

House File 432 - Introduced

HOUSE FILE 432

BY ISENHART

A BILL FOR

1 An Act requiring an environmental impact assessment under
2 specified circumstances prior to the granting of a permit to
3 construct, maintain, or operate a hazardous liquid pipeline,
4 and including effective date provisions.

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

1 Section 1. Section 479B.9, Code 2019, is amended to read as
2 follows:

3 **479B.9 Final order — ~~condition~~ conditions.**

4 1. The board may grant a permit in whole or in part upon
5 terms, conditions, and restrictions as to location and route,
6 and upon terms, conditions, and restrictions based on the
7 results of the environmental impact assessment if required
8 pursuant to section 479B.9A, as it determines to be just and
9 proper.

10 2. A permit shall not be granted to a pipeline company
11 unless the board determines that the proposed services will
12 promote the public convenience and necessity and unless the
13 environmental impact assessment conducted pursuant to section
14 479B.9A, if required, estimates that the environmental impact
15 resulting from constructing, maintaining, and operating the
16 pipeline will be minimal.

17 **Sec. 2. NEW SECTION. 479B.9A Environmental impact**
18 **assessment — when required — preparation.**

19 1. An assessment of the environmental impact estimated to
20 result from the construction, maintenance, and operation of a
21 pipeline shall be conducted as provided in subsection 2. The
22 assessment shall be conducted by a third party contracted with
23 by the applicant and submitted to the board for approval prior
24 to the assessment taking place.

25 2. An environmental impact assessment shall be required
26 as provided in this subsection for permits for a pipeline to
27 be constructed on or after the effective date of this Act.
28 An assessment shall be required if requested by the board
29 upon review of the petition submitted pursuant to section
30 479B.5, or if the board receives a request for an assessment
31 from any combination of three or more counties or soil and
32 water conservation districts through which the pipeline is
33 proposed to pass, which may include one or more counties or
34 districts through which the pipeline is not proposed to pass
35 but which are part of a watershed management authority with a

1 county or district through which the pipeline is proposed to
2 pass. Requests from a county and a soil and water conservation
3 district that share geographical jurisdiction shall be
4 considered one request.

5 Sec. 3. Section 479B.10, Code 2019, is amended to read as
6 follows:

7 **479B.10 Costs and fees.**

8 The applicant shall pay all costs of the informational
9 meetings, environmental impact assessment, hearing, and
10 necessary preliminary investigation, including the cost
11 of publishing notice of hearing, and shall pay the actual
12 unrecovered costs directly attributable to inspections
13 conducted by the board.

14 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

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

19 This bill requires an environmental impact assessment under
20 specified circumstances prior to the granting of a permit to
21 construct, maintain, or operate a hazardous liquid pipeline.

22 Currently, Code chapter 479B provides that the Iowa
23 utilities board may grant a permit to construct, maintain, and
24 operate a hazardous liquid pipeline in whole or in part upon
25 terms, conditions, and restrictions as to location and route
26 as the board determines to be just and proper. The bill adds
27 that the utilities board may, when issuing a permit, impose
28 terms, conditions, and restrictions based on the results of an
29 environmental impact assessment if an assessment is required
30 to be conducted. The bill provides that, in addition to other
31 factors, a permit shall not be granted to a pipeline company
32 unless the environmental impact assessment, if required,
33 estimates that the environmental impact resulting from
34 constructing, maintaining, and operating the pipeline will be
35 minimal.

1 The bill provides that an environmental impact assessment
2 shall be required under specified circumstances for permits for
3 a pipeline to be constructed on or after the effective date
4 of the bill. The bill provides that an assessment shall be
5 required if requested by the board upon review of the petition
6 for a permit submitted by an applicant or if the board receives
7 a request for an assessment from any combination of three or
8 more counties or soil and water conservation districts through
9 which the pipeline is proposed to pass, which may include
10 one or more counties or districts through which the pipeline
11 is not proposed to pass but which are part of a watershed
12 management authority within a county or district through which
13 the pipeline is proposed to pass. Requests from a county and a
14 soil and water conservation district that share geographical
15 jurisdiction shall be considered one request.

16 The bill provides that an assessment shall be conducted by a
17 third party contracted with by the applicant and submitted to
18 the board for approval prior to the assessment taking place,
19 and that the applicant shall pay all costs of the assessment.

20 The bill takes effect upon enactment.