

**Senate File 407 - Introduced**

SENATE FILE 407  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 11)

**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 the construction of semipublic sewage disposal systems and  
4 authorizing penalties.

5 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 board shall issue permits, conduct  
4 inspections, and adopt standards related to the construction  
5 of semipublic sewage disposal systems, as defined in section  
6 455B.171, in relation to authority delegated by the department  
7 of natural resources pursuant to sections 455B.174 and  
8 455B.183. Construction standards adopted pursuant to this  
9 subsection shall be consistent with and equivalent to the  
10 construction standards adopted by the environmental protection  
11 commission pursuant to section 455B.173, subsection 3. The  
12 county may adopt such standards by reference.

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

15 NEW PARAGRAPH. *f.* The department may enter into an  
16 agreement with a county to delegate to the county the duties  
17 of the department under this subsection as they relate to the  
18 construction of semipublic sewage disposal systems.

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

21 **455B.175 Violations.**

22 1. If there is substantial evidence that any person has  
23 violated or is violating any provision of this part of this  
24 division, chapter 459, subchapter III, chapter 459A, or chapter  
25 459B, or of any rule or standard established or permit issued  
26 pursuant thereto; then:

27 ~~1.~~ a. The director may issue an order directing the person  
28 to desist in the practice which constitutes the violation or  
29 to take such corrective action as may be necessary to ensure  
30 that the violation will cease. The person to whom such order  
31 is issued may cause to be commenced a contested case within  
32 the meaning of the Iowa administrative procedure Act, chapter  
33 17A, by filing with the director within thirty days a notice of  
34 appeal to the commission. On appeal the commission may affirm,  
35 modify or vacate the order of the director; or



1 the standards to be adopted by reference.

2     The bill allows counties to assess civil penalties for the  
3 regulation of the construction of semipublic sewage disposal  
4 systems in amounts consistent with but not exceeding the  
5 amounts established for such penalties in Code chapter 455B.