A BILL FOR

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 455B.172, subsection 10, Code 2023, is amended to read as follows:

10. a. Any Except as provided in paragraph "b", any county ordinance related to sewage sludge which is in effect on March 1, 1997, shall not be preempted by any provision of section 455B.171, 455B.174, 455B.183, or 455B.304.

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

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

Approve or disapprove the plans and specifications for the construction of disposal systems or public water supply systems except for those sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The 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 except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The director shall also issue, revoke, suspend, modify, or deny permits for the discharge of any pollutant, or for the use or disposal of sewage sludge. However, if testing conducted under section 455B.225 finds any amount of perfluoroalkyl or polyfluoroalkyl substances in sewage sludge or any other residual material, a permit shall not authorize the land application of that sewage sludge or other residual
material on land used for agronomic purposes, on land on which
drainage tiles have been installed, on land that drains into a
water of the state, or in a five-hundred-year floodplain. The
permits shall contain conditions and schedules of compliance as
necessary to meet the requirements of this part 1 of subchapter
III or chapter 459, subchapter III, the federal Water Pollution
Control Act and the federal Safe Drinking Water Act. A permit
issued under this chapter for the use or disposal of sewage
sludge is in addition to and must contain references to any
other permits required under this chapter. The director shall
not issue or renew a permit to a disposal system or a public
water supply system which is not viable. If the director
has reasonable grounds to believe that a disposal system or
public water supply system is not viable, the department may
require the system to submit a business plan as a means of
determining viability. This plan shall include the following
components:

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

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

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

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

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

EXPLANATION
The inclusion of this explanation does not constitute agreement with the explanation’s substance by the members of the general assembly.

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

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