iowa contribute significantly to nonattainment of an ozone standard in another state.
- b. Technically feasible emission reductions in such other nonattaining state would not permit the nonattaining state to demonstrate attainment and maintenance of an ozone standard.

c. Technically and economically feasible emission reductions in the state of Iowa will significantly benefit or enable a nonattaining state to achieve the ozone standard.

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 309, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved March 31, 1997

TERRY E. BRANSTAD
Governor