

MAR 21 2001
Agriculture

HOUSE FILE 677
BY FREVERT

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

A BILL FOR

1 An Act relating to animal feeding operations, disposal of manure,
2 and making penalties applicable.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 677

1 Section 1. Section 455B.162, subsection 2, unnumbered
2 paragraph 1, Code 2001, is amended to read as follows:

3 Except as provided in subsection 6, and sections 455B.163
4 and 455B.165, this subsection applies to animal feeding
5 operation structures constructed on or after January 1, 1999,
6 and to the expansion of structures constructed on or after
7 January 1, 1999.

8 PARAGRAPH DIVIDED. The following table represents the
9 minimum separation distance in feet required between an animal
10 feeding operation structure and a ~~residence-not-owned-by-the~~
11 ~~owner-of-the-animal-feeding-operation,-or-a~~ commercial
12 enterprise, bona fide religious institution, or an educational
13 institution:

14 Sec. 2. Section 455B.162, subsection 3, unnumbered
15 paragraph 1, Code 2001, is amended to read as follows:

16 Except as provided in subsection 6, and sections 455B.163
17 and 455B.165, this subsection applies to animal feeding
18 operation structures constructed on or after May 31, 1995 but
19 prior to the effective date of this Act; to the expansion of
20 structures constructed on or after May 31, 1995 but prior to
21 the effective date of this Act; and to the expansion of
22 structures constructed prior to May 31, 1995.

23 PARAGRAPH DIVIDED. The following table represents the
24 minimum separation distance in feet required between animal
25 feeding operation structures and a public use area or, a
26 residence not owned by the owner of the animal feeding
27 operation, a commercial enterprise, a bona fide religious
28 institution, or an educational institution, if the public use
29 area residence, commercial enterprise, religious institution,
30 or educational institution is located within the corporate
31 limits of a city:

32 Sec. 3. Section 455B.162, Code 2001, is amended by adding
33 the following new subsections:

34 NEW SUBSECTION. 3A. Except as provided in subsection 6,
35 and sections 455B.163 and 455B.165, this subsection applies to

1 all of the following:

2 a. Animal feeding operation structures that are not part
 3 of a confinement feeding operation constructed on or after
 4 January 1, 1999, and to the expansion of those structures
 5 constructed on or after January 1, 1999.

6 b. Animal feeding operation structures that are part of a
 7 confinement feeding operation constructed on or after January
 8 1, 1999, but prior to the effective date of this Act, and to
 9 the expansion of those structures constructed on or after
 10 January 1, 1999, but prior to the effective date of this Act.

11 The following table represents the minimum separation
 12 distance in feet required between an animal feeding operation
 13 structure as provided in paragraphs "a" and "b" and a
 14 residence not owned by the owner of the animal feeding
 15 operation:

16		Minimum	
17		separation	
18		distance in	
19		feet for	
20		operations	
21	Minimum	having an	
22	separation	animal	Minimum
23	distance in	weight	separation
24	feet for	capacity of	distance in
25	operations	625,000 or	feet for
26	having an	more pounds	operations
27	animal	but less than	having an
28	weight	1,250,000	animal
29	capacity of	pounds for	weight
30	less than	animals other	capacity of
31	625,000	than bovine,	1,250,000 or
32	pounds for	or 1,600,000	more pounds
33	animals other	or more	for animals
34	than bovine,	pounds but	other than
35	or less than	less than	bovine, or

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
1,600,000	4,000,000	4,000,000 or		
pounds for	pounds for	more pounds		
<u>Type of structure</u>	<u>bovine</u>	<u>bovine</u>	<u>for bovine</u>	
Anaerobic lagoon	1,250	1,875	2,500	
Uncovered earthen manure				
storage basin	1,250	1,875	2,500	
Uncovered formed				
manure storage				
structure	1,250	1,500	2,000	
Covered formed				
manure storage				
structure	1,000	1,250	1,875	
Confinement				
building	1,000	1,250	1,875	
Egg washwater				
storage structure	750	1,000	1,500	

17 NEW SUBSECTION. 3B. Except as provided in subsection 6,
 18 and sections 455B.163 and 455B.165, for animal feeding
 19 operation structures constructed on or after the effective
 20 date of this Act and to the expansion of structures
 21 constructed on or after the effective date of this Act the
 22 following minimum separation distances apply:

23 a. The minimum separation distance in feet required
 24 between an animal feeding operation structure that is part of
 25 a confinement feeding operation and a residence not owned by
 26 the owner of the confinement feeding operation is five
 27 thousand two hundred eighty.

28 b. The minimum separation distance in feet required
 29 between an animal feeding operation structure that is part of
 30 a confinement feeding operation and the corporate limits of a
 31 city is ten thousand five hundred sixty.

32 Sec. 4. Section 455B.162, subsection 5, Code 2001, is
 33 amended to read as follows:

34 Except as provided in section 455B.165, a person shall not
 35 apply liquid manure from a confinement feeding operation on

1 land if any of the following applies:

2 a. The land located within seven hundred fifty feet from a
3 ~~residence-not-owned-by-the-titleholder-of-the-land~~, a
4 commercial enterprise, a bona fide religious institution, an
5 educational institution, or a public use area.

6 b. The land is located within one thousand feet from a
7 residence not owned by the titleholder of the land.

8 Sec. 5. Section 455B.163, subsection 1, Code 2001, is
9 amended to read as follows:

10 1. a. An animal feeding operation structure as
11 constructed or expanded prior to ~~January-17-1999~~ the effective
12 date of this Act, complies with the distance requirements
13 applying to that structure as provided in section 455B.162.

14 b. An animal feeding operation structure as constructed or
15 expanded on or after ~~January-17-1999~~ the effective date of
16 this Act, complies with the distance requirements applying to
17 that structure as provided in section 455B.162.

18 Sec. 6. Section 455B.163, subsection 2, paragraph b,
19 subparagraph (1), Code 2001, is amended to read as follows:

20 (1) Double its capacity on the following dates:

21 (a) May 31, 1995, for an animal feeding operation
22 structure constructed prior to January 1, 1997-~~or-on~~.

23 (b) January 1, 1999, for an animal feeding operation
24 structure constructed on or after January 1, 1999, but prior
25 to the effective date of this Act.

26 (c) The effective date of this Act, for an animal feeding
27 operation structure constructed on after the effective date of
28 this Act.

29 Sec. 7. Section 455B.163, subsection 3, unnumbered
30 paragraph 1, Code 2001, is amended to read as follows:

31 The animal feeding operation was constructed prior to
32 ~~January-17-1999~~ the effective date of this Act, and is
33 expanded by replacing one or more unformed manure storage
34 structures with one or more formed manure storage structures,
35 if all of the following apply:

1 Sec. 8. Section 455B.203, subsection 3, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. h. A schedule and procedures used to
4 sample soil on land where manure is applied and the results of
5 the analysis as provided in section 455B.203.

6 Sec. 9. Section 455B.203B, Code 2001, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 3. A person required to submit a manure
9 management plan in order to apply manure on cropland located
10 in this state as provided in section 455B.203 shall take soil
11 samples from the land every four years in order to determine,
12 based on nitrogen use levels, the land area required when
13 applying for the application of manure from a confinement
14 feeding operation to obtain optimum crop yields according to a
15 crop schedule specified in the plan. The person shall submit
16 the samples to a qualified laboratory that shall analyze the
17 soil samples and report the results to the person, as required
18 by the department. The department's rules shall provide for
19 taking samples from different areas of the cropland measured
20 in grids based on a global positioning system.

21 Sec. 10. Section 455B.204A, Code 2001, is amended to read
22 as follows:

23 455B.204A DISPOSAL OF MANURE WITHIN DESIGNATED AREAS NEAR
24 WATER SOURCES -- ADOPTION OF RULES.

25 A person shall not dispose of manure on land other than by
26 application on cropland. The department shall adopt rules
27 relating to the disposal application of manure, including its
28 application in close proximity to a designated-area water
29 source as follows:

30 1. A person shall not apply manure within ten thousand
31 five hundred sixty feet of a major watercourse as provided in
32 section 455B.204 that is used as a drinking water source.

33 2. A person shall not apply manure within two hundred
34 fifty feet of a drinking water well actively used as a
35 drinking water source.

1 the disposal of manure near water sources. The bill prohibits
2 a person from applying manure within 10,560 feet from a major
3 water source such as a lake or reservoir that is used as a
4 source for drinking water. The bill prohibits a person from
5 applying manure within 250 feet of a drinking water well
6 actively used as a source for drinking water.

7 According to Code section 455B.109, a person who violates
8 Code provisions regulating air quality, such as Code section
9 455B.162 as amended by the bill, is subject to a civil penalty
10 of up to \$10,000. The person may also be guilty of an
11 aggravated misdemeanor (punishable by confinement for no more
12 than two years and a fine of at least \$500 but not more than
13 \$5,000). According to Code section 455B.191, a person who
14 violates provisions regulating water quality including Code
15 sections 455B.203, 455B.203B, and 455B.204A as amended in the
16 bill is subject to a civil penalty of \$5,000.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35