

House File 145 - Introduced

HOUSE FILE 145

BY ISENHART

A BILL FOR

1 An Act requiring testing for perfluoroalkyl and polyfluoroalkyl
2 substances in sewage sludge and other residual materials
3 at wastewater treatment plants, and making penalties
4 applicable.

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

1 Section 1. Section 455B.172, subsection 10, Code 2023, is
2 amended to read as follows:

3 10. a. Any Except as provided in paragraph "b", any county
4 ordinance related to sewage sludge ~~which~~ that is in effect
5 on March 1, 1997, shall not be preempted by any provision of
6 section 455B.171, [455B.174](#), [455B.183](#), or [455B.304](#).

7 b. When testing conducted under section 455B.225 finds
8 any amount of perfluoroalkyl or polyfluoroalkyl substances in
9 sewage sludge or any other residual material, a county shall
10 not authorize the land application of that sewage sludge or
11 other residual material on land used for agronomic purposes, on
12 land on which drainage tiles have been installed, on land that
13 drains into a water of the state, or in a five-hundred-year
14 floodplain.

15 Sec. 2. Section 455B.174, subsection 4, paragraph a,
16 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
17 to read as follows:

18 Approve or disapprove the plans and specifications for the
19 construction of disposal systems or public water supply systems
20 except for those sewer extensions and water supply distribution
21 system extensions ~~which~~ that are reviewed by a city or county
22 public works department as set forth in [section 455B.183](#).

23 The director shall issue, revoke, suspend, modify, or deny
24 permits for the operation, installation, construction, addition
25 to, or modification of any disposal system or public water
26 supply system except for sewer extensions and water supply
27 distribution system extensions ~~which~~ that are reviewed by a
28 city or county public works department as set forth in section
29 455B.183. The director shall also issue, revoke, suspend,
30 modify, or deny permits for the discharge of any pollutant,
31 or for the use or disposal of sewage sludge. However, if
32 testing conducted under section 455B.225 finds any amount of
33 perfluoroalkyl or polyfluoroalkyl substances in sewage sludge
34 or any other residual material, a permit shall not authorize
35 the land application of that sewage sludge or other residual

1 material on land used for agronomic purposes, on land on which
2 drainage tiles have been installed, on land that drains into a
3 water of the state, or in a five-hundred-year floodplain. The
4 permits shall contain conditions and schedules of compliance as
5 necessary to meet the requirements of this part 1 of subchapter
6 III or [chapter 459, subchapter III](#), the federal Water Pollution
7 Control Act and the federal Safe Drinking Water Act. A permit
8 issued under [this chapter](#) for the use or disposal of sewage
9 sludge is in addition to and must contain references to any
10 other permits required under [this chapter](#). The director shall
11 not issue or renew a permit to a disposal system or a public
12 water supply system ~~which~~ that is not viable. If the director
13 has reasonable grounds to believe that a disposal system or
14 public water supply system is not viable, the department may
15 require the system to submit a business plan as a means of
16 determining viability. This plan shall include the following
17 components:

18 Sec. 3. Section 455B.222, Code 2023, is amended to read as
19 follows:

20 **455B.222 Rules.**

21 The commission shall adopt rules providing for the safe
22 disposal and sequestration of sewage sludge and other residual
23 materials accumulated at a wastewater treatment plant that
24 contain any amount of perfluoroalkyl and polyfluoroalkyl
25 substances. The commission may adopt any other rules as are
26 necessary to carry out this part.

27 Sec. 4. NEW SECTION. 455B.225 **Testing for perfluoroalkyl**
28 **and polyfluoroalkyl substances.**

29 1. A wastewater treatment plant shall test sewage
30 sludge and any other residual material that is intended
31 for land application for the presence of perfluoroalkyl and
32 polyfluoroalkyl substances.

33 2. For purposes of this section, "*perfluoroalkyl substance*"
34 or "*polyfluoroalkyl substance*" means a class of fluorinated
35 organic chemicals containing at least one fully fluorinated

1 carbon atom.

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 requires a wastewater treatment plant to test
6 for perfluoroalkyl and polyfluoroalkyl substances in sewage
7 sludge and other residual materials that are intended for land
8 application. When testing conducted under the bill finds
9 any amount of perfluoroalkyl or polyfluoroalkyl substances
10 in sewage sludge or any other residual material, a county or
11 a permit for the use or disposal of sewage sludge issued by
12 the department of natural resources (DNR) shall not authorize
13 the land application of that sewage sludge or other residual
14 material on land used for agronomic purposes, on land on which
15 drainage tiles have been installed, on land that drains into a
16 water of the state, or in a five-hundred-year floodplain. The
17 bill requires the environmental protection commission (EPC) to
18 adopt rules providing for the safe disposal and sequestration
19 of sewage sludge and other residual materials accumulated
20 at a wastewater treatment plant that contain any amount of
21 perfluoroalkyl and polyfluoroalkyl substances.

22 By operation of law, a person who violates a permit for
23 the use or disposal of sewage sludge issued by DNR is subject
24 to a civil penalty not to exceed \$5,000 for each day of such
25 violation. A wastewater treatment plant that fails to test for
26 the presence of perfluoroalkyl and polyfluoroalkyl substances
27 in sewage sludge and any other residual materials and any
28 person who violates rules adopted by EPC is guilty of a simple
29 misdemeanor. A simple misdemeanor is punishable by confinement
30 for no more than 30 days and a fine of at least \$105 but not
31 more than \$855.