

of this Act. If it is determined, through monitoring of the permitted withdrawal, that it will endanger the present or future availability of groundwater said permits may be modified or canceled under the provisions of section four hundred fifty-five A point twenty-eight (455A.28) of the Code.

NEW UNNUMBERED PARAGRAPH. When permits are modified or canceled, priority for permits shall be given to applicants or permit holders who utilize such water for agriculture research. Nothing in this paragraph shall give priority to such applicants or permit holders in preference to those classes granted priority under section four hundred fifty-five A point twenty-one (455A.21) of the Code.

Sec. 10. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Coon Rapids Enterprise, a newspaper published in Coon Rapids, Iowa, and in the Evening Democrat, a newspaper published in Fort Madison, Iowa.

Approved April 29, 1977

I hereby certify that the foregoing Act, House File 277, was published in the Coon Rapids Enterprise, Coon Rapids, Iowa on May 5, 1977, and in the Evening Democrat, Fort Madison, Iowa on May 5, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 124

ELECTRIC POWER GENERATING

H. F. 569

AN ACT providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section four hundred fifty-five B point twelve (455B.12), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Require, by rules, notice of the construction or the installation of any equipment which may cause or contribute to air pollution, and the submission of plans and specifications to the department, or such other information deemed necessary, for the installation of equipment from which air contaminants may be emitted to the atmosphere and related control equipment. The rules relating to a conditional permit for an electric power generating facility subject to chapter

four hundred seventy-six A (476A) of the Code shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used.

Sec. 2. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Grant, modify, or deny permits for the installation of new equipment capable of emitting air contaminants to produce air pollution and for related control equipment, and conditional permits for electric power generating facilities subject to chapter four hundred seventy-six A (476A) of the Code, subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.

Sec. 3. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), Code 1977, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. All applications for conditional permits shall be subject to such notice and opportunity for public participation as may be consistent with chapter four hundred seventy-six A (476A) of the Code or any agreement pursuant thereto under chapter twenty-eight E (28E) of the Code. The applicant or intervenor may appeal to the commission from the denial of a conditional permit or any of its conditions. For the purposes of chapter four hundred seventy-six A (476A) of the Code, the issuance or denial of a conditional permit by the executive director or by the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawings and an application for a construction permit for control equipment that will meet the

emission limitations established in the conditional permit.

Sec. 4. Section four hundred fifty-five B point twenty-six (455B.26), Code 1977, is amended to read as follows:

455B.26 FAILURE--PROCEDURE. Upon failure of the executive director to take action within sixty days after an application for installation permit or variance, or upon failure of the commission to enter a final order or determination within sixty days after the final argument in a public hearing, the person seeking such action shall be entitled to treat such failure to act as a grant of the requested permit or variance, or of a finding favorable to the respondent in a public hearing, as the case may be. This section shall not apply to an application for a conditional permit for an electric power generating facility subject to chapter four hundred seventy-six A (476A) of the Code.

Sec. 5. Section four hundred fifty-five B point thirty-two (455B.32), subsection three (3), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Establish, modify or repeal rules relating to the location, construction, operation, and maintenance of disposal systems and public water supply systems and specifying the conditions under which the executive director shall issue, revoke, suspend, modify or deny permits for the operation, installation, construction, addition to or modification of any disposal system or public water supply system, or for the discharge of any pollutant or for the disposal of water wastes resulting from poultry and livestock operations. The rules specifying the conditions under which the executive director shall issue permits for the construction of an electric power generating facility subject to chapter four hundred seventy-six A (476A) of the Code shall provide for issuing a conditional permit upon the submission of engineering descriptions, flow diagrams and schematics that qualitatively and quantitatively identify effluent streams and alternative disposal systems that will provide compliance with effluent standards or limitations.

Sec. 6. Section four hundred fifty-five B point thirty-three (455B.33), subsection four (4), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. The executive director shall also issue or deny conditional permits for the construction of disposal systems for electric power generating facilities subject to chapter four hundred seventy-six A (476A) of the Code. All

applications for conditional permits shall be subject to such notice and opportunity for public participation as may be required by the commission and as may be consistent with chapter four hundred seventy-six A (476A) of the Code and any agreement pursuant thereto under chapter twenty-eight E (28E) of the Code. The applicant or an intervenor may appeal to the commission from the denial of a conditional permit or any of its conditions. For the purposes of chapter four hundred seventy-six A (476A) of the Code, the issuance or denial of a conditional permit by the executive director or the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawing and an application for a construction permit for a disposal system that will meet the effluent limitations in the conditional permit.

Approved July 7, 1977

CHAPTER 125
HAZARDOUS SUBSTANCES

H. F. 490

AN ACT relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States environmental protection agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section three hundred seven (307) of the federal Water Pollution Control Act as amended to January 1, 1977 or any