

Sec. 13. Section three hundred seven point ten (307.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The commission may adopt, after consultation with the department of environmental quality and the department of public safety, rules to enforce the rules regarding transportation of hazardous wastes promulgated by the solid waste disposal commission of the department of environmental quality under section three (3), subsection three (3) of this Act. The department and the division of the highway safety patrol of the department of public safety shall carry out the rules through the use of the director's powers and duties of enforcement and inspection.

Approved June 10, 1979

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## CHAPTER 112 ANAEROBIC LAGOONS

S. F. 277

AN ACT relating to separation distances of anaerobic lagoons used in animal feeding operations.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH.

(1) Notwithstanding any other provision of division two (II) of this chapter, anaerobic lagoons, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or less live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or less live animal weight capacity of beef cattle, shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. Anaerobic lagoons, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or more live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or more live animal weight capacity of beef cattle, shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. For the purpose of this paragraph the determination of live animal weight capacity shall be based on the average animal weight capacity during a production cycle and the maximum animal capacity of the animal feeding operation. These separation distances shall apply to the construction of new facilities and the expansion of existing facilities.

(2) A person may build or expand an anaerobic lagoon closer to a residence not owned by the owner of the feeding operation or to a public use area than is otherwise permitted by subparagraph one (1) of this paragraph, if the affected landowners enter into a written agreement with the anaerobic lagoon owner to waive the separation distances under such terms as the parties may negotiate. The written agreement shall become effective only upon recording in the office of the recorder of deeds of the county in which the residence is located.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Carroll Daily Times-Herald, a newspaper published in Carroll, Iowa, and in the Allamakee Journal, a newspaper published in Lansing, Iowa.

Approved June 10, 1979

I hereby certify that the foregoing Act, Senate File 277, was published in the Carroll Daily Times-Herald, Carroll, Iowa on June 13, 1979, and in the Allamakee Journal, Lansing, Iowa on June 20, 1979.

MELVIN D. SYNHORST, *Secretary of State*

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## CHAPTER 113 BEVERAGE CONTAINERS

S. F. 388

AN ACT relating to the importation, sale and redemption of certain beverage containers and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section four hundred fifty-five C point one (455C.1), Code 1979, is amended by adding the following new subsection:

**NEW SUBSECTION.** "Nonrefillable beverage container" means a beverage container not intended to be refilled for sale by a manufacturer.

Sec. 2. Section four hundred fifty-five C point three (455C.3), Code 1979, is amended by adding the following new subsection:

**NEW SUBSECTION.** A distributor shall not be required to pay to a manufacturer a deposit or refund value on a nonrefillable beverage container.

Sec. 3. Section four hundred fifty-five C point five (455C.5), subsection two (2), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

2. A person, except a distributor, shall not import into this state after July 1, 1979 a beverage container which does not have securely affixed to the container the refund value indication. The provisions of this subsection do not apply if:

a. For beverage containers containing alcoholic liquor as defined in section one hundred twenty-three point three (123.3), subsection eight (8) of