

Sexton, Fink, Lundby

Succeeded By
SF/HF 2199

SSB 3123
Natural Resources

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON SEXTON)

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

A BILL FOR

1 An Act requiring permits for the construction of unformed manure
2 storage structures that are part of confinement feeding
3 operations, 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
- 22

1 Section 1. Section 455B.171, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 15A. "Formed manure storage structure"
4 means the same as defined in section 455B.161.

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

7 1. The department shall issue permits for the
8 construction, including the expansion, of animal feeding
9 operation structures, including structures which are part of
10 confinement feeding operations, as provided by rules adopted
11 pursuant to section 455B.200. The department shall issue a
12 permit to an animal feeding operation if an application is
13 submitted according to procedures required by the department
14 and the application meets standards established by the
15 department, regardless of whether the animal feeding operation
16 is required to obtain such a permit. ~~The department shall not~~
17 ~~require that a person obtain a~~ A permit for is required to be
18 approved by the department prior to the construction of an
19 ~~animal-feeding-operation-structure~~ unformed manure storage
20 structure. A permit is not required for the construction of a
21 formed manure storage structure if the structure is part of a
22 small animal feeding operation. For purposes of this section,
23 an animal feeding operation structure includes a manure
24 storage structure.

25 Sec. 3. Section 455B.206, subsection 3, Code 2001, is
26 amended to read as follows:

27 3. This section shall not apply to requirements a
28 requirement provided in any of the following:

29 a. Section 455B.200A, requiring that the department
30 approve a permit for the construction of an unformed manure
31 storage structure.

32 b. Section 455B.201, including rules adopted by the
33 department under that section.

34 ~~b.~~ c. Section 455B.204, including rules adopted by the
35 department under that section.

3123

1 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 immediate importance, takes effect upon enactment.

3 EXPLANATION

4 This bill amends provisions in Code chapter 455B regulating
5 animal feeding operations by the department of natural
6 resources, including confinement feeding operations,
7 originally enacted in 1995 by House File 519 (1995 Iowa Acts,
8 chapter 195) and amended in 1998 by House File 2494 (1998 Iowa
9 Acts, chapter 1209). Statutes regulating animal feeding
10 operations are generally divided in two places in Code chapter
11 455B: division II that regulates air quality regulations
12 (e.g., separation distance requirements) and division III that
13 regulates water quality (e.g., construction permit and manure
14 management plan requirements).

15 The bill amends provisions in division III that authorize
16 the department to issue permits for the construction of animal
17 feeding operation structures, including manure storage
18 structures. Code section 455B.200A provides that a permit is
19 not required for a structure that is part of a small animal
20 feeding operation (having an animal weight capacity of 200,000
21 pounds or less for animals other than bovine or 400,000 pounds
22 or less for bovine). Code section 455B.206 provides that
23 permit requirements do not apply to research colleges.

24 The bill amends Code sections 455B.200A and 455B.206 to
25 require that the department approve a permit for the
26 construction of an unformed manure storage structure such as
27 an anaerobic lagoon, aerobic structure, or earthen manure
28 storage basin. The requirement applies to small animal
29 feeding operations as well as research colleges.

30 According to Code section 455B.191, a person who violates a
31 provision of division III is subject to a civil penalty of not
32 more than \$5,000.

33
34
35

3/18/02 Returned to Nat. Res.

FILED FEB 15 2002

SENATE FILE 2199
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SSB 3123)

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

A BILL FOR

1 An Act requiring permits for the construction of unformed manure
2 storage structures that are part of confinement feeding
3 operations, 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
22
23

SF
2199

1 Section 1. Section 455B.171, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 15A. "Formed manure storage structure"
4 means the same as defined in section 455B.161.

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

7 1. The department shall issue permits for the
8 construction, including the expansion, of animal feeding
9 operation structures, including structures which are part of
10 confinement feeding operations, as provided by rules adopted
11 pursuant to section 455B.200. The department shall issue a
12 permit to an animal feeding operation if an application is
13 submitted according to procedures required by the department
14 and the application meets standards established by the
15 department, regardless of whether the animal feeding operation
16 is required to obtain such a permit. ~~The department shall not~~
17 ~~require that a person obtain a~~ A permit for is required to be
18 approved by the department prior to the construction of an
19 animal-feeding-operation-structure unformed manure storage
20 structure. A permit is not required for the construction of a
21 formed manure storage structure if the structure is part of a
22 small animal feeding operation. For purposes of this section,
23 an animal feeding operation structure includes a manure
24 storage structure.

25 Sec. 3. Section 455B.206, subsection 3, Code 2001, is
26 amended to read as follows:

27 3. This section shall not apply to ~~requirements a~~
28 requirement provided in any of the following:

29 a. Section 455B.200A, requiring that the department
30 approve a permit for the construction of an unformed manure
31 storage structure.

32 b. Section 455B.201, including rules adopted by the
33 department under that section.

34 ~~b.~~ c. Section 455B.204, including rules adopted by the
35 department under that section.

