

Senate File 382 - Introduced

SENATE FILE 382
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1222)

A BILL FOR

1 An Act relating to air quality, by providing for the
2 establishment, assessment, and collection of fees,
3 establishing a fund, and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.133, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11. Establish air quality fees and
4 administer the air quality fund as provided in section
5 455B.133C.

6 Sec. 2. NEW SECTION. 455B.133C Air quality fees and air
7 quality fund — appropriations.

8 1. As used in this section, "*federal Clean Air Act*" means
9 the federal Clean Air Act, codified in 42 U.S.C. §7401, et
10 seq., as amended by the federal Clean Air Act Amendments of
11 1990, Pub. L. No. 101-549, including those amendments effective
12 on January 1, 1991, regulations promulgated by the United
13 States environmental protection agency pursuant to that Act,
14 the provisions of this chapter, and rules adopted by the
15 commission pursuant to this chapter.

16 2. The commission shall adopt by rule a process for
17 establishing air quality fees which shall be imposed and
18 collected by the department. The fees shall be credited to an
19 air quality fund which is created in the state treasury under
20 the management and control of the department. The fund may
21 include any other moneys appropriated by the general assembly
22 or otherwise available to and obtained or accepted by the
23 department for deposit in the fund.

24 3. The moneys in the fund are appropriated to the department
25 and shall be used exclusively to carry out the provisions of
26 this section pursuant to rules adopted by the commission,
27 and shall not require further special authorization by the
28 general assembly. The fund shall be composed of a major source
29 account, a minor source account, and an asbestos account as
30 created in this section.

31 4. a. The major source account shall include all fees
32 collected by the department for accepting applications for
33 construction permits submitted by major sources as defined in
34 section 502 of the federal Clean Air Act, 42 U.S.C. §7661,
35 under new source review programs pursuant to the federal Clean

1 Air Act, including as provided under 567 IAC chs. 22, 31, and
2 33.

3 *b.* Moneys in the account are appropriated to the department
4 to pay for direct and indirect costs necessary or practical to
5 implement new source review programs as described in paragraph
6 "a", including costs associated with a new, modified, or
7 existing major source and related control equipment.

8 5. *a.* The minor source account shall include all fees
9 collected by the department for accepting applications
10 submitted by minor air contaminant sources for construction
11 permits or for providing for registrations, permits by rule,
12 or template permits in lieu of obtaining construction permits,
13 under minor source new source review programs pursuant to the
14 federal Clean Air Act, including as provided under 567 IAC ch.
15 22.

16 *b.* Moneys in the account are appropriated to the department
17 to pay for direct and indirect costs necessary or practical to
18 implement minor source new source review programs as described
19 in paragraph "a", including costs associated with a new,
20 modified, or existing minor air contaminant source, and related
21 control equipment.

22 6. *a.* The asbestos account shall include all fees collected
23 by the department for accepting notifications involving
24 demolition or renovation projects under the asbestos national
25 emission standard for hazardous air pollutants program pursuant
26 to 567 IAC ch. 23.

27 *b.* Moneys in the account are appropriated to the department
28 to pay for direct and indirect costs required to administer
29 projects involving asbestos as described in paragraph "a".

30 7. Each fiscal year, the commission shall as necessary
31 adjust the air quality fees to be credited to each account
32 of the air quality fund. The amount of each fee shall be
33 determined after considering the estimated amount required to
34 support each program financed by that account after subtracting
35 the expected unencumbered and unobligated balance in that

1 account at the end of a fiscal year.

2 8. a. The department shall not transfer moneys credited
3 from one account to another account.

4 b. Notwithstanding section 12C.7, interest or earnings on
5 moneys in each account of the fund shall be credited to the
6 account.

7 c. Notwithstanding section 8.33, moneys credited to the fund
8 that remain unexpended or unobligated at the end of a fiscal
9 year shall not revert to any other fund.

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill provides that the environmental protection
14 commission must adopt rules that establish a process that
15 allows the commission to annually set air quality fees
16 to be imposed and collected by the department of natural
17 resources. The bill creates an air quality fund under the
18 control of the department. The bill divides the fund into
19 three separate accounts, each financed by different air quality
20 fees associated with a federal program under the federal
21 Clean Air Act, with each account to be used to support that
22 federal program. The accounts include: (1) a major source
23 account which must be used to regulate major air contaminant
24 sources under new source review programs, (2) a minor source
25 account which must be used to regulate minor air contaminant
26 sources or for providing alternatives for constructions permits
27 under minor source new source review programs, and (3) an
28 asbestos account which must be used to pay for regulating
29 the asbestos national emission standard for hazardous air
30 pollutants program. The bill requires the commission to as
31 necessary adjust the air quality fees required to be credited
32 to the three accounts before the end of each fiscal year. The
33 department is prohibited from transferring moneys between
34 accounts. The fund retains interest or earnings on moneys in
35 the fund, and moneys credited to the fund do not revert to any

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1 other source.