

Senate Study Bill 3052 - Introduced

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

A BILL FOR

1 An Act relating to the adoption and use of certain general
2 permits issued by the department of natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.103A, subsection 1, paragraph b,
2 Code 2022, is amended to read as follows:

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

16 Sec. 2. Section 455B.275, subsection 3, Code 2022, is
17 amended to read as follows:

18 3. a. A person shall file ~~a written~~ an application with the
19 department if the person desires to do any of the following:

20 (1) Erect, construct, use, or maintain a structure, dam,
21 obstruction, deposit, or excavation in or on any floodway or
22 floodplains.

23 (2) Erect, construct, maintain, or operate a dam on a
24 navigable or meandered stream.

25 (3) Erect, construct, maintain, or operate a dam on a stream
26 for manufacturing or industrial purposes.

27 b. The application shall set forth information as required
28 by rule of the commission. ~~The~~ Unless the proposed activity
29 falls under an adopted general permit as set forth in paragraph
30 "c", the department, after an investigation, shall approve
31 or deny the application imposing conditions and terms as
32 prescribed by the department.

33 c. The commission may adopt rules pursuant to chapter 17A
34 for the issuance of general permits. A general permit shall
35 authorize activities that, by their nature, do not require

1 further department review.

2 EXPLANATION

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

5 This bill relates to the adoption and use of certain general
6 permits issued by the department of natural resources (DNR).

7 Under current law, if a permit is required under Code
8 chapter 455B, 459, 459A, or 459B for activities that result
9 in storm water discharge or air contamination, DNR may issue,
10 modify, deny, or revoke a general permit when a facility is
11 representative of a class of facilities that could be described
12 and conditioned by a single permit. After a general permit
13 takes effect, a permittee is required to provide public notice
14 of intent to conduct activities under a general permit by
15 publishing notice in one newspaper with the largest circulation
16 in the area in which the facility is located. The bill strikes
17 the requirement for the permittee to publish public notice
18 of intent and instead requires DNR to provide such notice
19 electronically.

20 Current law requires a person to file a written application
21 with DNR if the person desires to erect, construct, use, or
22 maintain a structure, dam, obstruction, deposit, or excavation
23 in or on any floodway or floodplains or to erect, construct,
24 maintain, or operate a dam on a navigable or meandered stream
25 or on a stream for manufacturing or industrial purposes. After
26 an investigation, DNR is required to approve or deny the
27 application and impose conditions and terms. The bill removes
28 the requirement that the application be written. The bill
29 allows the environmental protection commission to adopt rules
30 for the issuance of general permits. A general permit shall
31 authorize activities that, by their nature, do not require
32 further DNR review. The bill exempts DNR from approving or
33 denying an application if the proposed activity falls under an
34 adopted general permit.