

FEB 25 2004
Agriculture

HOUSE FILE 2359
BY KUHN

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

A BILL FOR

1 An Act providing standards for the construction of structures
2 associated with confinement feeding operation structures,
3 making penalties applicable, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2359

1 Section 1. Section 459.307, subsection 4, Code Supplement
2 2003, is amended to read as follows:

3 4. A person shall only construct a formed manure storage
4 structure on karst terrain or an area which drains into a
5 known sinkhole pursuant to upgraded construction design
6 standards, which must at least include upgraded standards for
7 concrete, necessary to ensure that the structure does not
8 pollute groundwater sources. Until the department adopts
9 rules providing upgraded construction design standards, the
10 person must install and operate a water pollution monitoring
11 system as part of the formed manure storage structure.

12 Sec. 2. Section 459.308, subsection 3, Code Supplement
13 2003, is amended to read as follows:

14 3. A person shall not construct an unformed manure storage
15 structure on karst terrain or on an area that drains into a
16 known sinkhole. ~~However, a person may construct an unformed~~
17 ~~manure storage structure, if there is a twenty-five-foot~~
18 ~~vertical separation distance between the bottom of the~~
19 ~~unformed manure storage structure and underlying limestone,~~
20 ~~dolomite, or other soluble rock.~~

21 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 This bill amends provisions established under the Animal
25 Agriculture Compliance Act (Code chapter 459), which provides
26 for the regulation of animal feeding operations by the
27 department of natural resources. That chapter generally
28 includes provisions regulating where confinement feeding
29 operation structures may be constructed.

30 Code section 459.307 establishes construction design
31 standards for formed manure storage structures. A provision
32 of that section provides that a person may only construct a
33 formed manure storage structure on karst terrain or an area
34 which drains into a known sinkhole pursuant to upgraded
35 construction design standards. The bill provides that the

1 standards must include upgraded standards for concrete. It
2 also provides that until the department adopt rules for those
3 upgraded standards, a person constructing a structure within
4 the area must install monitoring wells.

5 Code section 459.308 prohibits the construction of an
6 unformed manure storage structure on karst terrain. The
7 section contains one exemption which provides that a person
8 may construct a structure on karst terrain if there is a 25-
9 foot separation distance between the bottom of the structure
10 and soluble rock. The bill eliminates the exception.

11 Under Code section 459.603, a person who violates
12 construction standards regulating water quality is subject to
13 a civil penalty of up to \$5,000 for each day of the violation.

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