

Reported Recommending
Ind. Postponed
Passed Senate
Failed to Pass Senate
Passed House
Failed to Pass House

Senate File 350

February 25, 1947.
Passed on File.

By BEKMAN.

A BILL FOR

An Act relating to the public health and the pollution of lakes, streams and other waters; to define pollution; and the powers and duties of the state department of health in relation thereto.

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

1 Section 1. Section one hundred thirty-five point eighteen

2 (135.18), Code 1946, is hereby repealed and the following

3 enacted in lieu thereof:

4 "Pollution—Defined. The tern 'pollution' means the

5 discharge or deposit of sewage, industrial wastes or other wastes

6 in such condition, manner, or quantity as may cause:

7 a. The formation of sludge banks, or

8 b. The dissolved oxygen content of the stream to drop below

9 four (4) parts per million on the average cross-section of the

10 stream, or

11 c. The deposit of chemical or other industrial wastes so

12 as to render the stream injurious to aquatic life."

1 Sec. 2. Chapter one hundred thirty-five (135), Code 1946,

2 is hereby amended by adding thereto the following new section:

3 "Powers and Duties of the Department. The department, upon

4 its own initiative, may study and investigate or survey all

5 problems concerned with the pollution of any stream, lake or
6 other body of water, its prevention, abatement and control and
7 may determine methods, so far as practicable, of preventing
8 pollution of such waters. The Department may make such
9 investigation upon the written petition of:

- 10 1. The council of any town.
- 11 2. The Board of Supervisors of any county.

12 The power vested by this section in the Department shall
13 not apply, however, to the lower five thousand (5,000) feet of
14 any stream flowing into a river at a place where such river forms
15 a part of the boundary line of the state.

16 The Department on its own initiative may study and investigate
17 streams, lakes or other bodies of water for the purpose of
18 improving said water in reference to public health or source of
19 domestic water supply and aquatic life.”

1 Sec. 3. Section one hundred thirty-five point nineteen
2 (135.19), Code 1946, is hereby repealed and the following enacted
3 in lieu thereof:

4 “Time and Place of Hearing. Whenever such complaint of
5 pollution of any of the aforesaid waters is filed with the
6 Department, or whenever it acts upon its own initiative, it may
7 make a full and complete investigation which may include such
8 engineering studies, bacteriological, biological, and chemical
9 analyses of the water and location of the sources of contamination
10 as may be found necessary, and, if the pollution is found to exist,
11 the Department may make an order fixing the time and place for a

12 hearing. Such hearing shall be public and shall be conducted, so
13 far as possible, in the same manner as a court hearing, and every
14 alleged offender shall have the right to appear by counsel,
15 present testimony, and examine witnesses.”

1 Sec. 4. Section one hundred thirty-five point twenty (135.20),
2 Code 1946, is amended by striking from line three (3) thereof the
3 word “ten” and inserting in lieu thereof the word “thirty”.

1 Sec. 5. Section one hundred thirty-five point twenty-one
2 (135.21), Code 1946, is hereby amended by adding a period
3 following the word “pollution” in line five (5) and striking
4 the remainder thereof.

1 Sec. 6. Chapter one hundred thirty-five (135), Code 1946,
2 is hereby amended by adding thereto the following new section:
3 “Pending Actions. Any present pending action shall be
4 governed by the provisions of this chapter as amended.”

1 Sec. 7. Section one hundred thirty-five point twenty-five
2 (135.25), Code 1946, is hereby amended by adding immediately
3 after the period (.) at the end thereof the following:

4 “The hearing on appeal shall be tried as a suit in equity
5 and shall be de novo. The court may receive additional testimony
6 may affirm, modify or reverse any such order. The modifying or
7 setting aside of any such order by the court upon any such appeal
8 shall prevent or preclude said Department from again instituting
9 proceedings against the same person, firm, corporation or
10 municipality for a period of two (2) years.”

1 Sec. 8. Section one hundred thirty-five point twenty-seven

2 (135.27), Code 1946, is hereby amended by striking therefrom the
3 last sentence, commencing with the words "The hearing" in line
4 six (6) of said section and continuing to the end of the section.

1 Sec. 9. Section one hundred thirty-five point twenty-nine
2 (135.29), Code 1946, is hereby repealed and the following enacted
3 in lieu thereof:

4 "Penalty. Any person, firm, or corporation, or any officer
5 or agent thereof found guilty of contempt under section one
6 hundred thirty-five point twenty-eight (135.28) shall be fined in
7 a sum not to exceed one thousand dollars (\$1,000.00).

1 Sec. 10. Chapter one hundred thirty-five (135), Code 1946,
2 is hereby amended by adding thereto the following sections:

3 "1. After the effective date of this act, no sewerage
4 system which proposes to discharge into any of the waters
5 specified in section one hundred thirty-five point eighteen
6 (135.18) hereof, sewage or any other liquid or solid substance
7 of a decomposable, putrescible, oily, acid, or other character
8 which may cause pollution of any of the aforesaid waters of the
9 state, shall be installed until a written permit for such sewerage
10 system has been granted by the Department. No changes, additions
11 to, or extensions of any existing sewage systems discharging into
12 any of the aforesaid waters, including changes of or additions
13 to or extensions of the method of treating or disposing of the
14 sewage, and no extension of or addition to any factory,
15 manufacturing establishment, or business enterprise, the operation
16 of which will substantially increase the amount of polluting

17 material, shall be made until plans for such changes, additions,
18 or extensions shall have been submitted to and a written permit
19 obtained from the Department. Provided, however, that no permit
20 shall be required for any new sewerage system or changes or
21 additions to or extensions of existing systems that receive or
22 may receive only domestic or sanitary sewage from a building
23 housing or occupied by fifteen (15) persons or less.

24 2. Plans and specifications for any sewerage system covered
25 by subsection one (1) shall be submitted to the Department before
26 a written permit may be issued, and the construction of any such
27 sewerage system shall be in accordance with said plans and
28 specifications as approved by the Department. In case it shall
29 be necessary or desirable to make material changes in such plans
30 or specifications, revised plans or specifications together with
31 reasons for the proposed changes shall be submitted to the
32 Department for a supplemental written permit.

33 3. The Department may require any owner of a sewerage
34 system discharging into any of the aforesaid waters to file with
35 it complete plans of the whole or of any part of such system and
36 any other information and records concerning the installation
37 and operation of such system.

38 4. The Department shall have the right to establish procedure
39 for the review of any reports, plans, specifications, or other
40 data relative to any sewerage system, written permits for which
41 are required by this act, and may make use of such assistance
42 for such review as existing boards, commissions and departments

43 of the state may be able to render.

44 5. The Department is empowered to adopt and enforce rules
45 and regulations governing the method and manner under which plans,
46 specifications, or other data relative thereto shall be submitted
47 for sewerage systems or for additions or changes to or extensions
48 of such systems.

49 6. No sewage or any other waste liquid or solid substance
50 of a decomposable, putrescible, oily, chemical, or other
51 character whether treated or untreated shall be discharged
52 directly into any state owned natural or artificial lake, provided
53 that this section shall not be construed as to prohibit the
54 discharge of adequately treated sewage or wastes into a stream
55 tributary to a lake upon the written permission of the state
56 department of health and the state conservation commission.