

JAN 12 1999

ENVIRONMENTAL PROTECTION

HOUSE FILE 36

BY CHAPMAN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act requiring consideration of environmental enforcement  
 2 actions prior to approval or denial of permits issued by the  
 3 department of natural resources.

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

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HF 36

1 Section 1. Section 455B.104, Code 1999, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 4. An applicant for a permit issued under  
4 this chapter shall disclose in the application for the permit  
5 all enforcement actions and pending enforcement actions taken  
6 against the applicant by an agency of this state, another  
7 state, or the federal government due to a violation of a state  
8 or federal environmental law, rule, or permit condition. In  
9 determining whether to approve or deny the issuance of a  
10 permit, the department shall take into consideration any  
11 enforcement action reported by the applicant.

12 EXPLANATION

13 This bill relates to considerations the department of  
14 natural resources must make in determining whether a permit is  
15 approved or denied under Code chapter 455B. The bill requires  
16 the applicant to disclose all enforcement actions and pending  
17 enforcement actions taken against the applicant by an agency  
18 of this state, another state, or the federal government due to  
19 a violation of a state or federal environmental law, rule, or  
20 permit condition. The department is required to consider  
21 these disclosed enforcement actions in determining whether the  
22 issuance of a permit is approved or denied.

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