

House Study Bill 72 - Introduced

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

A BILL FOR

1 An Act relating to water quality.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.103A, subsection 1, paragraph b,
2 Code 2013, is amended to read as follows:

3 b. Following the effective date of a general permit, a
4 person proposing to conduct activities covered by the general
5 permit shall provide a notice of intent to conduct a covered
6 activity on a form provided by the department. A person shall
7 also provide public notice of intent to conduct activities
8 other than storm water and allowable nonstorm water discharges
9 covered under the general permit by publishing notice in two
10 newspapers with the largest circulation in the area in which
11 the facility is located. Notice of the discontinuation of
12 a permitted activity other than storm water and allowable
13 nonstorm water discharges shall be provided in the same manner.

14 Sec. 2. Section 455B.186, Code 2013, is amended to read as
15 follows:

16 **455B.186 Prohibited actions.**

17 1. A pollutant shall not be disposed of by dumping,
18 depositing, or discharging such pollutant into any water of
19 the state, except that this section shall not be construed to
20 prohibit the discharge of adequately treated sewage, industrial
21 waste, or other waste ~~pursuant to a permit issued by the~~
22 ~~director~~ in accordance with rules adopted by the commission. A
23 pollutant whether treated or untreated shall not be discharged
24 into any state-owned natural or artificial lake except as
25 authorized in subsection 2.

26 2. A Subsection 1 shall not be construed to prohibit the use
27 or application of a pesticide in accordance with the federal
28 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136
29 et seq. However, an aquatic pesticide shall not be applied
30 to any water of this state which has been classified by the
31 department as a class "A" or class "C", high quality, or high
32 quality resource water, except that this section shall not be
33 construed to prohibit the application of such a pesticide by a
34 certified applicator who is trained in aquatic applications and
35 who has received a permit from the department the United States

1 except as authorized in accordance with rules adopted by the
2 commission.

3 Sec. 3. Section 455B.265, subsection 1, Code 2013, is
4 amended to read as follows:

5 1. In its consideration of applications for permits, the
6 department shall give priority in processing to persons in the
7 order that the applications are received, except where the
8 application of this processing priority system prevents the
9 prompt approval of routine applications or where the public
10 health, safety, or welfare will be threatened by delay. If the
11 department determines after investigation that the diversion,
12 storage, or withdrawal is consistent with the principles and
13 policies of beneficial use and ensuring conservation, the
14 department shall grant a permit. An application for a permit
15 shall be approved or denied within ninety days from the date
16 that the department receives the complete application. A
17 renewal permit shall be approved or denied by the department
18 within thirty days from the date that the department receives
19 an a complete application for renewal. If the applicant
20 requests an extension of the time allotted, the department
21 may approve the request to allow the applicant more time
22 to submit additional information to resolve a contested or
23 complex application. A complete application which is not
24 denied or granted an extension of time within ninety days of
25 receipt is approved by default. Regardless of the request in
26 the application, and subject to appeal, the director or the
27 department ~~on appeal~~ may determine the duration and frequency
28 of withdrawal and the quantity of water to be diverted,
29 stored, or withdrawn pursuant to the permit. Each permit
30 granted after July 1, 1986, shall include conditions requiring
31 routine conservation practices, and requiring implementation
32 of emergency conservation measures after notification by the
33 department.

34 Sec. 4. Section 466.8, Code 2013, is amended to read as
35 follows:

1 466.8 On-site wastewater systems assistance program.

2 1. The department of natural resources shall establish an
3 on-site wastewater systems assistance program for the purpose
4 of providing low-interest loans to homeowners ~~residing outside~~
5 ~~the boundaries of a city~~ for improving on-site wastewater
6 disposal systems.

7 ~~1.~~ 2. The environmental protection commission shall adopt
8 rules for carrying out the program including but not limited
9 to criteria for homeowner participation, the methods used to
10 provide loans, and financing terms and limits.

11 ~~2.~~ 3. The department may make and execute agreements with
12 public or private entities, including lending institutions
13 as defined in section 12.32, as required to administer the
14 program.

15 3- 4. Assistance provided to homeowners shall not be used
16 to pay the nonfederal share of the cost of any wastewater
17 system projects receiving grants under the federal Clean Water
18 Act, 33 U.S.C. § 1381 - 1387.

~~19 4. The department shall report to the general assembly~~
~~20 annually on the progress of the on-site wastewater systems~~
~~21 assistance program.~~

22 Sec. 5. Section 466.9, subsection 3, paragraph a,
23 subparagraph (1), Code 2013, is amended to read as follows:

(1) The financing account which shall be used for the exclusive purpose of providing financing to homeowners ~~residing outside the boundaries of a city~~ with improving on-site wastewater systems under the on-site wastewater systems assistance program.

29	EXPLANATION
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30 This bill relates to water quality.

31 Currently, there are public notice requirements for the
32 intent to conduct or discontinue permitted activity under
33 certain general permits issued pursuant to Code chapter 455B,
34 459, 459A, or 459B relating to storm water discharge or an air
35 contaminant source. The notice must be given in two newspapers

1 with the largest circulation in the area in which the permitted
2 facility is located. The bill provides that storm water and
3 allowable nonstorm water discharges are not activities that
4 would require such notice.

5 The bill allows aquatic pesticides to be applied to waters
6 of the United States in accordance with rules adopted by the
7 environmental protection commission.

8 The bill allows an applicant for a permit for diversion,
9 storage, or withdrawal of water to receive a time extension
10 in the permitting process to provide the applicant with more
11 time to submit additional information to resolve a contested
12 or complex application. The bill provides that a complete
13 application which is not denied or granted an extension of time
14 within 90 days of receipt is approved by default.

15 Currently, a borrower under the on-site wastewater systems
16 assistance program must reside outside the boundaries
17 of a city. The bill eliminates the residential location
18 requirement. The bill also eliminates an annual reporting
19 requirement for the department under the program.