Senate Study Bill 1005 - 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:

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- 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

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- 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 l. 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:

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- 1 466.8 On-site wastewater systems assistance program.
- 2 l. 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.
- Sec. 5. Section 466.9, subsection 3, paragraph a,
- 23 subparagraph (1), Code 2013, is amended to read as follows:
- 24 (1) The financing account which shall be used for the
- 25 exclusive purpose of providing financing to homeowners residing
- 26 outside the boundaries of a city with improving on-site
- 27 wastewater systems under the on-site wastewater systems
- 28 assistance program.
- 29 EXPLANATION
- 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

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- 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.
- 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.