

FILED MAR 11 '03

343

SENATE FILE  
BY COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT

(SUCCESSOR TO SF 187)  
(COMPANION TO LSB 2362HH  
BY THOMAS)

Passed Senate, Date Passed 3/18/03 Passed House, Date Passed 4/22/03  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

Vetoed 5/30/03

**A BILL FOR**

1 An Act relating to operation permits for public disposal systems  
2 and providing an effective date.

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

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**SENATE FILE 343**

**H-1291**

1 Amend Senate File 343, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 3, by striking the words "A  
4 publicly" and inserting the following: "After a  
5 publicly owned disposal system has applied for and  
6 been denied financial assistance from the Iowa water  
7 pollution control works and drinking water facilities  
8 financing program, the publicly".

By FALLON of Polk

H-1291 FILED APRIL 8, 2003, Lost 4/22/03

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SF 343

1 Section 1. Section 455B.183, Code 2003, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 4. A publicly owned disposal system shall  
4 not be required to obtain or to be in compliance with  
5 amendments to the requirements of the operation permit for the  
6 disposal system, when such amendments are required by the  
7 rules of the commission in response to a change by the  
8 commission in the use designation of a cold water stream  
9 receiving the discharge of the disposal system, until the  
10 commission, by rule, adopts and publishes scientifically sound  
11 methods for the review of use designations of cold water  
12 streams in the state.

13 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
14 immediate importance, takes effect upon enactment.

15 EXPLANATION

16 This bill relates to operation permits for public disposal  
17 systems.

18 The bill provides that a publicly owned disposal system  
19 shall not be required to obtain or to be in compliance with  
20 amendments to the requirements of the operation permit for the  
21 disposal system, when such amendments are required by the  
22 rules of the commission in response to a change by the  
23 commission in the use designation of a cold water stream  
24 receiving the discharge of the disposal system, until the  
25 commission, by rule, adopts and publishes scientifically sound  
26 methods for the review of use designations of cold water  
27 streams in the state.

28 The bill takes effect upon enactment.

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SENATE FILE 343

H-1398

1 Amend Senate File 343, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 455B.171, subsection 4, Code  
6 2003, is amended to read as follows:

7 4. "Credible data" means scientifically valid  
8 chemical, physical, or biological monitoring data  
9 collected under a scientifically accepted sampling and  
10 analysis plan, including quality control and quality  
11 assurance procedures, and scientifically valid  
12 evaluative data and information documented by a  
13 qualified professional in the department such as a  
14 professional engineer, biologist, or hydrologist, or  
15 by a professional designee of the department, as  
16 defined in section 455B.193, subsection 1. Data dated  
17 more than five ten years before the department's date  
18 of listing or other determination under section  
19 455B.194, subsection 1, shall be presumed not to be  
20 credible data unless the department identifies  
21 compelling reasons as to why the data is credible.

22 Sec. \_\_\_\_\_. Section 455B.171, subsection 8, Code  
23 2003, is amended to read as follows:

24 8. "Historical data" means data collected more  
25 than five ten years before the department's date of  
26 listing or other determination under section 455B.194,  
27 subsection 1."

28 2. Page 1, line 11, by inserting after the word  
29 "methods" the following: "using credible data".

30 3. Page 1, by inserting after line 12 the  
31 following:

32 "Sec. \_\_\_\_\_. Section 455B.193, subsection 1, Code  
33 2003, is amended to read as follows:

34 1. Data is not credible data unless the data  
35 originates from studies and samples collected by the  
36 department, a professional designee of the department,  
37 or a qualified volunteer. For purposes of this  
38 subsection, "professional designee" includes  
39 governmental agencies other than the department, and a  
40 person hired by, or under contract for compensation  
41 with, the department to collect or study data, and a  
42 qualified volunteer who has passed the third level of  
43 training in quality control and quality assessment  
44 measures under the Iowa water pollution control works  
45 and drinking water facilities financing program.

46 Sec. \_\_\_\_\_. Section 455B.194, subsection 1,  
47 paragraph a, Code 2003, is amended by striking the  
48 paragraph.

49 Sec. \_\_\_\_\_. Section 455B.195, subsection 1,  
50 paragraph b, Code 2003, is amended to read as follows:

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Page 2

1 b. The data quality for removal of water of the  
2 state from any list of impaired waters including any  
3 section 303(d) list shall be the same as the data  
4 quality for adding a water to that list. A water of  
5 the state that is placed on a section 303(d) list  
6 shall not be removed from a section 303(d) list due to  
7 lack of credible data."

8 4. Title page, line 1, by inserting after the  
9 word "systems" the following: "and credible data  
10 concerning water quality".

11 5. By renumbering as necessary.

By GREIMANN of Story

**H-1398** FILED APRIL 22, 2003

NOT GERMANE

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

SENATE FILE 343

AN ACT

RELATING TO OPERATION PERMITS FOR PUBLIC DISPOSAL SYSTEMS  
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 455B.183, Code 2003, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** A publicly owned disposal system shall not be required to obtain or to be in compliance with amendments to the requirements of the operation permit for the disposal system, when such amendments are required by the rules of the commission in response to a change by the commission in the use designation of a cold water stream receiving the discharge of the disposal system, until the commission, by rule, adopts and publishes scientifically sound methods for the review of use designations of cold water streams in the state.

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MARY E. KRAMER  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 343, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor