

House Study Bill 690

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the compliance advisory panel, including the
2 appointment of its members and its powers and duties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5352DP 82
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1 1 Section 1. Section 455B.131, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 13. "Small business stationary source"
1 4 means a stationary air contaminant source that meets all of
1 5 the following requirements:
1 6 a. Employs one hundred or fewer individuals.
1 7 b. Qualifies as a small business concern by the United
1 8 States department of commerce pursuant to 15 U.S.C. } 632.
1 9 c. Is not a major stationary source.
1 10 d. Emits less than fifty tons per year of any federally
1 11 regulated air pollutant and less than seventy-five tons per
1 12 year of all federally regulated pollutants under the federal
1 13 Clean Air Act Amendments of 1990, 42 U.S.C. } 7401 et seq.
1 14 Sec. 2. NEW SECTION. 455B.133A SMALL BUSINESS STATIONARY
1 15 SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE
1 16 PROGRAM.
1 17 A small business stationary source technical and
1 18 environmental compliance assistance program shall be
1 19 administered and enforced as required pursuant to the federal
1 20 Clean Air Act Amendments of 1990, 42 U.S.C. } 7661f.
1 21 Sec. 3. Section 455B.133B, Code 2007, is amended to read
1 22 as follows:
1 23 455B.133B AIR CONTAMINANT SOURCE FUND CREATED.
1 24 An air contaminant source fund is created in the office of
1 25 the treasurer of state under the control of the department.
1 26 1. Moneys received from the fees assessed pursuant to
1 27 section 455B.133, subsection 8, shall be deposited in the
1 28 fund.
1 29 2. Moneys in the fund shall be used solely to defray the
1 30 costs related to the permit, monitoring, and inspection
1 31 program, including the small business stationary source
1 32 technical and environmental compliance assistance program
1 33 required pursuant to the federal Clean Air Act Amendments of
1 34 1990, sections section 502 and 507, Pub. L. No. 101=549, and
1 35 as provided in section 455B.133A.
2 1 3. Notwithstanding section 8.33, any unexpended balance in
2 2 the fund at the end of each fiscal year shall be retained in
2 3 the fund. Notwithstanding section 12C.7, any interest and
2 4 earnings on investments from money in the fund shall be
2 5 credited to the fund.
2 6 Sec. 4. Section 455B.150, Code 2007, is amended to read as
2 7 follows:
2 8 455B.150 COMPLIANCE ADVISORY PANEL == CREATION.
2 9 A compliance advisory panel ~~shall be~~ is created, pursuant
2 10 to Title V, section 507(e) of the federal Clean Air Act
2 11 Amendments of 1990, ~~to review and report on the effectiveness~~
2 12 ~~of the small business technical assistance program required by~~
2 13 ~~the federal Clean Air Act Amendments of 1990, Pub. L. No.~~
2 14 ~~101=549 42 U.S.C. } 7661f.~~
2 15 1. Appointment to the compliance advisory panel shall be
2 16 as follows:
2 17 a. Two persons shall be appointed by the governor.
2 18 (1) Each person shall represent the general public and
2 19 have an interest in air quality issues. The person shall not

2 20 be an owner or represent an owner of a small business
2 21 stationary source.
2 22 (2) The person shall serve for a four-year term and may be
2 23 reappointed. A term of office shall begin and end as provided
2 24 in section 69.19.
2 25 (3) An appointment shall comply with sections 69.16 and
2 26 69.16A. In addition, the appointments shall be geographically
2 27 balanced.
2 28 b. Four persons appointed by the leadership of the general
2 29 assembly.
2 30 (1) The persons shall be appointed as follows:
2 31 (a) One person by the majority leader of the senate after
2 32 consultation with the president of the senate and the minority
2 33 leader, and one person by the minority leader of the senate
2 34 after consultation with the president of the senate and the
2 35 majority leader.
3 1 (b) Two persons appointed by the speaker of the house of
3 2 representatives after consultation with the majority leader
3 3 and minority leader.
3 4 (2) Each person shall be an owner of a small business
3 5 stationary source or shall represent an owner of a small
3 6 business stationary source.
3 7 (3) The person shall serve for a two-year term and may be
3 8 reappointed.
3 9 (4) A term shall expire upon the convening of the
3 10 following general assembly, or when the appointee's successor
3 11 is appointed, whichever occurs later.
3 12 c. The director or the director's designee who shall serve
3 13 for a term of four years.
3 14 2. A vacancy shall be filled for the unexpired term by the
3 15 original appointing authority in the manner of the original
3 16 appointment.
3 17 3. The members are entitled to receive a per diem as
3 18 specified in section 7E.6 for each day spent in performance of
3 19 duties of members, and shall be reimbursed for all actual
3 20 necessary expenses incurred in the performance of duties as
3 21 members. Per diem and expenses shall be paid from moneys
3 22 deposited in the air contaminant source fund created pursuant
3 23 to section 455B.133B.
3 24 4. The compliance advisory panel shall elect a chairperson
3 25 and may elect a vice chairperson or other officers from among
3 26 its members as provided by its rules. The panel shall meet on
3 27 a regular basis, but at least once each six months, and at the
3 28 call of the chairperson or upon the written request to the
3 29 chairperson of three or more members.
3 30 5. The department shall staff the compliance advisory
3 31 panel and provide the panel with space to conduct its
3 32 meetings, clerical assistance, and necessary supplies and
3 33 equipment.

3 34 Sec. 5. NEW SECTION. 455B.151 COMPLIANCE ADVISORY PANEL
3 35 == POWERS AND DUTIES.

4 1 The compliance advisory panel created in section 455B.150
4 2 shall review and report on the effectiveness of the small
4 3 business stationary source technical and environmental
4 4 assistance program as provided in section 455B.133A. The
4 5 compliance advisory panel shall do all of the following:
4 6 1. Render advisory opinions concerning the effectiveness
4 7 of the small business stationary source technical and
4 8 environmental compliance assistance program, difficulties
4 9 encountered, and degree and severity of enforcement.
4 10 2. Make periodic reports to the administrator of the
4 11 federal environmental protection agency concerning the
4 12 compliance of the state small business stationary source
4 13 technical and environmental compliance assistance program with
4 14 the requirements of the federal Paperwork Reduction Act, 44
4 15 U.S.C. } 3501 et seq.; the federal Regulatory Flexibility Act,
4 16 5 U.S.C. } 601 et seq.; and the federal Equal Access to
4 17 Justice Act, 5 U.S.C. } 504.
4 18 3. Review information for small business stationary
4 19 sources to assure such information is understandable by the
4 20 layperson.
4 21 4. Have the small business stationary source technical and
4 22 environmental compliance assistance program serve as the
4 23 secretariat for the development and dissemination of such
4 24 reports and advisory opinions.

4 25 EXPLANATION
4 26 BACKGROUND. This bill amends provisions in Code chapter
4 27 455B that provides for implementation of provisions in the
4 28 federal Clean Air Act of 1990 by the department of natural
4 29 resources, which acts on behalf of the United States
4 30 environmental protection agency. Specifically, the bill

4 31 amends provisions relating to small business stationary
4 32 sources, including the following: (1) Code section 455B.133B
4 33 which provides for a small business stationary source
4 34 technical and environmental compliance assistance program, and
4 35 (2) Code section 455B.150 establishing a compliance advisory
5 1 panel to monitor the program and report on its effectiveness
5 2 to the environmental protection agency (EPA) administrator.
5 3 BILL'S PROVISIONS. The bill does all of the following:
5 4 1. Defines a small business stationary source to include a
5 5 business employing 100 or fewer persons which qualifies under
5 6 regulations by the federal small business administration, is
5 7 not a major source, and emits less than 75 tons of all
5 8 regulated air pollutants.
5 9 2. Moves language establishing a small business stationary
5 10 source technical and environmental compliance assistance
5 11 program to a separate Code section (currently the provisions
5 12 are included in the same Code section as a provision which
5 13 established an air contaminant source fund used to support the
5 14 program).
5 15 3. Provides for the composition of the compliance advisory
5 16 panel, including the appointment of its seven members by the
5 17 governor, the leadership of the general assembly, and the
5 18 department. The members are to represent the interests of the
5 19 public, industry, and department. The bill also provides
5 20 procedures for making the appointments, conducting panel
5 21 meetings, and paying or reimbursing members.
5 22 4. Provides for the powers and duties of the compliance
5 23 advisory panel, including by authorizing the panel to render
5 24 advisory opinions concerning the effectiveness of the program,
5 25 make reports to EPA's administrator concerning the state's
5 26 compliance with the program, review information concerning
5 27 small business stationary sources, and disseminate the panel's
5 28 reports and advisory opinions.
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