

Sen. ag 2/28 C. Sen 3/12

SENATE FILE 2379
BY COMMITTEE ON AGRICULTURE
(SUCCESSOR TO LSB 8394SC)

FILED FEB 16 1990

Passed Senate, Date 2/26/90 (p. 729) Passed House, ^{as amended} Date 3/23/90 (p. 1354)
Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 0
Approved April 6, 1990

*Repassed Senate for House Amendment
4/2/90 (p. 1453)
48-0*

A BILL FOR

1 An Act relating to anaerobic lagoons, making penalties
2 applicable, and providing for applicability of the Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 2379

5797 amends all

1 Section 1. Section 455B.131, Code 1989, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 10. "Anaerobic lagoon" means an exposed
4 cavity in the earth's surface which serves as an impoundment
5 for the concentrated discharge of wastewater or sewage as
6 defined in section 455B.171, if the function of the
7 impoundment is to store organic wastes, stabilize organic
8 wastes, or serve as a waste slurry basin which receives waste
9 discharge from animal feeding operations regardless of whether
10 the impoundment is designed or used for the removal of
11 accumulated wastes. An anaerobic lagoon does not include a
12 basin which collects or stores only precipitation-induced
13 runoff from an animal feeding operation.

14 Sec. 2.

15 This Act applies to anaerobic lagoons constructed on or
16 after July 1, 1990.

17 EXPLANATION

18 Chapter 455B regulates anaerobic lagoons, including
19 requiring minimum distance requirements from residences and
20 regulating sulfate contents. This bill defines an anaerobic
21 lagoon to mean an exposed cavity in the ground's surface,
22 which serves as an impoundment for the concentrated discharge
23 of wastewater or sewage, if the function of the impoundment is
24 to store organic wastes, stabilize organic wastes, or serve as
25 a waste slurry basin which receives waste discharge from
26 animal feeding operations. The bill provides that an
27 anaerobic lagoon does not include a basin which collects or
28 stores only precipitation-induced runoff from an animal
29 feeding operation. The bill applies to anaerobic lagoons
30 constructed on or after July 1, 1990. A person violating the
31 chapter's regulations is subject to a civil penalty not to
32 exceed \$1,000.

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SENATE FILE 2379

5797

Amend Senate File 2379, as passed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 455B.131, Code 1989, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 10. "Earthen waste slurry storage
8 basin" means an uncovered and exclusively earthen
9 cavity which, on a regular basis, receives waste
10 discharges from a confinement animal feeding operation
11 if accumulated wastes from the basin are completely
12 removed at least twice each year.

13 Sec. 2. Section 455B.134, subsection 3, paragraph
14 e, subparagraph (1), unnumbered paragraphs 1 and 2,
15 Code 1989, are amended to read as follows:

16 Notwithstanding any other provision of division II
17 of this chapter, the following siting requirements
18 shall apply to anaerobic lagoons and earthen waste
19 slurry storage basins:

20 Anaerobic lagoons or earthen waste slurry storage
21 basins, which are used in connection with animal
22 feeding operations containing less than six hundred
23 twenty-five thousand pounds live animal weight
24 capacity of animal species other than beef cattle or
25 containing less than one million six hundred thousand
26 pounds live animal weight capacity of beef cattle,
27 shall be located at least one thousand two hundred
28 fifty feet from a residence not owned by the owner of
29 the feeding operation or from a public use area other
30 than a public road. Anaerobic lagoons or earthen
31 waste slurry storage basins, which are used in
32 connection with animal feeding operations containing
33 six hundred twenty-five thousand pounds or more live
34 animal weight capacity of animal species other than
35 beef cattle or containing one million six hundred
36 thousand pounds or more live animal weight capacity of
37 beef cattle, shall be located at least one thousand
38 eight hundred seventy-five feet from a residence not
39 owned by the owner of the feeding operation or from a
40 public use area other than a public road. For the
41 purpose of this paragraph the determination of live
42 animal weight capacity shall be based on the average
43 animal weight capacity during a production cycle and
44 the maximum animal capacity of the animal feeding
45 operation. These separation distances apply to the
46 construction of new facilities and the expansion of
47 existing facilities.

48 Sec. 3. Section 455B.134, subsection 3, paragraph
49 e, subparagraph (2), Code 1989, is amended to read as
50 follows:

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1 (2) A person may build or expand an anaerobic
 2 lagoon or an earthen waste slurry storage basin closer
 3 to a residence not owned by the owner of the anaerobic
 4 lagoon or to a public use area than is otherwise
 5 permitted by subparagraph (1) of this paragraph, if
 6 the affected landowners enter into a written agreement
 7 with the anaerobic lagoon owner to waive the
 8 separation distances under such terms the parties
 9 negotiate. The written agreement becomes effective
 10 only upon recording in the office of the recorder of
 11 deeds of the county in which the residence is located.

12 Sec. 4.

13 This Act applies to earthen waste slurry storage
 14 basins constructed on or after July 1, 1990."

15 2. Title page, line 1, by striking the words
 16 "anaerobic lagoons" and inserting the following:
 17 "earthen waste slurry storage basins".

By MERTZ of Kossuth	PETERSEN of Muscatine
SCHRADER of Marion	DE GROOT of Lyon
BRANSTAD of Winnebago	

H-5797 FILED MARCH 21, 1990

Adopted 3/23/90 (p.1354)

HOUSE AMENDMENT TO
SENATE FILE 2379

S-5796

1 Amend Senate File 2379, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 455B.131, Code 1989, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 10. "Earthen waste slurry storage
8 basin" means an uncovered and exclusively earthen
9 cavity which, on a regular basis, receives waste
10 discharges from a confinement animal feeding operation
11 if accumulated wastes from the basin are completely
12 removed at least twice each year.

13 Sec. 2. Section 455B.134, subsection 3, paragraph
14 e, subparagraph (1), unnumbered paragraphs 1 and 2,
15 Code 1989, are amended to read as follows:

16 Notwithstanding any other provision of division II
17 of this chapter, the following siting requirements
18 shall apply to anaerobic lagoons and earthen waste
19 slurry storage basins:

20 Anaerobic lagoons or earthen waste slurry storage
21 basins, which are used in connection with animal
22 feeding operations containing less than six hundred
23 twenty-five thousand pounds live animal weight
24 capacity of animal species other than beef cattle or
25 containing less than one million six hundred thousand
26 pounds live animal weight capacity of beef cattle,
27 shall be located at least one thousand two hundred
28 fifty feet from a residence not owned by the owner of
29 the feeding operation or from a public use area other
30 than a public road. Anaerobic lagoons or earthen
31 waste slurry storage basins, which are used in
32 connection with animal feeding operations containing
33 six hundred twenty-five thousand pounds or more live
34 animal weight capacity of animal species other than
35 beef cattle or containing one million six hundred
36 thousand pounds or more live animal weight capacity of
37 beef cattle, shall be located at least one thousand
38 eight hundred seventy-five feet from a residence not
39 owned by the owner of the feeding operation or from a
40 public use area other than a public road. For the
41 purpose of this paragraph the determination of live
42 animal weight capacity shall be based on the average
43 animal weight capacity during a production cycle and
44 the maximum animal capacity of the animal feeding
45 operation. These separation distances apply to the
46 construction of new facilities and the expansion of
47 existing facilities.

48 Sec. 3. Section 455B.134, subsection 3, paragraph
49 e, subparagraph (2), Code 1989, is amended to read as
50 follows:

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1 (2), A person may build or expand an anaerobic
2 lagoon or an earthen waste slurry storage basin closer
3 to a residence not owned by the owner of the anaerobic
4 lagoon or to a public use area than is otherwise
5 permitted by subparagraph (1) of this paragraph, if
6 the affected landowners enter into a written agreement
7 with the anaerobic lagoon owner to waive the
8 separation distances under such terms the parties
9 negotiate. The written agreement becomes effective
10 only upon recording in the office of the recorder of
11 deeds of the county in which the residence is located.

12 Sec. 4.

13 This Act applies to earthen waste slurry storage
14 basins constructed on or after July 1, 1990."

15 2. Title page, line 1, by striking the words
16 "anaerobic lagoons" and inserting the following:
17 "earthen waste slurry storage basins".

RECEIVED FROM THE HOUSE

S-5796 FILED MARCH 30, 1990

Senate concurred 4/2 (p. 1453)

SENATE FILE 2379

AN ACT

RELATING TO EARTHEN WASTE SLURRY STORAGE BASINS, MAKING PENALTIES APPLICABLE, AND PROVIDING FOR APPLICABILITY OF THE ACT.

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

Section 1. Section 455B.131, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 10. "Earthen waste slurry storage basin" means an uncovered and exclusively earthen cavity which, on a regular basis, receives waste discharges from a confinement animal feeding operation if accumulated wastes from the basin are completely removed at least twice each year.

Sec. 2. Section 455B.134, subsection 3, paragraph e, subparagraph (1), unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

Notwithstanding any other provision of division II of this chapter, the following siting requirements shall apply to anaerobic lagoons and earthen waste slurry storage basins:

Anaerobic lagoons or earthen waste slurry storage basins, which are used in connection with animal feeding operations containing less than six hundred twenty-five thousand pounds live animal weight capacity of animal species other than beef cattle or containing less than one million six hundred thousand pounds 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 or earthen waste slurry storage basins, 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 apply to the construction of new facilities and the expansion of existing facilities.

Sec. 3. Section 455B.134, subsection 3, paragraph e, subparagraph (2), Code 1989, is amended to read as follows:

(2) A person may build or expand an anaerobic lagoon or an earthen waste slurry storage basin closer to a residence not owned by the owner of the 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 the parties negotiate. The written agreement becomes effective only upon recording in the office of the recorder of deeds of the county in which the residence is located.

Sec. 4.

This Act applies to earthen waste slurry storage basins constructed on or after July 1, 1990.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2379, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 6, 1990

TERRY E. BRANSTAD
Governor