

Senate File 11 - Introduced

SENATE FILE 11
BY BOLKCOM

A BILL FOR

1 An Act delegating to counties the permitting and enforcement
2 powers of the department of natural resources in relation to
3 certain sewage disposal systems and authorizing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.382, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10. The power to issue permits, conduct
4 inspections, and adopt standards for sewage disposal systems
5 that are not private sewage disposal systems, as defined in
6 section 455B.171, in relation to authority delegated by the
7 department of natural resources pursuant to sections 455B.174
8 and 455B.183.

9 Sec. 2. Section 455B.174, subsection 4, Code 2011, is
10 amended by adding the following new paragraph:

11 NEW PARAGRAPH. *f.* The department may enter into an
12 agreement with a county to delegate to the county the duties of
13 the department under this subsection as they relate to sewage
14 disposal systems that are not private sewage disposal systems.

15 Sec. 3. Section 455B.175, Code 2011, is amended to read as
16 follows:

17 **455B.175 Violations.**

18 1. If there is substantial evidence that any person has
19 violated or is violating any provision of this part of this
20 division, chapter 459, subchapter III, chapter 459A, or chapter
21 459B, or of any rule or standard established or permit issued
22 pursuant thereto; then:

23 ~~1-~~ a. The director may issue an order directing the person
24 to desist in the practice which constitutes the violation or
25 to take such corrective action as may be necessary to ensure
26 that the violation will cease. The person to whom such order
27 is issued may cause to be commenced a contested case within
28 the meaning of the Iowa administrative procedure Act, chapter
29 17A, by filing with the director within thirty days a notice of
30 appeal to the commission. On appeal the commission may affirm,
31 modify or vacate the order of the director; or

32 ~~2-~~ b. If it is determined by the director that an emergency
33 exists respecting any matter affecting or likely to affect the
34 public health, the director may issue any order necessary to
35 terminate the emergency without notice and without hearing.

1 Any such order shall be binding and effective immediately and
2 until such order is modified or vacated at a hearing before the
3 commission or by a court; or

4 ~~3.~~ c. The director, with the approval of the commission,
5 may request the attorney general to institute legal proceedings
6 pursuant to section 455B.191 or 459.604.

7 2. Notwithstanding the limitations on civil and criminal
8 penalty amounts in sections 331.302 and 331.307, a county that
9 has entered into an agreement with the department pursuant
10 to sections 455B.174 and 455B.183 regarding sewage disposal
11 systems that are not private sewage disposal systems may assess
12 civil penalties in amounts consistent with and not exceeding
13 the amounts established for such penalties under this division.

14 Sec. 4. Section 455B.183, Code 2011, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 8. The department may enter into an
17 agreement with a county to delegate to the county the duties
18 of the department under this section as they relate to sewage
19 disposal systems that are not private sewage disposal systems.

20 EXPLANATION

21 This bill relates to the delegation of permitting and
22 enforcement powers of the department of natural resources in
23 relation to certain sewage disposal systems.

24 The bill allows the delegation of duties from the department
25 to counties as those duties relate to the regulation and
26 enforcement of sewage disposal systems that are not private
27 sewage disposal systems. The bill allows counties to issue
28 permits, conduct inspections, and adopt standards in relation
29 to the delegation of authority. The bill allows counties to
30 assess civil penalties for the regulation of sewage disposal
31 systems that are not private sewage disposal systems in amounts
32 consistent with but not exceeding the amounts established for
33 such penalties in Code chapter 455B.