

*Reprinted*

FILED JAN 17 1990

SENATE FILE 2085  
BY COMMITTEE ON AGRICULTURE  
*Appropriations (p. 148)*

(SUCCESSOR TO LSB 7066SC)

Passed Senate, Date 3/1/90 (p. 810) Passed House, Date \_\_\_\_\_  
Vote: Ayes 47 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

52761 An Act relating to solid waste disposal on agricultural land.

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

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S.F. 2085

52167  
1 Section 1. Section 455B.307, subsection 1, Code Supplement  
2 1989, is amended to read as follows:

52168  
3 1. A private agency or public agency shall not dump or  
4 deposit or permit the dumping or depositing of any solid waste  
5 at any place other than a sanitary disposal project approved  
6 by the director unless the agency has been granted a permit by  
7 the department which allows the dumping or depositing of solid  
8 waste on land owned or leased by the agency. However, this  
9 section does not apply to the dumping or depositing of solid  
10 waste, including inorganic material commonly used for fill,  
11 landscaping, excavation, or grading, on land used for  
12 commercial agricultural production, if the waste is generated  
13 by a person who has a property or managerial interest in or  
14 resides on the land.

15 PARAGRAPH DIVIDED. The department shall adopt rules  
16 regarding the permitting of this activity which shall provide  
17 that the public interest is best served, but which may be  
18 based upon criteria less stringent than those regulating a  
19 public sanitary disposal project provided that the rules  
20 adopted meet the groundwater protection goal specified in  
21 section 455E.4. The comprehensive plans for these facilities  
22 may be varied in consideration of the types of sanitary  
23 disposal practices, hydrologic and geologic conditions,  
24 construction and operations characteristics, and volumes and  
25 types of waste handled at the disposal site. The director may  
26 issue temporary permits for dumping or disposal of solid waste  
27 at disposal sites for which an application for a permit to  
28 operate a sanitary disposal project has been made and which  
29 have not met all of the requirements of part 1 of this  
30 division and the rules adopted by the commission if a  
31 compliance schedule has been submitted by the applicant  
32 specifying how and when the applicant will meet the  
33 requirements for an operational sanitary disposal project and  
34 the director determines the public interest will be best  
35 served by granting such temporary permit.

EXPLANATION

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2 This bill provides that a person may dump or deposit solid  
3 waste, including inorganic material commonly used for fill,  
4 landscaping, excavation, or grading, on land used for  
5 commercial agricultural production, if the person generating  
6 the waste has a property or managerial interest in or resides  
7 on the land.

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## SENATE FILE 2085

S-5276

1 Amend Senate File 2085 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 167.22 DISPOSAL OF  
5 ANIMALS BY OWNERS.

6 A person owning or caring for an animal shall  
7 dispose of the animal's carcass within twenty-four  
8 hours after the person finds the animal dead. The  
9 person may dispose of the animal carcass as provided  
10 by state law, including by transferring the carcass to  
11 a person licensed pursuant to this chapter. If the  
12 animal has died on or after November 1, but before  
13 April 10, a person holding a legal, equitable, or  
14 managerial interest in agricultural land which is not  
15 part of a city may dispose of the animal carcass on  
16 the land. The carcass may be disposed of in a  
17 containment pit located on the agricultural land. The  
18 carcass shall be immediately covered with a layer of  
19 lime. The carcasses in the containment pit shall by  
20 April 30, be covered with at least the amount of earth  
21 removed from the pit. The owner of agricultural land  
22 may bury the animal carcass other than in a  
23 containment pit on the agricultural land. The carcass  
24 shall be buried to a depth between two and four feet  
25 from the natural surface of the ground and covered  
26 with at least the amount of earth removed to bury the  
27 animal. However, an animal which has died of a  
28 contagious disease shall be subject to disposal  
29 according to rules adopted by the department pursuant  
30 to section 167.13 and by the department of natural  
31 resources. The person may remove the hide or skin of  
32 an animal which has not died of a contagious disease  
33 before disposing of the carcass.

34 Sec. \_\_\_\_ . Section 455B.301, Code 1989, is amended  
35 by adding the following new subsection:

36 NEW SUBSECTION. 21. "Agricultural waste" means  
37 solid waste generated by or under the supervision of a  
38 person who has a property or managerial interest in or  
39 who resides on agricultural land used for farming as  
40 defined in section 172C.1.

41 1. Agricultural waste includes but is not limited  
42 to the following:

43 a. Inorganic material commonly used for fill,  
44 landscaping, excavation, or grading on agricultural  
45 land.

46 b. Organic material grown on agricultural land,  
47 including trees, stumps, vegetation, or the remains of  
48 vegetation.

49 c. The carcass of a dead animal disposed of under  
50 section 167.22.

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Page 2

1 2. Agricultural waste does not include the  
2 following:  
3 a. An agricultural chemical as defined in section  
4 455B.491.  
5 b. A household hazardous material as defined in  
6 section 455F.1.  
7 c. An infectious waste as defined in section  
8 455B.501.  
9 d. Sewage as defined in section 455B.171.  
10 e. Industrial waste as defined in section  
11 455B.171."

12 2. Page 1, by inserting before line 1, the  
13 following:

14 "Sec. \_\_\_\_\_. Section 455B.302, unnumbered paragraph  
15 2, Code Supplement 1989, is amended to read as  
16 follows:

17 Cities and counties may execute with public and  
18 private agencies contracts, leases, or other necessary  
19 instruments, purchase land and do all things necessary  
20 not prohibited by law for the implementation of waste  
21 management programs, collection of solid waste,  
22 establishment and operation of sanitary disposal  
23 projects, and general administration of the same. Any  
24 agreement executed with a private agency for the  
25 operation of a sanitary disposal project shall provide  
26 for the posting of a sufficient surety bond by the  
27 private agency conditioned upon the faithful  
28 performance of the agreement.

29 A sanitary landfill operating under this section  
30 may accept for disposal any dead animal which had been  
31 raised as livestock on agricultural land, including  
32 cattle, swine, sheep, or poultry. The fee charged by  
33 a landfill to dispose of the livestock shall be  
34 assessed on a basis and at a rate determined by the  
35 landfill.

36 PARAGRAPH DIVIDED. A city or county may at any  
37 time during regular working hours enter upon the  
38 premises of a sanitary disposal project, including the  
39 premises of a sanitary landfill, in order to inspect  
40 the premises and monitor the operations and general  
41 administration of the project to ensure compliance  
42 with the agreement and with state and federal laws.  
43 This includes the right of the city or county to enter  
44 upon the premises of a former sanitary disposal  
45 project which has been closed, including the premises  
46 of a former sanitary landfill, owned by a private  
47 agency, for the purpose of providing required  
48 postclosure care.

49 Sec. \_\_\_\_\_. Section 455B.304, Code Supplement 1989,  
50 is amended by adding the following new unnumbered

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Page 3

paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules for the safe disposal at sanitary landfills of livestock carrying diseases which may affect the health of the public or of animals."

3. Page 1, line 9, by striking the word "solid" and inserting the following: "agricultural waste."

4. Page 1, by striking lines 10 through 14.

5. Page 1, by inserting after line 35, the following:

"Sec. \_\_\_\_.

The department of agriculture and land stewardship shall with all practical speed adopt rules under section 167.22, relating to the disposal of dead animals with contagious diseases, including animals infected with scrapie. The department of agriculture and land stewardship and the department of natural resources shall share information, each draft rules consistent with the other department's rules, and appear before the administrative rules review committee established pursuant to section 17A.8, as provided by the committee. The rules shall be adopted not later than September 1, 1990, unless objection is made to the rules or the rules are delayed pursuant to section 17A.4. This section does require rules to be adopted pursuant to section 17A.4, subsection 2."

6. Page 1, by inserting after line 35, the following:

"Sec. \_\_\_\_.

The environmental protection commission shall adopt rules pursuant to section 455B.304 for the disposal of livestock at sanitary landfills by January 1, 1991."

7. Page 1, by inserting after line 35, the following:

"Sec. \_\_\_\_.

This Act, being deemed of immediate importance, takes effect upon enactment."

8. Title page, line 1, by inserting before the word "on" the following: "generated".

9. Title page, line 1, by inserting after the word "land" the following: ", and providing an effective date".

By BERL E. PRIEBE

KENNETH SCOTT

WILMER RENSINK

JACK HESTER

RICHARD VANDE HOEF

JOHN JENSEN

JACK RIFE

JOHN SCORHOLTZ

RICHARD DRAKE

DALE L. TIEDEN

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LINN FUERMAN

LARRY MURPHY

H. KAY HEDGE

DONALD V. DOYLE

C. JOSEPH COLEMAN

S-5276 FILED FEBRUARY 28, 1990

adopted 2/1/90 (p. 310)



1 Section 1. NEW SECTION. 167.22 DISPOSAL OF ANIMALS BY  
2 OWNERS.

3 A person owning or caring for an animal shall dispose of  
4 the animal's carcass within twenty-four hours after the person  
5 finds the animal dead. The person may dispose of the animal  
6 carcass as provided by state law, including by transferring  
7 the carcass to a person licensed pursuant to this chapter. If  
8 the animal has died on or after November 1, but before April  
9 10, a person holding a legal, equitable, or managerial  
10 interest in agricultural land which is not part of a city may  
11 dispose of the animal carcass on the land. The carcass may be  
12 disposed of in a containment pit located on the agricultural  
13 land. The carcass shall be immediately covered with a layer  
14 of lime. The carcasses in the containment pit shall by April  
15 30, be covered with at least the amount of earth removed from  
16 the pit. The owner of agricultural land may bury the animal  
17 carcass other than in a containment pit on the agricultural  
18 land. The carcass shall be buried to a depth between two and  
19 four feet from the natural surface of the ground and covered  
20 with at least the amount of earth removed to bury the animal.  
21 However, an animal which has died of a contagious disease  
22 shall be subject to disposal according to rules adopted by the  
23 department pursuant to section 167.13 and by the department of  
24 natural resources. The person may remove the hide or skin of  
25 an animal which has not died of a contagious disease before  
26 disposing of the carcass.

27 Sec. 2. Section 455B.301, Code 1989, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 21. "Agricultural waste" means solid  
30 waste generated by or under the supervision of a person who  
31 has a property or managerial interest in or who resides on  
32 agricultural land used for farming as defined in section  
33 172C.1.

34 1. Agricultural waste includes but is not limited to the  
35 following:

1 a. Inorganic material commonly used for fill, landscaping,  
2 excavation, or grading on agricultural land.

3 b. Organic material grown on agricultural land, including  
4 trees, stumps, vegetation, or the remains of vegetation.

5 c. The carcass of a dead animal disposed of under section  
6 167.22.

7 2. Agricultural waste does not include the following:

8 a. An agricultural chemical as defined in section  
9 455B.491.

10 b. A household hazardous material as defined in section  
11 455F.1.

12 c. An infectious waste as defined in section 455B.501.

13 d. Sewage as defined in section 455B.171.

14 e. Industrial waste as defined in section 455B.171.

15 Sec. 3. Section 455B.302, unnumbered paragraph 2, Code  
16 Supplement 1989, is amended to read as follows:

17 Cities and counties may execute with public and private  
18 agencies contracts, leases, or other necessary instruments,  
19 purchase land and do all things necessary not prohibited by  
20 law for the implementation of waste management programs,  
21 collection of solid waste, establishment and operation of  
22 sanitary disposal projects, and general administration of the  
23 same. Any agreement executed with a private agency for the  
24 operation of a sanitary disposal project shall provide for the  
25 posting of a sufficient surety bond by the private agency  
26 conditioned upon the faithful performance of the agreement.

27 A sanitary landfill operating under this section may accept  
28 for disposal any dead animal which had been raised as  
29 livestock on agricultural land, including cattle, swine,  
30 sheep, or poultry. The fee charged by a landfill to dispose  
31 of the livestock shall be assessed on a basis and at a rate  
32 determined by the landfill.

33 PARAGRAPH DIVIDED. A city or county may at any time during  
34 regular working hours enter upon the premises of a sanitary  
35 disposal project, including the premises of a sanitary

1 landfill, in order to inspect the premises and monitor the  
2 operations and general administration of the project to ensure  
3 compliance with the agreement and with state and federal laws.  
4 This includes the right of the city or county to enter upon  
5 the premises of a former sanitary disposal project which has  
6 been closed, including the premises of a former sanitary  
7 landfill, owned by a private agency, for the purpose of  
8 providing required postclosure care.

9 Sec. 4. Section 455B.304, Code Supplement 1989, is amended  
10 by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules  
12 for the safe disposal at sanitary landfills of livestock  
13 carrying diseases which may affect the health of the public or  
14 of animals.

15 Sec. 5. Section 455B.307, subsection 1, Code Supplement  
16 1989, is amended to read as follows:

17 1. A private agency or public agency shall not dump or  
18 deposit or permit the dumping or depositing of any solid waste  
19 at any place other than a sanitary disposal project approved  
20 by the director unless the agency has been granted a permit by  
21 the department which allows the dumping or depositing of solid  
22 waste on land owned or leased by the agency. However, this  
23 section does not apply to the dumping or depositing of  
\*24 agricultural waste.

25 PARAGRAPH DIVIDED. The department shall adopt rules  
26 regarding the permitting of this activity which shall provide  
27 that the public interest is best served, but which may be  
28 based upon criteria less stringent than those regulating a  
29 public sanitary disposal project provided that the rules  
30 adopted meet the groundwater protection goal specified in  
31 section 455E.4. The comprehensive plans for these facilities  
32 may be varied in consideration of the types of sanitary  
33 disposal practices, hydrologic and geologic conditions,  
34 construction and operations characteristics, and volumes and  
35 types of waste handled at the disposal site. The director may

1 issue temporary permits for dumping or disposal of solid waste  
2 at disposal sites for which an application for a permit to  
3 operate a sanitary disposal project has been made and which  
4 have not met all of the requirements of part 1 of this  
5 division and the rules adopted by the commission if a  
6 compliance schedule has been submitted by the applicant  
7 specifying how and when the applicant will meet the  
8 requirements for an operational sanitary disposal project and  
9 the director determines the public interest will be best  
10 served by granting such temporary permit.

11 Sec. 6.

12 The department of agriculture and land stewardship shall  
13 with all practical speed adopt rules under section 167.22,  
14 relating to the disposal of dead animals with contagious  
15 diseases, including animals infected with scrapie. The  
16 department of agriculture and land stewardship and the  
17 department of natural resources shall share information, each  
18 draft rules consistent with the other department's rules, and  
19 appear before the administrative rules review committee  
20 established pursuant to section 17A.8, as provided by the  
21 committee. The rules shall be adopted not later than  
22 September 1, 1990, unless objection is made to the rules or  
23 the rules are delayed pursuant to section 17A.4. This section  
24 does require rules to be adopted pursuant to section 17A.4,  
25 subsection 2.

26 Sec. 7.

27 The environmental protection commission shall adopt rules  
28 pursuant to section 455B.304 for the disposal of livestock at  
29 sanitary landfills by January 1, 1991.

30 Sec. 8.

31 This Act, being deemed of immediate importance, takes  
32 effect upon enactment.

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SENATE FILE 2085

H-5646

- 1 Amend Senate File 2085, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 1, by striking lines 7 through 17, and  
4 inserting the following: "the carcass to a person  
5 licensed pursuant to this chapter. The owner of agri-  
6 cultural land may bury the animal carcass pursuant to  
7 rules adopted by the department of natural resources  
8 on agricultural".  
9 2. Page 1, line 24, by inserting after the word  
10 "resources." the following: "The rules shall provide  
11 for reporting of information to the department of  
12 natural resources regarding disposal of livestock  
13 which have died during a herd depopulation or a  
14 significant depopulation of a herd."  
15 3. Page 2, by inserting after line 11 the fol-  
16 lowing:  
17 "\_\_\_\_. Machinery, vehicles, or equipment."  
18 4. By striking page 2, line 15, through page 3,  
19 line 8.  
20 5. Page 3, by striking line 24 and inserting the  
21 following: "livestock which has died of a contagious  
22 disease and is disposed of on agricultural land as  
23 provided in section 167.22."  
24 6. Page 4, line 29, by striking the word and  
25 figures "January 1, 1991" and inserting the following:  
26 "September 1, 1990".  
27 7. By renumbering as necessary.

By COMMITTEE ON ENERGY AND  
ENVIRONMENTAL PROTECTION  
ROSENBERG of Story, Chairperson

H-5646 FILED MARCH 13, 1990

SENATE FILE 2085

H-5716

- 1 Amend amendment H-5646 to Senate File 2085, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 18 and 19.  
5 2. Ny renumbering as necessary.

By MILLER of Cherokee

H-5716 FILED MARCH 15, 1990