# 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:

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- 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 l. 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

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- 1 2. b. If it is determined by the director that an emergency
- 2 exists respecting any matter affecting or likely to affect the
- 3 public health, the director may issue any order necessary to
- 4 terminate the emergency without notice and without hearing.
- 5 Any such order shall be binding and effective immediately and
- 6 until such order is modified or vacated at a hearing before the
- 7 commission or by a court; or
- 8  $\frac{3}{1}$  c. The director, with the approval of the commission,
- 9 may request the attorney general to institute legal proceedings
- 10 pursuant to section 455B.191 or 459.604.
- 11 2. Notwithstanding the limitations on civil and criminal
- 12 penalty amounts in sections 331.302 and 331.307, a county that
- 13 has entered into an agreement with the department pursuant to
- 14 sections 455B.174 and 455B.183 regarding the construction of
- 15 semipublic sewage disposal systems may assess civil penalties
- 16 in amounts consistent with and not exceeding the amounts
- 17 established for such penalties under this division.
- 18 Sec. 4. Section 455B.183, Code 2011, is amended by adding
- 19 the following new subsection:
- 20 NEW SUBSECTION. 8. The department may enter into an
- 21 agreement with a county to delegate to the county the duties
- 22 of the department under this section as they relate to the
- 23 construction of semipublic sewage disposal systems.
- 24 EXPLANATION
- 25 This bill relates to the delegation of permitting and
- 26 enforcement powers of the department of natural resources in
- 27 relation to certain sewage disposal systems.
- The bill allows the delegation of duties from the department
- 29 to counties as those duties relate to the regulation and
- 30 enforcement of the construction of semipublic sewage disposal
- 31 systems. The bill requires counties to issue permits, conduct
- 32 inspections, and adopt standards in relation to the delegation
- 33 of authority. The bill requires construction standards to
- 34 be consistent with and equivalent to construction standards
- 35 adopted by the environmental protection commission and allows

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- 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.