

FEB 13 2002
Agriculture

HOUSE FILE 2326
BY WARNSTADT

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

A BILL FOR

1 An Act relating to the construction of animal feeding operation
2 structures near water sources, providing for fees, and making
3 penalties applicable.

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

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HF 2326

1 Section 1. Section 455B.204A, Code 2001, is amended to
2 read as follows:

3 455B.204A DISPOSAL OF MANURE WITHIN DESIGNATED AREAS --
4 ADOPTION OF RULES.

5 1. The department shall adopt rules relating to the
6 disposal of manure in close proximity to a designated area. A
7 person shall not dispose of manure on-cropland within two
8 hundred feet from a designated area, ~~unless one of the~~
9 ~~following applies:~~

10 ~~1.--The manure is applied by injection or incorporation~~
11 ~~within twenty-four hours following the application:~~

12 ~~2.--An area of permanent vegetation cover exists for fifty~~
13 ~~feet surrounding the designated area and that area is not~~
14 ~~subject to manure application:~~

15 2. As used in this section, "designated area" means a
16 known sinkhole, or a cistern, abandoned well, unplugged
17 agricultural drainage well, agricultural drainage well surface
18 inlet, drinking water well, or lake, or a farm pond or
19 privately owned lake as defined in section 462A.2. However, a
20 "designated area" does not include a terrace tile inlet.

21 Sec. 2. Section 455J.1, Code 2001, is amended by adding
22 the following new subsections:

23 NEW SUBSECTION. 8A. "One-hundred-year floodplain" means
24 the land adjacent to a major water source as defined in
25 section 455B.204, if there is at least a one percent chance
26 that the land will be inundated in any one year as determined
27 by the department.

28 NEW SUBSECTION. 10. "Restricted manure storage structure"
29 means a manure storage structure that is part of a confinement
30 feeding operation, if the manure storage structure is located
31 on land that is part of a one-hundred-year floodplain.

32 Sec. 3. Section 455J.1, subsection 9, Code 2001, is
33 amended to read as follows:

34 9. "Permittee" means a person who, pursuant to section
35 455B.200A, obtains a permit for the construction of a manure

1 storage structure, ~~or a confinement feeding operation, if a~~
2 ~~manure storage structure~~ that is connected to the part of a
3 confinement feeding operation.

4 Sec. 4. Section 455J.3, Code 2001, is amended to read as
5 follows:

6 455J.3 FEES.

7 An indemnity fee shall be assessed ~~upon permittees~~ against
8 a permittee which shall be paid to and collected by the
9 department, prior to issuing a permit for the construction of
10 a manure storage structure that is part of a confinement
11 feeding operation as provided in section 455B.200A. The
12 department shall deposit moneys collected from the fees into
13 the fund according to procedures adopted by the department.

14 1. The amount of the fees fee for a permittee constructing
15 a manure storage structure other than a restricted manure
16 storage structure shall be based on the following:

17 1- a. If the confinement feeding operation has an animal
18 weight capacity of less than six hundred twenty-five thousand
19 pounds, the following shall apply:

20 a- (1) For all animals other than poultry, the amount of
21 the fee shall be ten cents per animal unit of capacity for
22 confinement feeding operations.

23 b- (2) For poultry, the amount of the fee shall be four
24 cents per animal unit of capacity for confinement feeding
25 operations.

26 2- b. If the confinement feeding operation has an animal
27 weight capacity of six hundred twenty-five thousand or more
28 pounds but less than one million two hundred fifty thousand
29 pounds, the following shall apply:

30 a- (1) For all animals other than poultry, the amount of
31 the fee shall be fifteen cents per animal unit of capacity for
32 confinement feeding operations.

33 b- (2) For poultry, the amount of the fee shall be six
34 cents per animal unit of capacity for confinement feeding
35 operations.

1 3- c. If the confinement feeding operation has an animal
2 weight capacity of one million two hundred fifty thousand or
3 more pounds, the following shall apply:

4 a- (1) For all animals other than poultry, the amount of
5 the fee shall be twenty cents per animal unit of capacity for
6 confinement feeding operations.

7 b- (2) For poultry, the amount of the fee shall be eight
8 cents per animal unit of capacity for confinement feeding
9 operations.

10 ~~The department shall deposit moneys collected from the fees~~
11 ~~into the fund according to procedures adopted by the~~
12 ~~department.~~

13 2. The amount of the fee for a permittee constructing a
14 restricted manure storage structure shall be based on the
15 following:

16 a. If the confinement feeding operation has an animal
17 weight capacity of less than six hundred twenty-five thousand
18 pounds, the following shall apply:

19 (1) For all animals other than poultry, the amount of the
20 fee shall be twenty cents per animal unit of capacity for
21 confinement feeding operations.

22 (2) For poultry, the amount of the fee shall be eight
23 cents per animal unit of capacity for confinement feeding
24 operations.

25 b. If the confinement feeding operation has an animal
26 weight capacity of six hundred twenty-five thousand or more
27 pounds but less than one million two hundred fifty thousand
28 pounds, the following shall apply:

29 (1) For all animals other than poultry, the amount of the
30 fee shall be thirty cents per animal unit of capacity for
31 confinement feeding operations.

32 (2) For poultry, the amount of the fee shall be twelve
33 cents per animal unit of capacity for confinement feeding
34 operations.

35 c. If the confinement feeding operation has an animal

1 weight capacity of one million two hundred fifty thousand or
2 more pounds, the following shall apply:

3 (1) For all animals other than poultry, the amount of the
4 fee shall be forty cents per animal unit of capacity for
5 confinement feeding operations.

6 (2) For poultry, the amount of the fee shall be sixteen
7 cents per animal unit of capacity for confinement feeding
8 operations.

9 Sec. 5. Section 455J.4, Code 2001, is amended to read as
10 follows:

11 455J.4 MANURE MANAGEMENT PLAN -- INDEMNITY FEE REQUIRED.

12 An indemnity fee shall be assessed ~~upon persons~~ against a
13 person who constructs a manure storage structure that is part
14 of a confinement feeding operation, if the person is required
15 to submit a manure management plan as provided in section
16 455B.203, but not required to obtain a construction permit
17 pursuant to section 455B.200A. The department shall deposit
18 moneys collected from the fees into the fund according to
19 procedures adopted by the department.

20 1. The amount of the fees fee for a person constructing a
21 manure storage structure other than a restricted manure
22 storage structure shall be ten cents per animal unit of
23 capacity for confinement feeding operations.

24 2. The amount of the fee for a person constructing a
25 restricted manure storage structure shall be twenty cents per
26 animal unit of capacity for confinement feeding operations.

27 EXPLANATION

28 This bill amends provisions in Code chapter 455B regulating
29 animal feeding operations regulated by the department of
30 natural resources, including confinement feeding operations,
31 originally enacted in 1995 by House File 519 (1995 Iowa Acts,
32 chapter 195) and amended in 1998 by House File 2494 (1998 Iowa
33 Acts, chapter 1209). Provisions relating to animal feeding
34 operation statutes are divided in two places in Code chapter
35 455B: division II which regulates air quality regulations

1 (e.g., separation distance requirements) and division III
2 which regulates water quality (e.g., construction permit and
3 manure management plan requirements). This bill amends
4 division III of that Code chapter. The bill also amends Code
5 chapter 455J which provides for a manure storage indemnity
6 fund which was established in order to reimburse expenses
7 incurred by a county or in some cases the department for
8 cleaning up manure storage structures. The fund is supported
9 by fees paid by persons obtaining construction permits from
10 the department for confinement feeding operations and other
11 persons who are not required to obtain a construction permit
12 but who must submit a manure management plan (excluding "small
13 animal feeding operations" which have an animal weight
14 capacity of 200,000 or more pounds or for animals other than
15 cattle and 400,000 pounds or less for cattle). Generally,
16 poultry operations pay a fee that is less than half of the fee
17 required for other animals.

18 The bill specifically amends Code section 455B.204A which
19 prohibits a person from disposing of manure in close proximity
20 to a designated area. A designated area is defined to mean a
21 known sinkhole, or a cistern, abandoned well, unplugged
22 agricultural drainage well, agricultural drainage well surface
23 inlet, drinking water well, or lake, or a farm pond or
24 privately owned lake. However, a designated area does not
25 include a terrace tile inlet. The Code section provides that
26 a person is prohibited from disposing of manure within 200
27 feet from a designated area. There are currently two
28 exceptions. The first exception is if the manure is applied
29 by injection or incorporation within 24 hours following the
30 application. The second exception is if an area of permanent
31 vegetation cover exists for 50 feet surrounding the designated
32 area and that area is not subject to manure application. This
33 bill eliminates those exceptions.

34 The bill amends provisions in Code chapter 455J to double
35 the rate of fees owed by persons who construct a manure

1 storage structure that is part of a confinement feeding
2 operation, if the structure is located within a 100-year
3 floodplain. The bill refers to this type of structure as a
4 restricted manure storage structure. The bill defines a "one-
5 hundred-year floodplain" as the land adjacent to a water
6 source such as a lake, river, or stream, if there is at least
7 a 1 percent chance that the land will be inundated in any one
8 year as determined by the department.

9 Generally, under Code section 455B.191, a person who
10 violates a provision of Code section 455B.204A is subject to a
11 civil penalty not to exceed \$5,000 for each day of such
12 violation.

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