

CHAPTER 92

FEDERAL OZONE STANDARDS — STATE IMPLEMENTATION

H.F. 636

AN ACT relating to review and oversight of actions of the United States environmental protection agency.

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

Section 1. FINDINGS. The general assembly finds and declares all of the following:

1. The federal Clean Air Act, 42 U.S.C. § 7401 et seq., as amended by the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, contains a comprehensive regulatory scheme for the control of emissions from mobile and stationary sources.

2. Ozone and other air pollutants have declined substantially during the past twenty-five years throughout the United States due to the implementation of the federal Clean Air Act, and additional air quality improvements will result as the federal Clean Air Act Amendments of 1990 are implemented.

3. In response to concerns raised by certain northeastern states about the interstate transport of ozone, the United States environmental protection agency convened the ozone transport assessment group, involving representatives from the original twelve northeastern states comprising the northeast ozone transport commission, established in 42 U.S.C. § 7511c, and representatives from twenty-five states to the west and south of the northeast ozone transport region, including Iowa, to consider means to reduce the atmospheric transport of ozone.

4. Computer modeling studies prepared by the ozone transport assessment group indicate all of the following:

a. Ozone nonattainment is caused predominantly by local emission sources in densely populated urbanized areas.

b. Emissions originating in Iowa do not contribute significantly to the nonattainment of ozone standards in other states or regions.

5. In 1997, the United States environmental protection agency, based on the recommendations of the ozone transport assessment group, chose not to impose additional emission requirements on mobile and stationary sources in Iowa. However, since that time the agency has sought to reassess the need to impose additional emission requirements on mobile and stationary sources in Iowa. Such requirements could impair the competitiveness of business and industry in Iowa with negligible environmental benefits and with adverse effects on employment and income in Iowa.

6. Legislative oversight of actions of the United States environmental protection agency directly or indirectly affecting the citizens and economy of Iowa is in the public interest.

Sec. 2. STATE IMPLEMENTATION PLAN.

1. Upon publication by the United States environmental protection agency of a notice of proposed rulemaking to require states to submit state implementation plan revisions or upon the issuance of a request by the United States environmental protection agency for submission of a state implementation plan for Iowa related to ozone attainment, the director of the department of natural resources shall notify the senate standing committee on natural resources and environment, the house of representatives standing committee on environmental protection, and the administrative rules review committee of the notice or request if the general assembly is in session. If the general assembly is not in session, the director shall notify the legislative council and the administrative rules review committee. The director shall also provide the committees or the legislative council and the administrative rules review committee with copies of any state implementation plan prepared by the department pursuant to such a notice or request not less than sixty days prior to the submission of the state implementation plan to the United States environmental protection agency.

2. Within a reasonable amount of time following receipt of the state implementation plan, if the general assembly is in session, the senate standing committee on natural resources and environment and the house of representatives standing committee on environmental protection shall convene public hearings to receive comments from agencies of government and other interested parties on the prospective impact of the state implementation plan on this state's economy and environment, including impacts on energy use, the environment, economic development, utility costs and rates, transportation fuel costs, and industrial competitiveness. If the general assembly is not in session, the legislative council may convene public hearings for the same purposes.

3. The department shall not implement the state implementation plan through the use of emergency rules adopted under section 17A.4, subsection 2, or made effective under section 17A.5, subsection 2.

4. In the absence of a recommendation or other act of the general assembly, or of the legislative council if the general assembly is not in session, endorsing the state implementation plan, the director shall not submit to the United States environmental protection agency any state implementation plan related to ozone transport which would impose emission controls in Iowa more stringent than necessary for Iowa to demonstrate attainment with any national ambient air quality standard for ozone, unless all of the following can be shown:

a. Emissions from other than natural sources located within the state of Iowa contribute at a level greater than eight parts per billion to nonattainment of an ozone standard in another state.

b. Technically feasible emission reductions in such other nonattaining state would not permit the nonattaining state to demonstrate attainment and maintenance of an ozone standard.

c. Technically and economically feasible emission reductions in the state of Iowa will significantly benefit or enable a nonattaining state to achieve the ozone standard.

Sec. 3. 1997 Iowa Acts, chapter 12, is repealed.

Approved April 29, 1999

CHAPTER 93

ASSOCIATE JUVENILE AND PROBATE JUDGES

H.F. 647

AN ACT relating to judges, concerning associate juvenile judges, and associate probate judges.

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

Section 1. Section 46.16, Code 1999, is amended by adding the following new subsection:
NEW SUBSECTION. 3. Subject to removal for cause, the initial term of office of a full-time associate juvenile judge or a full-time associate probate judge shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year, and the regular term of office of a full-time associate juvenile judge or a full-time associate probate judge retained at a judicial election shall be four years from the expiration of the initial or previous regular term, as the case may be.