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Rereferred To: Natural Res. & Env. 3/23/98

SENATE FILE 2293
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2004)

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

A BILL FOR

1 An Act relating to reporting of the status of environmental
2 violations by the department of natural resources.

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

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S.F. 2293

1 Section 1. Section 455B.104, Code 1997, is amended to read
2 as follows:

3 455B.104 DEPARTMENTAL DUTIES -- PERMITS -- ASSISTANCE --
4 REPORTS.

5 1. The department shall either approve or deny a permit to
6 a person applying for a permit under this chapter, within six
7 months from the date that the department receives a completed
8 application for the permit. An application which is not
9 approved or denied within the six-month period shall be
10 approved by default. The department shall issue a permit to
11 the applicant within ten days following the date of default
12 approval. However, this section shall not apply to
13 applications for permits which are issued under division II,
14 or division IV, parts 2 through 7.

15 2. The department shall assist persons applying for
16 assistance to establish and operate renewable fuel production
17 facilities pursuant to the value-added agricultural products
18 and processes financial assistance program established in
19 section 15E.111.

20 3. By January 15 of each year, the department shall submit
21 a report to the general assembly relating to the status of
22 environmental violations for the previous calendar year. The
23 report shall be filed pursuant to section 7A.11. The majority
24 leader and minority leader of the senate shall transmit copies
25 of the report to the chairs and ranking members of all
26 standing committees in the senate which consider legislation
27 regarding the environment and natural resources, and the
28 speaker of the house and minority leader of the house shall
29 transmit copies of the report to the chairs and ranking
30 members of all standing committees in the house which consider
31 legislation regarding the environment and natural resources.
32 The report shall include, but not be limited to, all of the
33 following:

34 a. A report on hazardous conditions reported to the
35 department which shall include, but not be limited to, all of

1 the following:

2 (1) Identification of the number of hazardous conditions
3 reported to the department during each month of the previous
4 calendar year.

5 (2) Categorization of the hazardous conditions reported by
6 the type of incident involved during each month of the
7 previous calendar year.

8 (3) Comparison by month and by categorization of the
9 number of hazardous conditions reported during the previous
10 calendar year and the calendar year prior to the previous
11 calendar year.

12 b. A report on the status of all enforcement actions taken
13 during the previous calendar year. The report shall include,
14 but not be limited to, all of the following in regard to each
15 enforcement action taken:

16 (1) The name and location of the party against whom the
17 action was taken.

18 (2) The program categorization.

19 (3) The violation alleged.

20 (4) The action taken.

21 (5) The date enforcement action was taken.

22 c. A summary of all administrative penalties which are due
23 to the department or have been appealed, all penalties which
24 are due to the department or have been appealed from cases
25 referred to the attorney general, and all penalties which were
26 paid during the previous calendar year. The summary shall
27 include, but not be limited to, all of the following in regard
28 to each penalty:

29 (1) The name and location of the party paying or appealing
30 the penalty.

31 (2) The program categorization.

32 (3) The penalty amount due, paid, or appealed.

33 (4) The date the penalty is due, if applicable, or was
34 paid.

35 d. A report on the current status of all pending cases

1 referred to the attorney general. The report shall include,
2 but not be limited to, all of the following in regard to each
3 case:

4 (1) The name and location of the party against whom action
5 was taken.

6 (2) The program categorization.

7 (3) The violation alleged.

8 (4) The action taken by the department.

9 (5) The current status of the case.

10 e. A report on the current status of all pending contested
11 cases. The report shall include, but not be limited to, all
12 of the following in regard to each case:

13 (1) The name and location of the party against whom action
14 was taken.

15 (2) The program categorization.

16 (3) The violation alleged.

17 (4) The action taken by the department which is being
18 appealed.

19 (5) The current status of the case.

20 EXPLANATION

21 This bill requires the department of natural resources to
22 submit a report to the secretary of the senate, the chief
23 clerk of the house of representatives, and each caucus or
24 research staff director of the general assembly relating to
25 the status of environmental violations. The report is to be
26 submitted by January 15 of each year. The bill provides that
27 copies of the report will be transmitted to the chairpersons
28 and ranking members of committees considering legislation on
29 the environment and natural resources in each house.

30 The bill provides that the report shall include all of the
31 following:

32 1. A report on hazardous conditions reported to the
33 department.

34 2. A report on the status of all enforcement actions taken
35 during the previous calendar year.

1 3. A summary of all administrative penalties which are due
2 to the department or have been appealed, all penalties which
3 are due to the department or have been appealed from cases
4 referred to the attorney general, and all penalties which were
5 paid during the previous calendar year.

6 4. A report on the current status of all pending cases
7 referred to the attorney general.

8 5. A report on the current status of all pending contested
9 cases.

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