

House File 402 - Introduced

HOUSE FILE 402

BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 75)

A BILL FOR

- 1 An Act relating to certain fees assessed for activities
- 2 regulated under the federal Clean Air Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.133, subsection 8, paragraph a,
2 Code 2011, is amended to read as follows:

3 a. (1) Adopt rules consistent with the federal Clean Air
4 Act Amendments of 1990, Pub. L. No. 101-549, which require
5 the owner or operator of an air contaminant source to obtain
6 an operating permit prior to operation of the source. The
7 rules shall specify the information required to be submitted
8 with the application for a permit and the conditions under
9 which a permit may be granted, modified, suspended, terminated,
10 revoked, reissued, or denied. For sources subject to the
11 provisions of Tit. IV of the federal Clean Air Act Amendments
12 of 1990, permit conditions shall include emission allowances
13 for sulfur dioxide emissions. The commission may impose
14 fees, including fees upon regulated pollutants emitted from
15 an air contaminant source, in an amount sufficient to solely
16 cover, on an annual basis, all reasonable costs, direct and
17 indirect, required to develop and administer the permit program
18 in conformance with the federal Clean Air Act Amendments of
19 1990, Pub. L. No. 101-549, as further defined in subparagraph
20 (2). Affected units regulated under Tit. IV of the federal
21 Clean Air Act Amendments of 1990, Pub. L. No. 101-549, shall
22 pay operating permit fees in the same manner as other sources
23 subject to operating permit requirements, except as provided in
24 section 408 of the federal Act. The fees collected pursuant
25 to this subsection shall be deposited in the air contaminant
26 source fund created pursuant to section 455B.133B, and shall
27 be utilized solely to cover all reasonable costs required to
28 develop and administer the programs required by Tit. V of the
29 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
30 including the permit program pursuant to section 502 of the
31 federal Act and the small business stationary source technical
32 and environmental assistance program pursuant to section 507
33 of the federal Act.

34 (2) Not later than January 1, 2012, fees assessed under this
35 subsection shall be sufficient solely to provide for the costs

1 of developing and administering the operating permit program
2 described in this subsection, which costs are limited to all
3 of the following:

4 (a) Reasonable costs of preparing generally applicable
5 regulations or guidance regarding the permit program or its
6 implementation or enforcement.

7 (b) Reasonable costs of reviewing and acting on any
8 application for a permit, permit revision, or permit renewal,
9 including the development of an applicable requirement as part
10 of the processing of a permit or permit revision or renewal.

11 (c) Reasonable general administrative costs of
12 administering the permit program, including the supporting
13 and tracking of operating permit applications, compliance
14 certification, and related data entry.

15 (d) Reasonable costs of implementing and enforcing the
16 terms of an operating permit, not including any court costs or
17 other costs associated with an enforcement action, including
18 adequate resources to determine which sources are subject to
19 the program.

20 (e) Reasonable costs of emissions and ambient monitoring.

21 (f) Reasonable costs of modeling, analyses, or
22 demonstrations.

23 (g) Reasonable costs of preparing inventories and tracking
24 emissions.

25 (h) Reasonable costs of providing direct and indirect
26 support to sources under the federal Small Business Stationary
27 Source Technical and Environmental Compliance Assistance
28 Program pursuant to section 507 of the federal Clean Air Act.

29 (3) Fees assessed pursuant to this subsection shall not
30 be used for costs associated with a construction permitting
31 program, including general ambient air quality modeling or
32 monitoring under the program.

33 (4) Fees shall not be assessed for any permitting program
34 under this subsection when the program exceeds in any way the
35 requirements of the federal Clean Air Act Amendments of 1990,

1 Pub. L. No. 101-549.

2 (5) For the fiscal year beginning July 1, 2011, and each
3 fiscal year thereafter, the Tit. V fee required pursuant to the
4 federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
5 shall not be more than fifty-six dollars per ton of regulated
6 air pollutant emitted from a major stationary source. Fees
7 shall not be collected for greenhouse gas emissions as defined
8 by the greenhouse gas tailoring rule adopted by the United
9 States environmental protection agency.

10 (6) For purposes of this paragraph "a", "permit" means an
11 operating permit under this subsection.

12 Sec. 2. REPORTING. On the fifteenth day of each month
13 from July 1, 2011, through January 15, 2012, the department
14 of natural resources shall forward a report to each holder
15 of an operating permit issued pursuant to section 455B.133,
16 subsection 8, paragraph "a". The report shall include a
17 detailed itemization of moneys expended during the previous
18 calendar month on activities related to section 455B.133,
19 subsection 8, paragraph "a". In addition, the report shall
20 include an itemization of time spent during the previous
21 calendar month by employees on activities related to section
22 455B.133, subsection 8, paragraph "a".

23 EXPLANATION

24 This bill relates to certain fees assessed for activities
25 regulated under the federal Clean Air Act Amendments of 1990.

26 The bill requires certain fees assessed for regulated
27 activities under the federal Clean Air Act be sufficient
28 solely to provide for specific listed costs of developing and
29 administering the operating permit program. The bill prohibits
30 fees from being used for costs associated with a construction
31 permitting program, including general ambient air quality
32 modeling or monitoring under the program. The bill prohibits
33 fees from being assessed for any permitting program that
34 exceeds in any way the requirements of the federal Clean Air
35 Act Amendments of 1990, Pub. L. No. 101-549.

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1 For the fiscal year beginning July 1, 2011, and each fiscal
2 year thereafter, the bill requires the Title V fee required
3 pursuant to the federal Clean Air Act Amendments of 1990, to be
4 not more than \$56 per ton of regulated air pollutant emitted
5 from a major stationary source. The bill prohibits fees from
6 being collected for greenhouse gas emissions as defined by the
7 greenhouse gas tailoring rule adopted by the United States
8 environmental protection agency. The bill includes reporting
9 requirements for the department of natural resources.