

FEB 23 2005
NATURAL RESOURCES

HOUSE FILE 392
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act increasing civil and criminal penalties for violations of
2 water quality laws.

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

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HF 392

1 Section 1. Section 455B.191, subsections 1 and 2, Code
2 2005, are amended to read as follows:

3 1. Any person who violates any provision of part 1 of
4 division III of this chapter or any permit, rule, standard, or
5 order issued under part 1 of division III of this chapter
6 shall be subject to a civil penalty not to exceed five twenty-
7 five thousand dollars for each day of such violation.

8 2. Any person who negligently or knowingly violates
9 section 455B.183 or section 455B.186 or any condition or
10 limitation included in any permit issued under section
11 455B.183, or who negligently or knowingly introduces into a
12 sewer system or into a publicly owned treatment works any
13 pollutant or hazardous substance which the person knew or
14 reasonably should have known could cause personal injury or
15 property damage or, other than in compliance with all
16 applicable federal and state requirements or permits,
17 negligently or knowingly causes a treatment works to violate
18 any water quality standard, effluent standard, pretreatment
19 standard or condition of a permit issued to the treatment
20 works pursuant to section 455B.183 is guilty of a serious
21 misdemeanor for a negligent violation and is guilty of an
22 aggravated misdemeanor for a knowing violation. A conviction
23 for a negligent violation is punishable by a fine of not more
24 than twenty-five fifty thousand dollars for each day of
25 violation or by imprisonment for not more than one year, or
26 both; however, if the conviction is for a second or subsequent
27 violation committed by a person under this subsection, the
28 conviction is punishable by a fine of not more than fifty one
29 hundred thousand dollars for each day of violation or by
30 imprisonment for not more than two years, or both. A
31 conviction for a knowing violation is punishable by a fine of
32 not more than fifty one hundred thousand dollars for each day
33 of violation or by imprisonment for not more than two years,
34 or both; however, if the conviction is for a second or
35 subsequent violation committed by a person under this

1 subsection, the conviction is punishable by a fine of not more
2 than ~~one~~ two hundred thousand dollars for each day of
3 violation or by imprisonment for not more than five years, or
4 both. As used in this section, "hazardous substance" means
5 hazardous substance as defined in section 455B.381 or section
6 455B.411.

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EXPLANATION

8 This bill increases civil and criminal penalties for
9 violations of water quality laws.

10 The bill increases civil penalties for violations of
11 certain water quality laws from not more than \$5,000 for each
12 day of a violation to not more than \$25,000 for each day of a
13 violation. The bill increases criminal fines for the
14 negligent violation of certain water quality laws from not
15 more than \$25,000 for each day of the violation to not more
16 than \$50,000 for each day of the violation for the first
17 offense, and from not more than \$50,000 for each day of the
18 violation to not more than \$100,000 for each day of the
19 violation for the second offense and subsequent offenses. The
20 bill increases criminal fines for a knowing violation of
21 certain water quality laws from not more than \$50,000 for each
22 day of the violation to not more than \$100,000 for each day of
23 the violation for the first offense, and from not more than
24 \$100,000 for each day of the violation to not more than
25 \$200,000 for each day of the violation for the second offense
26 and subsequent offenses.

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