

FEB 13 2002
Agriculture

HOUSE FILE 2315
BY KUHN, FREVERT, MERTZ,
MAY, SCHRADER, WITT,
KREIMAN, FALLON,
GREIMANN, MASCHER, FOEGE,
LENSING, and SHOULTZ

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

A BILL FOR

1 An Act relating to confinement feeding operations by providing
2 for the issuance of permits by the department of natural
3 resources, making penalties applicable, and providing an
4 effective date.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

HF 2315

1 Section 1. Section 455B.200A, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. The department shall issue permits for the
4 construction, including the expansion, of animal feeding
5 operation structures, including structures which are part of
6 confinement feeding operations, as provided by rules adopted
7 pursuant to section 455B.200. The department shall issue a
8 permit to an animal feeding operation if an application is
9 submitted according to procedures required by the department
10 and the application meets standards established by the
11 department, regardless of whether the animal feeding operation
12 is required to obtain such a permit. The department shall at
13 least require that a person obtain a permit for the
14 construction of an animal feeding operation structure that is
15 part of a confinement feeding operation, if the confinement
16 feeding operation has an animal weight capacity of four
17 hundred thousand pounds or more. However, the department
18 shall not require that a person obtain a permit for the
19 construction of an animal feeding operation structure if the
20 structure is part of a small animal feeding operation. For
21 purposes of this section, an animal feeding operation
22 structure includes a manure storage structure.

23 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
24 immediate importance, takes effect upon enactment.

25 EXPLANATION

26 This bill amends provisions in Code chapter 455B regulating
27 animal feeding operations by the department of natural
28 resources including confinement feeding operations, originally
29 enacted in 1995 by House File 519 (1995 Iowa Acts, ch. 195)
30 and amended in 1998 by House File 2494 (1998 Iowa Acts, ch.
31 1209). Statutes regulating animal feeding operations are
32 divided in two places in Code chapter 455B: division II which
33 regulates air quality (e.g., separation distance requirements)
34 and division III which regulates water quality (e.g.,
35 construction permit and manure management plan requirements).

1 The bill amends division III and specifically Code section
2 455B.200A that requires the department to issue a permit prior
3 to the construction of an animal feeding operation structure
4 (e.g., a building or manure storage structure) that is part of
5 a confinement feeding operation. A confinement feeding
6 operation is not required to obtain a construction permit if
7 it is classified as a small animal feeding operation (having
8 an animal weight capacity of 200,000 pounds for animals other
9 than bovine and 400,000 pounds for bovine). Under
10 departmental rule (567 IAC 65.7) a permit is generally
11 required if the confinement feeding operation has an animal
12 weight capacity of 625,000 pounds or more for animals other
13 than bovine or 1.6 million pounds or more for bovine. Other
14 rules apply to either require a permit when a confinement
15 feeding operation uses an aerobic or earthen structure as part
16 of a confinement feeding operation other than a small animal
17 feeding operation or raise the animal weight capacity
18 threshold when manure is stored on a dry matter basis (125,000
19 pounds or more for animals other than bovine or four million
20 pounds or more for bovine).

21 The bill requires the department to at a minimum require
22 that a person obtain a permit for the construction of an
23 animal feeding operation structure that is part of a
24 confinement feeding operation, if the confinement feeding
25 operation has an animal weight capacity of 400,000 pounds or
26 more. The bill does not amend the exemption for small animal
27 feeding operations.

28 Generally under Code section 455B.191, a person who
29 violates a provision of division III of the chapter is subject
30 to a civil penalty not to exceed \$5,000 for each day of such
31 violation.

32 The bill takes effect upon enactment.

33
34
35