

Rep. Hahn, Chm.
Rep. Kettering
Rep. Burnett

H5B 199

ENVIRONMENTAL PROTECTION

HOUSE FILE 6274F 13
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 United
2 States environmental protection agency.

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

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1 Section ²⁰¹² ~~11~~ 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. In response to concerns raised by certain northeastern
14 states about the interstate transport of ozone, the United
15 States environmental protection agency convened the ozone
16 transport assessment group, involving representatives from the
17 original twelve northeastern states comprising the northeast
18 ozone transport commission, established in 42 U.S.C. § 7511c,
19 and representatives from twenty-five states to the west and
20 south of the northeast ozone transport region, including Iowa,
21 to consider means to reduce the atmospheric transport of
22 ozone.

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

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

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

30 5. In 1997, the United States environmental protection
31 agency, based on the recommendations of the ozone transport
32 assessment group, chose not to impose additional emission
33 requirements on mobile and stationary sources in Iowa.
34 However, since that time the agency has sought to reassess the
35 need to impose additional emission requirements on mobile and

1 stationary sources in Iowa. Such requirements could impair
2 the competitiveness of business and industry in Iowa with
3 negligible environmental benefits and with adverse effects on
4 employment and income in Iowa.

5 6. Legislative oversight of actions of the United States
6 environmental protection agency directly or indirectly
7 affecting the citizens and economy of Iowa is in the public
8 interest.

9 Sec. 2. STATE IMPLEMENTATION PLAN.

10 1. Upon publication by the United States environmental
11 protection agency of a notice of proposed rulemaking to
12 require states to submit state implementation plan revisions
13 or upon the issuance of a request by the United States
14 environmental protection agency for submission of a state
15 implementation plan for Iowa related to ozone attainment, the
16 director of the department of natural resources shall notify
17 the senate standing committee on natural resources and
18 environment, the house of representatives standing committee
19 on environmental protection, and the administrative rules
20 review committee of the notice or request if the general
21 assembly is in session. If the general assembly is not in
22 session, the director shall notify the legislative council and
23 the administrative rules review committee. The director shall
24 also provide the committees or the legislative council and the
25 administrative rules review committee with copies of any state
26 implementation plan prepared by the department pursuant to
27 such a notice or request not less than sixty days prior to the
28 submission of the state implementation plan to the United
29 States environmental protection agency.

30 2. Within a reasonable amount of time following receipt of
31 the state implementation plan, if the general assembly is in
32 session, the senate standing committee on natural resources
33 and environment and the house of representatives standing
34 committee on environmental protection shall convene public
35 hearings to receive comments from agencies of government and

1 other interested parties on the prospective impact of the
2 state implementation plan on this state's economy and
3 environment, including impacts on energy use, the environment,
4 economic development, utility costs and rates, transportation
5 fuel costs, and industrial competitiveness. If the general
6 assembly is not in session, the legislative council may
7 convene public hearings for the same purposes.

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

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

21 a. Emissions from other than natural sources located
22 within the state of Iowa contribute at a level greater than
23 eight parts per billion to nonattainment of an ozone standard
24 in another state.

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

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

31 Sec. 3. 1997 Iowa Acts, chapter 12, is repealed.

32 EXPLANATION

33 This bill provides for the legislative review and oversight
34 of the actions taken by the United States environmental
35 protection agency under the federal Clean Air Act regarding

1 regulations relating to the transport of ozone. In 1997, the
 2 United States environmental protection agency, based on the
 3 recommendations of the ozone transport assessment group, chose
 4 not to impose additional emission requirements on mobile and
 5 stationary sources in Iowa. However, since that time, the
 6 agency has sought to reassess the need to impose additional
 7 emission requirements on such sources in Iowa.

8 The bill provides that, if the general assembly is in
 9 session, the director of the department of natural resources
 10 shall notify the senate standing committee on natural
 11 resources and environment, the house of representatives
 12 standing committee on environmental protection, and the
 13 administrative rules review committee of the issuance of a
 14 notice or request by the United States environmental
 15 protection agency for the submission of a state implementation
 16 plan for Iowa related to ozone attainment. If the general
 17 assembly is not in session, the director shall notify the
 18 legislative council, and the administrative rules review
 19 committee. The director shall also provide a copy of the
 20 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 The bill repeals chapter 12 of the 1997 Iowa Acts which
 relates to oversight of the same situation.

S-3/16/99 Int. Res. *Envs.*
S-3/18/99 Do Pass

MAR 11 1999

Place On Calendar

HOUSE FILE 636
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 199)

Passed House, ^(p.692) Date 3-16-99 Passed Senate, Date 4/13/99 ^(P.1087)
Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 2
Approved April 29, 1999

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H# 636

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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. In response to concerns raised by certain northeastern
14 states about the interstate transport of ozone, the United
15 States environmental protection agency convened the ozone
16 transport assessment group, involving representatives from the
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18 ozone transport commission, established in 42 U.S.C. § 7511c,
19 and representatives from twenty-five states to the west and
20 south of the northeast ozone transport region, including Iowa,
21 to consider means to reduce the atmospheric transport of
22 ozone.

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

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

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

30 5. In 1997, the United States environmental protection
31 agency, based on the recommendations of the ozone transport
32 assessment group, chose not to impose additional emission
33 requirements on mobile and stationary sources in Iowa.
34 However, since that time the agency has sought to reassess the
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EXPLANATION

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HOUSE FILE 636

AN ACT

RELATING TO REVIEW AND OVERSIGHT OF ACTIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

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

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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. In response to concerns raised by certain northeastern states about the interstate transport of ozone, the United States environmental protection agency convened the ozone transport assessment group, involving representatives from the original twelve northeastern states comprising the northeast ozone transport commission, established in 42 U.S.C. § 7511c, 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.

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such a notice or request 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.

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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.

Sec. 3. 1997 Iowa Acts, chapter 12, is repealed.

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 636, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 29*, 1999

THOMAS J. VILSACK
Governor