

Report 2/26

FILED MAR 8 1982

SENATE FILE 2243

BY COMMITTEE ON NATURAL RESOURCES

Approved (p 635)

Passed Senate, Date 3-18-82 (p 812) Passed House, Date _____

Vote: Ayes 29 Nays 17 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider (p. 812) lost 3/25 (p. 906)

A BILL FOR

1 An Act to provide minimum separation distances between new
 2 anaerobic lagoons for industrial wastewater treatment
 3 and existing residences and providing for rules regarding
 4 sulfate content in anaerobic lagoons.

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

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2243

1 Section 1. Section 455B.12, Code 1981, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. a. The commission may adopt rules
4 establishing a maximum permissible sulfate content in the
5 water supply of an anaerobic lagoon sited under section
6 455B.13, subsection 3, paragraph e. The rules establishing
7 maximum permissible sulfate content shall not apply to an
8 expansion of an industrial anaerobic lagoon facility which
9 was constructed prior to February 22, 1979.

10 b. The owner or applicant for a permit for a proposed
11 new industrial anaerobic lagoon may request the commission
12 to raise the sulfate limit above the applicable level
13 established by rule, if any, if after a public hearing held
14 in the county to be affected by the proposed site, the
15 commission finds:

16 (1) That the raising of the sulfate level will not have
17 adverse environmental consequences, and

18 (2) That no other suitable water supply is available or

19 (3) That meeting the sulfate level established by rule
20 would cause economic hardship to the applicant for a permit
21 for the proposed site of the industrial anaerobic lagoon.

22 c. The commission may require that an industrial anaerobic
23 lagoon be covered if the commission determines that to do
24 so is feasible and necessary for the lagoon's proper environ-
25 mental operation.

26 Sec. 2. Section 455B.13, subsection 3, paragraph e,
27 subparagraph (1), Code 1981, is amended to read as follows:

28 (1) Notwithstanding any other provision of division II
29 of this chapter, the following siting requirements shall apply
30 to anaerobic lagoons:

31 PARAGRAPH DIVIDED. Anaerobic lagoons which are used in
32 connection with animal feeding operations containing six
33 hundred twenty-five thousand pounds or less live animal weight
34 capacity of animal species other than beef cattle or containing
35 one million six hundred thousand pounds or less live animal

1 weight capacity of beef cattle, shall be located at least
2 one thousand two hundred fifty feet from a residence not owned
3 by the owner of the feeding operation or from a public use
4 area other than a public road. Anaerobic lagoons, which are
5 used in connection with animal feeding operations containing
6 six hundred twenty-five thousand pounds or more live animal
7 weight capacity of animal species other than beef cattle or
8 containing one million six hundred thousand pounds or more
9 live animal weight capacity of beef cattle, shall be located
10 at least one thousand eight hundred seventy-five feet from
11 a residence not owned by the owner of the feeding operation
12 or from a public use area other than a public road. For the
13 purpose of this paragraph the determination of live animal
14 weight capacity shall be based on the average animal weight
15 capacity during a production cycle and the maximum animal
16 capacity of the animal feeding operation. These separation
17 distances shall apply to the construction of new facilities
18 and the expansion of existing facilities.

19 Anaerobic lagoons which are used in connection with indus-
20 trial treatment of wastewater where the average wastewater
21 discharge flow is one hundred thousand gallons per day or
22 less shall be located at least one thousand two hundred fifty
23 feet from a residence not owned by the owner of the lagoon
24 or from a public use area other than a public road. Anaerobic
25 lagoons which are used in connection with industrial treatment
26 of wastewater where the average wastewater discharge flow
27 is greater than one hundred thousand gallons per day shall
28 be located at least one thousand eight hundred seventy-five
29 feet from a residence not owned by the owner of the lagoon
30 or from a public use area other than a public road. These
31 separation distances apply to the construction of new
32 facilities and the expansion of existing facilities.

33 Sec. 3. Section 455B.13, subsection 3, paragraph e, sub-
34 paragraph (2), Code 1981, is amended to read as follows:

35 (2) A person may build or expand an anaerobic lagoon

1 closer to a residence not owned by the owner of the ~~feeding~~
2 ~~operation~~ anaerobic lagoon or to a public use area than is
3 otherwise permitted by subparagraph (1) of this paragraph,
4 if the affected landowners enter into a written agreement
5 with the anaerobic lagoon owner to waive the separation
6 distances under such terms as the parties may negotiate.
7 The written agreement ~~shall-become~~ becomes effective only
8 upon recording in the office of the recorder of deeds of the
9 county in which the residence is located.

10 EXPLANATION

11 Sections 2 and 3 of this bill establish minimum separation
12 distances between existing residences and the construction
13 of a new anaerobic lagoon used for industrial treatment of
14 wastewater or the expansion of an existing lagoon. Section
15 1 of the bill provides the commission on environmental quality
16 with authority to promulgate rules establishing the maximum
17 permissible sulfate content for the water supply for an
18 anaerobic lagoon, exempt expansions of certain lagoons, allow
19 the commission to grant variances and require the covering
20 of lagoons. The bill takes effect July 1 following enactment.

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SENATE FILE 2243

S-5225

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, line 24, by striking the words
- 3 "feasible and".

S-5225 FILED

BY JAMES V. GALLAGHER

MARCH 10, 1982

*Adopted 2/10 (p. 756)
Reconsidered 3/15 (p. 810)
Ruled out of order 3/18 (p. 711)*

SENATE FILE 2243

S-5267

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, line 22, by striking the word "may"
- 3 and inserting in lieu thereof the word "shall".

S-5267 FILED

BY RAY TAYLOR

MARCH 16, 1982

Ruled out of order 2/18 (p. 816)

SENATE FILE 2243

S-5295

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, line 22, by striking the letter "c."
- 3 and inserting in lieu thereof the number "(4)".

S-5295 FILED

BY RICHARD VANDE HOEF
CLARENCE CARNEY

MARCH 18, 1982

RULED OUT OF ORDER (p. 811)

SENATE FILE 2243

S-5303

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, by striking lines 22 through 25.

S-5303 FILED & ADOPTED

BY ARNE WALDSTEIN

MARCH 18, 1982 (p. 810)

SENATE FILE 2243

S-5305

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, by striking line 26 through page 2,
- 3 line 32.

S-5305 FILED

BY PATRICK J. DELUHERY

MARCH 18, 1982

LOST (p. 811)

SENATE FILE 2243

S-5307

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, by striking lines 19 through 21.

S-5307 FILED & ADOPTED

BY ARTHUR A. SMALL, JR.

MARCH 18, 1982

SENATE FILE 2243

S-5379

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, by inserting after line 9, the following:
- 3 "b. The commission may require that the water
- 4 supply be pretreated for sulfate reduction if the
- 5 commission determines that to do so is necessary for
- 6 the lagoon's proper environmental operation."

S-5379 FILED

MARCH 25, 1982

RULED OUT OF ORDER (j.906)

BY PATRICK J. DELUHERY

JAMES V. GALLAGHER

*See Agriculture 4/1, D. Pass Jan 5666
4/1 (p. 1188)*

Senate File 2243

SENATE FILE 2243

Agriculture: Anderson of Audubon, Chair; De Groot and Knapp.

BY COMMITTEE ON NATURAL RESOURCES

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 1982)

Re Passed Senate, Date 4-14-82 (p. 1196) Passed House, Date 4-8-82 (p. 1376)

Vote: Ayes 37 Nays 7 Vote: Ayes 68 Nays 31

Approved April 16, 1982
Motion to reconsider (p. 1378) 4/13

A BILL FOR

- 1 An Act to provide minimum separation distances between new
- 2 anaerobic lagoons for industrial wastewater treatment
- 3 and existing residences and providing for rules regarding
- 4 sulfate content in anaerobic lagoons.

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

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HOUSE AMENDMENT TO SENATE FILE 2243

S-5580

- 1 Amend Senate File 2243 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 6 and
- 4 inserting in lieu thereof the following: "NEW
- 5 SUBSECTION. a. Commission rules establishing".
- 6 2. Page 1, by striking lines 10 through 18.
- 7 3. Page 1, line 25, by inserting after the word
- 8 "containing" the words "less than".
- 9 4. Page 1, line 26, by striking the words "or
- 10 less" and inserting in lieu thereof the words "or
- 11 less".
- 12 5. Page 1, line 27, by inserting after the word
- 13 "containing" the words "less than".
- 14 6. Page 1, line 28, by striking the words "or
- 15 less" and inserting in lieu thereof the words "or
- 16 less".

S-5580 FILED
APRIL 14, 1982

RECEIVED FROM THE HOUSE

Senate concurred 4/14 (p. 1196)

1 Section 1. Section 455B.12, Code 1981, is amended by
2 adding the following new subsection:

5772 3 NEW SUBSECTION. a. The commission may adopt rules
5773 4 establishing a maximum permissible sulfate content in the
5 water supply of an anaerobic lagoon sited under section
6 455B.13, subsection 3, paragraph e. The rules establishing
7 maximum permissible sulfate content shall not apply to an
8 expansion of an industrial anaerobic lagoon facility which
9 was constructed prior to February 22, 1979.

5774 10 b. The owner or applicant for a permit for a proposed
5775 11 new industrial anaerobic lagoon may request the commission
12 to raise the sulfate limit above the applicable level
13 established by rule, if any, if after a public hearing held
14 in the county to be affected by the proposed site, the
15 commission finds:

16 (1) That the raising of the sulfate level will not have
17 adverse environmental consequences, and

5776 18 (2) That no other suitable water supply is available or
5777 19 Sec. 2. Section 455B.13, subsection 3, paragraph e,
5778 20 subparagraph (1), Code 1981, is amended to read as follows:
5779 21 (1) Notwithstanding any other provision of division II
5780 22 of this chapter, the following siting requirements shall apply

5781 23 to anaerobic lagoons:

5782 24 PARAGRAPH DIVIDED. Anaerobic lagoons which are used in
25 connection with animal feeding operations containing six
26 hundred twenty-five thousand pounds or less live animal weight
27 capacity of animal species other than beef cattle or containing
28 one million six hundred thousand pounds or less live animal
29 weight capacity of beef cattle, shall be located at least
30 one thousand two hundred fifty feet from a residence not owned
31 by the owner of the feeding operation or from a public use
32 area other than a public road. Anaerobic lagoons, which are
33 used in connection with animal feeding operations containing
34 six hundred twenty-five thousand pounds or more live animal
35 weight capacity of animal species other than beef cattle or

1 containing one million six hundred thousand pounds or more
 2 live animal weight capacity of beef cattle, shall be located
 3 at least one thousand eight hundred seventy-five feet from
 4 a residence not owned by the owner of the feeding operation
 5 or from a public use area other than a public road. For the
 6 purpose of this paragraph the determination of live animal
 7 weight capacity shall be based on the average animal weight
 8 capacity during a production cycle and the maximum animal
 9 capacity of the animal feeding operation. These separation
 10 distances ~~shall~~ apply to the construction of new facilities
 11 and the expansion of existing facilities.

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 5758, 5759, 5760
 12 Anaerobic lagoons which are used in connection with indus-
 13 trial treatment of wastewater where the average wastewater
 14 discharge flow is one hundred thousand gallons per day or
 15 less shall be located at least one thousand two hundred fifty
 16 feet from a residence not owned by the owner of the lagoon
 17 or from a public use area other than a public road. Anaerobic
 18 lagoons which are used in connection with industrial treatment
 19 of wastewater where the average wastewater discharge flow
 20 is greater than one hundred thousand gallons per day shall
 21 be located at least one thousand eight hundred seventy-five
 22 feet from a residence not owned by the owner of the lagoon
 23 or from a public use area other than a public road. These
 24 separation distances apply to the construction of new
 25 facilities and the expansion of existing facilities.

5507, 5508
 26 Sec. 3. Section 455B.13, subsection 3, paragraph e, sub-
 27 paragraph (2), Code 1981, is amended to read as follows:

28 (2) A person may build or expand an anaerobic lagoon
 29 closer to a residence not owned by the owner of the feeding
 30 ~~operation~~ anaerobic lagoon or to a public use area than is
 31 otherwise permitted by subparagraph (1) of this paragraph,
 32 if the affected landowners enter into a written agreement
 33 with the anaerobic lagoon owner to waive the separation
 34 distances under such terms as the parties may negotiate.
 35 The written agreement ~~shall become~~ becomes effective only

1 upon recording in the office of the recorder of deeds of the
2 county in which the residence is located.

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SF 2243
dsb/slc/26

SENATE FILE 2243

H-5755

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 6 and
- 4 inserting in lieu thereof the following: "NEW
- 5 SUBSECTION. a. Commission rules establishing"

H-5755 FILED APRIL 7, 1982 BY RUNNING of Linn

Adopted 4/8 (p. 1371)

SENATE FILE 2243

H-5758

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 14, by striking the words "one
- 4 hundred" and inserting in lieu thereof the word
- 5 "fifty".
- 6 2. Page 2, line 20, by striking the words "one
- 7 hundred" and inserting in lieu thereof the word
- 8 "fifty".

H-5758 FILED APRIL 7, 1982 BY HALL of Linn

SENATE FILE 2243 -REVISED-

H-5758 (Replace with previous H-5758)

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 23, by inserting after the word
- 4 "road." the following: "Anaerobic lagoons which are
- 5 used in connection with industrial treatment of
- 6 wastewater when the average discharge flow is greater
- 7 than two hundred thousand gallons per day shall be
- 8 located at least three thousand five hundred feet from
- 9 a residence not owned by the owner of the lagoon and
- 10 from a public use area other than a public road."

H-5758 FILED APRIL 7, 1982

LOST (*p. 1375*)

BY HALL of Linn

H-5666

1 Amend Senate File 2243 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 10 through 18 and
 4 inserting in lieu thereof the following:
 5 "b. The commission may require that the water
 6 supply be pretreated for sulphate reduction if the
 7 commission determines that to do so is necessary for
 8 the lagoon's proper environmental operation."

H-5666 FILED BY COMMITTEE ON AGRICULTURE
 APRIL 1, 1982 PELLETT, Chair
Adopted as amended by 5784
4/8 (p. 1370)

SENATE FILE 2243

H-5672

1 Amend Senate File 2243 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 7 through 9 and
 4 inserting in lieu thereof the following: "maximum
 5 permissible sulfate content shall not provide for
 6 different content levels based upon the age or volume
 7 of use or capacity of the anaerobic lagoon facility,
 8 but may establish different content levels for animal
 9 feeding and industrial anaerobic lagoons."

H-5672 FILED APRIL 1, 1982 BY CRABB of Crawford
4/15 4/8 (p. 1371)

SENATE FILE 2243

H-5718

1 Amend Senate File 2243 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 18, by striking the words
 4 "available or" and inserting in lieu thereof the word
 5 "available."
 6 2. Page 1, by inserting after line 18 the
 7 following: "A variance shall not be granted for the
 8 proposed new industrial anaerobic lagoon under this
 9 paragraph until the owner or applicant furnishes the
 10 commission with maps showing the exact location of
 11 the proposed lagoon and certifies in writing that
 12 the lagoon will be constructed if the variance
 13 requested is granted."

BY SCHNEKLOTH of Scott
 CRABB of Crawford
 MCKEAN of Jones
 PELTON of Clinton
 CLARK of Lee
 STUELAND of Clinton

H-5718 FILED
 APRIL 6, 1982
4/15 4/8 (p. 1371)

SENATE FILE 2243

H-5768

1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "c. The commission shall adopt rules requiring
6 that at least fifty percent of the water used in the
7 operation of the facility using an anaerobic lagoon
8 be recycled."

H-5768 FILED APRIL 7, 1982 BY STUELAND of Clinton
H/D 4/8 (p. 1375)

SENATE FILE 2243

H-5769

1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "c. The commission shall adopt rules requiring
6 that not more than one hundred seventy-five gallons
7 of water per animal shall be used in the operation
8 of the facility using an industrial anaerobic lagoon."

H-5769 FILED APRIL 7, 1982 BY STUELAND of Clinton
H/D 4/8 (p. 1375)

SENATE FILE 2243

H-5774

1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "c. The commission shall adopt rules requiring
6 that at least seventy-five percent of the water used
7 in the operation of the facility using an industrial
8 anaerobic lagoon be supplied by surface water."

H-5774 FILED APRIL 7, 1982 BY STUELAND of Clinton
H/D 4/8 (p. 1377)

SENATE FILE 2243

H-5772

1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 11, by inserting after the
4 word "facilities", the words "having operational
5 secondary and tertiary treatment works".

H-5772 FILED APRIL 7, 1982 BY SMALLEY of Polk
H/D 4/8 (p. 1374)

SENATE FILE 2243

H-5759

- 1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 14, by striking the words "one
4 hundred" and inserting in lieu thereof the word
5 "fifty".
6 2. Page 2, line 20, by striking the words "one
7 hundred" and inserting in lieu thereof the word
8 "fifty".

H-5759 FILED APRIL 7, 1982 BY HALL of Linn

Lost 4/8 (p. 1374)

SENATE FILE 2243

H-5760

- 1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 10 through 18 and
4 inserting in lieu thereof the following:
5 "b. The commission may raise the sulfate limit
6 above the applicable level established by rule, if
7 any, upon request by the owner or applicant for a
8 permit for a proposed new industrial lagoon if, after
9 a public hearing in the county of the proposed site,
10 the commission finds that compliance with the higher
11 sulfate limit will cause serious economic hardship
12 to the owner or applicant. In making such a
13 determination, the commission shall consider the
14 following factors:
15 (1) The character and degree of injury or potential
16 injury to, or interference with, property or human
17 health, and
18 (2) The practicality of utilizing an alternative
19 site, treatment technique or water supply to reduce
20 odors, and
21 (3) The suitability of the proposed anaerobic
22 lagoon to the area where it is to be located."

H-5760 FILED APRIL 7, 1982 BY HALL of Linn

**/B 4/8 (p. 1371)*

SENATE FILE 2243

H-5807

1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 25, by inserting after the word
4 "facilities", the words "having operational secondary
5 treatment works".

H-5807 FILED APRIL 8, 1982
WITHDRAWN (p. 1376)

BY SMALLEY of Polk

SENATE FILE 2243

H-5808

1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking line 25 and inserting
4 in lieu thereof the following: "facilities and the
5 expansion of existing facilities which shall have
6 operational secondary treatment works."

H-5808 FILED APRIL 8, 1982
LOST (p. 1376)

BY SMALLEY of Polk

SENATE FILE 2243

H-5786

1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "c. The commission shall require that an
6 industrial anaerobic lagoon be covered if the
7 commission determines that to do so is necessary for
8 the lagoon's proper environmental operation."

H-5786 FILED APRIL 8, 1982

LOST (p. 1374)

BY LLOYD-JONES of Johnson

SENATE FILE 2243

H-5792

1 Amend Senate File 2243 as amended, passed, and
2 reprinted, as follows:
3 1. Page 1, line 25, by inserting after the word
4 "containing" the words "less than".
5 2. Page 1, line 26, by striking the words "or less"
6 and inserting in lieu thereof the words "~~er-less~~".
7 3. Page 1, line 27, by inserting after the word
8 "containing" the words "less than".
9 4. Page 1, line 28, by striking the words "or less"
10 and inserting in lieu thereof the words "~~er-less~~".

H-5792 FILED APRIL 8, 1982

ADOPTED (p. 1374)

BY RITSEMA of Sioux

SENATE FILE 2243

H-5794

1 Amend amendment H-5772 to Senate File 2243, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 5, by striking the words
5 "and tertiary".
6 2. Page 1, by inserting after line 5 the
7 following:
8 "2. Page 2, line 25, by inserting after the
9 word "facilities", the words "having operational
10 secondary treatment works".

H-5794 FILED APRIL 8, 1982

WITHDRAWN (p. 1374)

BY SMALLEY of Polk

SENATE FILE 2243

H-5776

- 1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "The provisions of paragraph b do not apply to the
6 owner or applicant for a permit for a proposed new
7 industrial anaerobic lagoon used in conjunction with a
8 meat processing plant unless the commission determines
9 that the owner or applicant has made a reasonable
10 effort to locate the plant in an area where a meat
11 processing plant has ceased operation after February 22,
12 1979."
13 2. Page 2, line 25, by inserting after the word
14 "facilities." the following: "The provisions of this
15 paragraph do not apply to a new industrial anaerobic
16 lagoon used in conjunction with a meat processing plant
17 unless the commission determines that the owner of the
18 lagoon has made a reasonable effort to locate the plant
19 in an area where a meat processing plant has ceased
20 operation after February 22, 1979."

H-5776 FILED
APRIL 7, 1982
A- *H/S 4/8 (p. 1373)*
B- *Loeb (p. 1376)*

BY BYERLY of Polk
RUNNING of Linn
SMALLEY of Polk

SENATE FILE 2243

H-5784

- 1 Amend amendment H-5666 to Senate File 2243 as amended,
2 passed and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 3 through 8 and inserting
4 in lieu thereof the following:
5 "1. Page 1, by striking lines 10 through 18."

H-5784 FILED
APRIL 8, 1982
ADOPTED (p. 1310)

BY McKEAN of Jones
ANDERSON of Audubon
GROTH of Buena Vista

PELLETT of Cass
PETRICK of Linn

SENATE FILE 2243

H-5785

- 1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 12 through 25.

H-5785 FILED APRIL 8, 1982
LOST (p. 1376)

BY LLOYD-JONES of Johnson

SENATE FILE 2243

AN ACT

TO PROVIDE MINIMUM SEPARATION DISTANCES BETWEEN NEW ANAEROBIC LAGOONS FOR INDUSTRIAL WASTEWATER TREATMENT AND EXISTING RESIDENCES AND PROVIDING FOR RULES REGARDING SULFATE CONTENT IN ANAEROBIC LAGOONS.

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

Section 1. Section 455B.12, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. a. Commission rules establishing maximum permissible sulfate content shall not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.

Sec. 2. Section 455B.13, subsection 3, paragraph e, subparagraph (1), Code 1981, is amended to read as follows:

(1) Notwithstanding any other provision of division II of this chapter, the following siting requirements shall apply to anaerobic lagoons:

PARAGRAPH DIVIDED. Anaerobic lagoons which are used in connection with animal feeding operations containing less than six hundred twenty-five thousand pounds or less live animal weight capacity of animal species other than beef cattle or containing less than 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.

Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is one hundred thousand gallons per day or less shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is greater than one hundred thousand gallons per day shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. These separation distances apply to the construction of new facilities and the expansion of existing facilities.

Sec. 3. Section 455B.13, subsection 3, paragraph e, subparagraph (2), Code 1981, is amended to read as follows:

(2) A person may build or expand an anaerobic lagoon closer to a residence not owned by the owner of the ~~feeding operation anaerobic lagoon~~ or to a public use area than is otherwise permitted by subparagraph (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~~ becomes effective only
upon recording in the office of the recorder of deeds of the
county in which the residence is located.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2243, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 16, 1982

ROBERT D. RAY
Governor