

Sexton  
McLaren  
Kibbie

Succeeded By  
(SF) HF 503

SSB-1229

Natural Resources &  
Environment

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT  
BILL BY CHAIRPERSON SEXTON)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the construction of facilities or installation  
2 of practices related to open feedlot manure control, and  
3 providing an effective date.

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

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200002  
10/1/02

1 Section 1. Section 455B.171, Code 2001, is amended by  
2 adding the following new subsections:

3 NEW SUBSECTION. 19A. "Manure solids settling facility"  
4 means a basin, terrace, diversion, or other structure designed  
5 and operated to remove settleable solids from open feedlot  
6 runoff.

7 NEW SUBSECTION. 33A. "Runoff control basin" means an  
8 impoundment designed and operated to collect and store runoff  
9 from an open feedlot.

10 Sec. 2. NEW SECTION. 455B.200C OPEN FEEDLOTS -- SPECIAL  
11 TERMS.

12 For purposes of this part:

13 1. "Manure control facility" means a structure constructed  
14 to retain manure or runoff originating from an open feedlot or  
15 related area, including but not limited to a manure solids  
16 settling facility or runoff control basin.

17 2. "Manure control practice" means any practice installed  
18 to mitigate the discharge of manure flows into a water of this  
19 state, including but not limited to the installation of  
20 permanent vegetation buffer zones or filter strips,  
21 infiltration fields, or wetlands.

22 Sec. 3. Section 455B.201, subsection 1, Code 2001, is  
23 amended to read as follows:

24 1. a. A confinement feeding operation shall retain all  
25 manure produced by the operation between periods of manure  
26 disposal. A confinement feeding operation shall not discharge  
27 manure directly into water of the state or into a tile line  
28 that discharges directly into water of the state.

29 b. An open feedlot shall provide for the removal of  
30 settleable solids from manure prior to its discharge into a  
31 water of the state. Settleable solids may be removed by use  
32 of a manure solids settling facility or other method to remove  
33 manure solids. However, the department shall not require the  
34 construction of a manure solids settling facility where  
35 existing site conditions provide adequate settleable solids

1 removal.

2 Sec. 4. NEW SECTION. 455B.205A OPEN FEEDLOTS -- MANURE  
3 CONTROL -- COST-SHARE MONEYS.

4 1. The department shall not require the owner of an open  
5 feedlot to construct a manure control facility to retain all  
6 manure originating from the open feedlot or manure flows  
7 contributed from related areas, unless all of the following  
8 apply:

9 a. The open feedlot is subject to an operating permit.

10 b. At least seventy-five percent of the costs of  
11 construction is financed by cost-share moneys contributed by  
12 the state or federal government.

13 2. The department shall not require that the owner of an  
14 open feedlot install a manure control practice, unless all of  
15 the following apply:

16 a. The open feedlot is subject to an operating permit.

17 b. At least fifty percent of the costs of installation is  
18 financed by cost-share moneys contributed by the state or  
19 federal government.

20 Sec. 5. EFFECTIVE DATE. This Act, being deemed of  
21 immediate importance, takes effect upon enactment.

22 EXPLANATION

23 This bill provides for the control of manure originating  
24 from areas associated with open feedlots. It provides that  
25 the open feedlot must provide for the removal of settleable  
26 solids prior to discharge of runoff into a water of the state.  
27 It also provides that the department shall not require the  
28 owner of an open feedlot to construct a manure control  
29 facility to retain all manure from the open feedlot, unless it  
30 is subject to an operating permit and at least 75 percent of  
31 the costs of construction is financed by cost-share moneys  
32 contributed by the state or federal government. The bill  
33 provides that the department shall not require the owner to  
34 install a manure control practice, unless the open feedlot is  
35 subject to an operating permit and at least 50 percent of the

1 costs of installation is financed by cost-share moneys  
2 contributed by the state or federal government.

3 The bill takes effect upon enactment.

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REPRINTED

FILED MAR 19 2002

SENATE FILE 503  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1229)

(P. 936) Passed Senate, Date 4-2-01 (P. 1100) Passed House, Date 4-1-02  
Vote: Ayes 32 Nays 18 Vote: Ayes 94 Nays 0

Approved April 30, 2002

*re-amended 4/10/02*  
(P. 1064) *vote 49-0*

A BILL FOR

1 An Act relating to the construction of facilities or installation  
2 of practices related to open feedlot manure control, and  
3 providing an effective date.

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

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SF 503

1 Section 1. Section 455B.171, Code 2001, is amended by  
2 adding the following new subsections:

3 NEW SUBSECTION. 19A. "Manure solids settling facility"  
4 means a basin, terrace, diversion, or other structure designed  
5 and operated to remove settleable solids from open feedlot  
6 runoff.

7 NEW SUBSECTION. 23A. "Open feedlot" means an unroofed or  
8 partially roofed animal feeding operation in which no crop,  
9 vegetation, or forage growth or residue cover is maintained  
10 during the period that animals are confined in the operation.

11 NEW SUBSECTION. 33A. "Runoff control basin" means an  
12 impoundment designed and operated to collect and store runoff  
13 from an open feedlot.

14 Sec. 2. NEW SECTION. 455B.200C OPEN FEEDLOTS -- SPECIAL  
15 TERMS.

16 For purposes of this part:

17 1. "Manure control facility" means a structure designed  
18 and operated to collect and store manure settleable solids or  
19 runoff originating from an open feedlot or related area,  
20 including but not limited to a manure solids settling facility  
21 or runoff control basin.

22 2. "Manure control practice" means any practice  
23 implemented to restrict the discharge of manure and related  
24 runoff into a water of this state, including but not limited  
25 to the installation of permanent vegetation buffer zones or  
26 filter strips, infiltration fields, or wetlands.

27 Sec. 3. NEW SECTION. 455B.205A OPEN FEEDLOT REGISTRATION  
28 PROGRAM.

29 The department shall establish an open feedlot registration  
30 program. The program shall provide for voluntary  
31 participation in the program by owners who register their open  
32 feedlots and for an environmental priority assessment of the  
33 registered open feedlots. The department shall register open  
34 feedlots and conduct the environmental priority assessment of  
35 the registered open feedlots in a manner and according to

1 procedures established by rules adopted by the department.

2 Sec. 4. NEW SECTION. 455B.205B OPEN FEEDLOTS -- MANURE  
3 CONTROL -- COST-SHARE MONEYS.

4 1. "Participating open feedlot" means an open feedlot that  
5 participates in the open feedlot registration program as  
6 provided in section 455B.205A.

7 2. a. The department shall not require that the owner of  
8 a participating open feedlot construct a manure control  
9 facility to retain all manure and related runoff originating  
10 from the open feedlot or related areas, as required by  
11 department rule, unless all of the following apply:

12 (1) The participating open feedlot is subject to an  
13 operating permit.

14 (2) At least seventy-five percent of the costs of  
15 construction is financed by cost-share moneys contributed by  
16 the state or federal government.

17 b. The department shall not require that the owner of a  
18 participating open feedlot implement a manure control  
19 practice, unless all of the following apply:

20 (1) The participating open feedlot is subject to an  
21 operating permit.

22 (2) At least fifty percent of the costs of implementation  
23 is financed by cost-share moneys contributed by the state or  
24 federal government.

25 Sec. 5. NEW SECTION. 455B.205C OPEN FEEDLOT  
26 SPECIFICATIONS -- COMPLIANCE WITH FEDERAL LAW.

27 A manure control facility that is constructed or a manure  
28 control practice that is implemented in accordance with the  
29 requirements of 40 C.F.R., pt. 412, subpt. A, shall be deemed  
30 to meet all requirements for the construction of a manure  
31 control facility and the implementation of a manure control  
32 practice required under this chapter.

33 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
34 immediate importance, takes effect upon enactment.

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EXPLANATION

1 This bill provides for the control of manure originating  
2 from areas associated with open feedlots.

3 The bill establishes an open feedlot registration program.  
4 The program provides for voluntary participation in the  
5 program by owners of open feedlots who register their open  
6 feedlots. The program provides for an environmental priority  
7 assessment of the registered open feedlots.

8 The bill also provides that the department shall not  
9 require the owner of a participating open feedlot to construct  
10 a manure control facility to retain all manure from the open  
11 feedlot, unless it is subject to an operating permit and at  
12 least 75 percent of the costs of construction is financed by  
13 cost-share moneys contributed by the state or federal  
14 government. The bill provides that the department shall not  
15 require the owner to implement or install a manure control  
16 practice, unless the participating open feedlot is subject to  
17 an operating permit and at least 50 percent of the costs of  
18 implementation is financed by cost-share moneys contributed by  
19 the state or federal government.

20 The bill exempts such an owner from the requirements of  
21 Code chapter 455B if the owner constructs a manure control  
22 facility or implements a manure control practice in accordance  
23 with federal regulations.

24 The bill takes effect upon enactment.

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## SENATE FILE 503

S-3259

1 Amend Senate File 503 as follows:

2 1. Page 1, line 23, by striking the word  
3 "implemented" and inserting the following:  
4 "installed".

5 2. By striking page 1, line 27, through page 2,  
6 line 24 and inserting the following:

7 "Sec. \_\_\_\_ NEW SECTION. 455B.205A OPEN FEEDLOT  
8 COMPLIANCE PROGRAM.

9 1. The owner of an open feedlot may elect to  
10 participate in an open feedlot compliance program as  
11 established and administered by the department. Under  
12 the program, the department must provide for the  
13 registration of the open feedlot and approve a  
14 compliance plan for the open feedlot to satisfy  
15 requirements of this division based on an  
16 environmental priority assessment conducted by the  
17 department in conjunction with the owner. The  
18 compliance plan shall to the extent necessary provide  
19 for any of the following:

20 a. The construction of manure control facilities  
21 that retain all manure and related runoff originating  
22 from the open feedlot or related areas.

23 b. The installation of manure control practices.

24 2. a. The owner of an open feedlot participating  
25 in the open feedlot compliance program who is required  
26 under a compliance plan to construct a manure control  
27 facility to retain all manure and related runoff may  
28 extend completion of that part of the compliance plan  
29 requiring construction of the manure control facility  
30 until cost-share moneys equaling at least seventy-five  
31 percent of the cost of construction are contributed by  
32 the state or federal government.

33 b. The owner of an open feedlot participating in  
34 the open feedlot compliance program who is required  
35 under a compliance plan to install a manure control  
36 practice may extend completion of that part of the  
37 compliance plan requiring installation of the practice  
38 until cost-share moneys equaling at least fifty  
39 percent of the cost of installation are contributed by  
40 the state or federal government."

41 3. Page 2, line 25, by striking the figure  
42 "455B.205C" and inserting the following: "455B.205B".

43 4. Page 2, line 28, by striking the word  
44 "implemented" and inserting the following:  
45 "installed".

46 5. Page 2, line 31, by striking the word  
47 "implementation" and inserting the following:  
48 "installation".

By MIKE SEXTON

S-3259 FILED MARCH 27, 2001

*Adopted*  
4-2-01 (P. 935)

**SENATE FILE 503  
FISCAL NOTE**

A fiscal note for Senate File 503 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 503 establishes an open feedlot registration program for cattle producers. The Department of Natural Resources will administer the program and provide an environmental priority assessment of the registered feedlots. The Bill establishes cost share funds to assist owners with total containment of manure or manure removal practices.

**ASSUMPTIONS**

1. There are 300 open feedlots that have between 1,000 to 7,000 head of cattle that are not registered with the Department of Natural Resources.
2. The estimated cost for total containment of manure projects on open feedlots that would be eligible for the 75% cost share is \$75 to \$110 per head of cattle.
3. The estimated cost for manure removal projects on open feedlots that would be eligible for the 50% cost share is \$13 to \$27 per head of cattle.
4. The number of feedlot owners choosing a 75% match as compared to a 50% match is unknown.
5. The average cost for salary and benefits for one full-time Environmental Engineer is \$50,000 per year for FY 2002 and for subsequent years. The average cost for telephone and supplies is \$1,500 per year for FY 2002 and for subsequent years. The average cost for a computer is \$3,900 for FY 2002.

**FISCAL IMPACT**

The estimated cost of Senate File 503 to the Department of Natural Resources is an increase in General Fund expenditures of \$55,000 and 1.0 FTE position for FY 2002 and \$51,000 for FY 2003 and subsequent years.

Because the number of feedlot owners choosing a 75% match as compared to a 50% match is unknown, a reliable estimate cannot be provided for the cost share provisions of Senate File 503. However, if all 300 participated in the 75% cost share program for manure containment, there would be an increase in General Fund expenditures ranging between \$16.9 million and \$173.3 million. If all 300 feedlot owners participated in the 50% cost share program for manure removal, there would be an increase in General Fund expenditures ranging between \$1.9 million and \$38.5 million.

-2-

**SOURCES**

Iowa Cattlemen's Association  
Department of Natural Resources

[LSB 32558V, 01A]

FILED MARCH 22, 2001

BY DENNIS BRADY, FISCAL DIRECTOR

SENATE FILE 503

S-3278

1 Amend the amendment, S-3259, to Senate File 503 as  
2 follows:

3 1. Page 1, line 30, by striking the words "at  
4 least" and inserting the following: "up to".

5 2. Page 1, line 38, by striking the words "at  
6 least" and inserting the following: "up to".

By JOHN P. KIBBIE

S-3278 FILED APRIL 2, 2001

ADOPTED

(P. 985)

SENATE FILE 503

S-3280

1 Amend Senate File 503 as follows:

2 1. Page 1, by inserting after line 26, the  
3 following:

4 "Sec. \_\_\_\_ Section 455B.204, subsection 1, Code  
5 2001, is amended by adding the following new paragraph  
6 after paragraph a:

7 NEW PARAGRAPH. aa. "One-hundred-year floodplain"  
8 means the land adjacent to a watercourse which may be  
9 inundated by a flood, the magnitude of which has a one  
10 percent chance of being equaled or exceeded in any  
11 year.

12 Sec. \_\_\_\_ Section 455B.204, subsection 2, Code  
13 2001, is amended by adding the following new paragraph  
14 after paragraph b:

15 NEW PARAGRAPH. bb. An animal feeding operation  
16 structure shall not be constructed on land which is  
17 located in a one-hundred-year floodplain."

18 2. By renumbering as necessary.

By MARY A. LUNDBY

S-3280 FILED APRIL 2, 2001

ADOPTED

(P. 936)

2/18/02 Amend/Also Pass  
w/H 8309

3/1/02 UNFINISHED BUSINESS CALENDAR

SENATE FILE 503  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1229)

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 2001)

~~\_\_\_\_\_~~ - New Language by the Senate

Passed Senate, Date <sup>(p.1064)</sup> 4/10/02 Passed House, Date <sup>(p.1100)</sup> 4-1-02  
Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 0  
Approved April 30, 2002

A BILL FOR

1 An Act relating to the construction of facilities or installation  
2 of practices related to open feedlot manure control, and  
3 providing an effective date.

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

S.F. 503

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1 Section 1. Section 455B.171, Code 2001, is amended by  
2 adding the following new subsections:

3 NEW SUBSECTION. 19A. "Manure solids settling facility"  
4 means a basin, terrace, diversion, or other structure designed  
5 and operated to remove settleable solids from open feedlot  
6 runoff.

7 NEW SUBSECTION. 23A. "Open feedlot" means an unroofed or  
8 partially roofed animal feeding operation in which no crop,  
9 vegetation, or forage growth or residue cover is maintained  
10 during the period that animals are confined in the operation.

11 NEW SUBSECTION. 33A. "Runoff control basin" means an  
12 impoundment designed and operated to collect and store runoff  
13 from an open feedlot.

14 Sec. 2. NEW SECTION. 455B.200C OPEN FEEDLOTS -- SPECIAL  
15 TERMS.

16 For purposes of this part:

17 1. "Manure control facility" means a structure designed  
18 and operated to collect and store manure settleable solids or  
19 runoff originating from an open feedlot or related area,  
20 including but not limited to a manure solids settling facility  
21 or runoff control basin.

22 2. "Manure control practice" means any practice installed  
23 to restrict the discharge of manure and related runoff into a  
24 water of this state, including but not limited to the  
25 installation of permanent vegetation buffer zones or filter  
26 strips, infiltration fields, or wetlands.

27 Sec. 3. Section 455B.204, subsection 1, Code 2001, is  
28 amended by adding the following new paragraph after paragraph  
29 a:

30 NEW PARAGRAPH. aa. "One-hundred-year floodplain" means  
31 the land adjacent to a watercourse which may be inundated by a  
32 flood, the magnitude of which has a one percent chance of  
33 being equaled or exceeded in any year.

34 Sec. 4. Section 455B.204, subsection 2, Code 2001, is  
35 amended by adding the following new paragraph after paragraph

1 b:

2 NEW PARAGRAPH. bb. An animal feeding operation structure  
3 shall not be constructed on land which is located in a one-  
4 hundred-year floodplain.

5 Sec. 5. NEW SECTION. 455B.205A OPEN FEEDLOT COMPLIANCE  
6 PROGRAM.

7 1. The owner of an open feedlot may elect to participate  
8 in an open feedlot compliance program as established and  
9 administered by the department. Under the program, the  
10 department must provide for the registration of the open  
11 feedlot and approve a compliance plan for the open feedlot to  
12 satisfy requirements of this division based on an  
13 environmental priority assessment conducted by the department  
14 in conjunction with the owner. The compliance plan shall to  
15 the extent necessary provide for any of the following:

16 a. The construction of manure control facilities that  
17 retain all manure and related runoff originating from the open  
18 feedlot or related areas.

19 b. The installation of manure control practices.

20 2. a. The owner of an open feedlot participating in the  
21 open feedlot compliance program who is required under a  
22 compliance plan to construct a manure control facility to  
23 retain all manure and related runoff may extend completion of  
24 that part of the compliance plan requiring construction of the  
25 manure control facility until cost-share moneys equaling up to  
26 seventy-five percent of the cost of construction are  
27 contributed by the state or federal government.

28 b. The owner of an open feedlot participating in the open  
29 feedlot compliance program who is required under a compliance  
30 plan to install a manure control practice may extend  
31 completion of that part of the compliance plan requiring  
32 installation of the practice until cost-share moneys equaling  
33 up to fifty percent of the cost of installation are  
34 contributed by the state or federal government.

35 Sec. 6. NEW SECTION. 455B.205B OPEN FEEDLOT

1 SPECIFICATIONS -- COMPLIANCE WITH FEDERAL LAW.

2 A manure control facility that is constructed or a manure  
3 control practice that is installed in accordance with the  
4 requirements of 40 C.F.R., pt. 412, subpt. A, shall be deemed  
5 to meet all requirements for the construction of a manure  
6 control facility and the installation of a manure control  
7 practice required under this chapter.

8 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
9 immediate importance, takes effect upon enactment.

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## SENATE FILE 503

H-8309

1 Amend Senate File 503, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 455B.161, subsection 2,  
6 paragraph b, Code 2001, is amended to read as follows:

7 b. A ~~runoff control~~ settled open feedlot effluent  
8 basin ~~which~~ that collects and stores only  
9 precipitation-induced runoff from ~~an animal feeding~~  
10 ~~operation in which animals are confined to areas which~~  
11 ~~are unroofed or partially roofed and in which no crop,~~  
12 ~~vegetation, or forage growth or residue cover is~~  
13 ~~maintained during the period in which animals are~~  
14 ~~confined in the operation~~ an open feedlot.

15 Sec. 2. Section 455B.161, Code 2001, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 18A. "Open feedlot" means an  
18 unroofed or partially roofed animal feeding operation  
19 if crop, vegetation, or forage growth or residue cover  
20 is not maintained as part of the animal feeding  
21 operation during the period that animals are confined  
22 in the animal feeding operation.

23 Sec. 3. Section 455B.171, Code 2001, is amended by  
24 adding the following new subsections:

25 NEW SUBSECTION. 23A. "Open feedlot." means the  
26 same as defined in section 455B.161.

27 NEW SUBSECTION. 38A. "Settled open feedlot  
28 effluent" means a combination of manure,  
29 precipitation-induced runoff, or other runoff  
30 originating from an open feedlot after its settleable  
31 solids have been removed.

32 NEW SUBSECTION. 38B. "Settled open feedlot  
33 effluent basin" or "basin" means an impoundment which  
34 is part of an open feedlot, if the primary function of  
35 the impoundment is to collect and store settled open  
36 feedlot effluent.

37 Sec. 4. NEW SECTION. 455B.205A CONSTRUCTION  
38 DESIGN STANDARDS -- SETTLED OPEN FEEDLOT EFFLUENT  
39 BASINS.

40 If the department requires that a settled open  
41 feedlot effluent basin be constructed according to  
42 design standards, regardless of whether the department  
43 requires the owner to obtain a construction permit  
44 under section 455B.200, all of the following shall  
45 apply:

46 1. Any design standards for a basin shall be  
47 established by rule as provided in chapter 17A that  
48 exclusively account for special design characteristics  
49 of open feedlots and related basins, including but not  
50 limited to the dilute composition of settled open

H-8309

**H-8309**

Page 2

1 feedlot effluent as collected and stored in the  
2 basins.

3 2. The design standards for the basin shall be  
4 less restrictive than the design standards governing a  
5 confinement feeding operation's manure storage  
6 structure required to be constructed pursuant to a  
7 construction permit as provided in section 455B.200A,  
8 regardless of whether the design standards for the  
9 manure storage structure are provided by statute or  
10 departmental rule."

11 2. Title page, by striking lines 1 through 3, and  
12 inserting the following: "An Act relating to open  
13 feedlots, by providing for standards of construction  
14 for pollution control structures."

**By** COMMITTEE ON AGRICULTURE  
KLEMME of Plymouth, Chairperson

**H-8309** FILED MARCH 18, 2002

*Adapted*  
*4-7-02*  
*(p.1099)*

H-8467

1 Amend the amendment, H-8309, to Senate File 503, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 7 and 8, and  
 5 inserting the following:

6 "b. A runoff control basin ~~which~~ that collects and  
 7 stores only".

8 2. Page 1, by striking lines 17 through 22, and  
 9 inserting the following:

10 "NEW SUBSECTION. 18A. "Open feedlot" means an  
 11 unroofed or partially roofed animal feeding operation  
 12 in which no crop, vegetation, or forage growth or  
 13 residue cover is maintained during the period that  
 14 animals are confined in the animal feeding operation."

15 3. Page 1, by striking lines 27 through 36, and  
 16 inserting the following:

17 "NEW SUBSECTION. 33A. "Runoff control basin"  
 18 means an impoundment designed and operated to collect  
 19 and store runoff from an open feedlot."

20 4. By striking page 1, line 37 through page 2,  
 21 line 10, and inserting the following:

22 "Sec. \_\_\_\_ NEW SECTION. 455B.205A CONSTRUCTION  
 23 DESIGN STANDARDS -- OPEN FEEDLOT RUNOFF CONTROL  
 24 BASINS.

25 If the department requires an open feedlot runoff  
 26 control basin receiving runoff from which solids have  
 27 been settled in accordance with requirements provided  
 28 in 567 IAC 65.2(1) to be constructed according to  
 29 design standards, regardless of whether the department  
 30 requires the owner to obtain a construction permit  
 31 under section 455B.200, design standards for the basin  
 32 shall be established by rule as provided in chapter  
 33 17A that exclusively account for special design  
 34 characteristics of open feedlots and related runoff  
 35 control basins, including but not limited to the  
 36 dilute composition of settled open feedlot effluent as  
 37 collected and stored in runoff control basins.""

By KUHN of Floyd

H-8467 FILED MARCH 27, 2002

*W/P*  
*4/1/02*  
*(P. 1098)*

SENATE FILE 503

H-8474

1 Amend the amendment, H-8309, to Senate File 503, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 43 through 46, and  
5 inserting the following: "requires the owner to be  
6 issued a construction permit under section 455B.200,  
7 any design standards for the basin shall be".

8 2. Page 2, by striking lines 3 through 10, and  
9 inserting the following:

10 "Sec. \_\_\_\_ . DIRECTIONS TO CODE EDITOR. The Code  
11 editor shall transfer provisions of this Act amending  
12 Code chapter 455B to a new chapter in conformance with  
13 sections transferred pursuant to Senate File 2293 or  
14 House File 2468, if enacted by the Seventy-ninth  
15 General Assembly, 2002 Session."

16 3. By renumbering as necessary.

By BOGGESS of Page

H-8474 FILED MARCH 28, 2002

*adopted*  
*4-1-02*  
*(p. 1099)*

HOUSE AMENDMENT TO  
SENATE FILE 503

S-5294

1 Amend Senate File 503, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 455B.161, subsection 2,  
6 paragraph b, Code 2001, is amended to read as follows:

7 b. ~~A runoff control settled open feedlot effluent~~  
8 ~~basin which that collects and stores only~~  
9 ~~precipitation-induced runoff from an animal feeding~~  
10 ~~operation in which animals are confined to areas which~~  
11 ~~are unroofed or partially roofed and in which no crop,~~  
12 ~~vegetation, or forage growth or residue cover is~~  
13 ~~maintained during the period in which animals are~~  
14 ~~confined in the operation an open feedlot.~~

15 Sec. 2. Section 455B.161, Code 2001, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 18A. "Open feedlot" means an  
18 unroofed or partially roofed animal feeding operation  
19 if crop, vegetation, or forage growth or residue cover  
20 is not maintained as part of the animal feeding  
21 operation during the period that animals are confined  
22 in the animal feeding operation.

23 Sec. 3. Section 455B.171, Code 2001, is amended by  
24 adding the following new subsections:

25 NEW SUBSECTION. 23A. "Open feedlot" means the  
26 same as defined in section 455B.161.

27 NEW SUBSECTION. 38A. "Settled open feedlot  
28 effluent" means a combination of manure,  
29 precipitation-induced runoff, or other runoff  
30 originating from an open feedlot after its settleable  
31 solids have been removed.

32 NEW SUBSECTION. 38B. "Settled open feedlot  
33 effluent basin" or "basin" means an impoundment which  
34 is part of an open feedlot, if the primary function of  
35 the impoundment is to collect and store settled open  
36 feedlot effluent.

37 Sec. 4. NEW SECTION. 455B.205A CONSTRUCTION  
38 DESIGN STANDARDS -- SETTLED OPEN FEEDLOT EFFLUENT  
39 BASINS.

40 If the department requires that a settled open  
41 feedlot effluent basin be constructed according to  
42 design standards, regardless of whether the department  
43 requires the owner to be issued a construction permit  
44 under section 455B.200, any design standards for the  
45 basin shall be established by rule as provided in  
46 chapter 17A that exclusively account for special  
47 design characteristics of open feedlots and related  
48 basins, including but not limited to the dilute  
49 composition of settled open feedlot effluent as  
50 collected and stored in the basins.

S-5294

**S-5294**

Page 2

1 Sec. 5. DIRECTIONS TO CODE EDITOR. The Code  
 2 editor shall transfer provisions of this Act amending  
 3 Code chapter 455B to a new chapter in conformance with  
 4 sections transferred pursuant to Senate File 2293 or  
 5 House File 2468, if enacted by the Seventy-ninth  
 6 General Assembly, 2002 Session."  
 7 2. Title page, by striking lines 1 through 3, and  
 8 inserting the following: "An Act relating to open  
 9 feedlots, by providing for standards of construction  
 10 for pollution control structures."

RECEIVED FROM THE HOUSE

**S-5294** FILED APRIL 2, 2002*Senate Concurred 4/10/02***SENATE FILE 503****S-5390**

1 Amend the House amendment, S-5294, to Senate File  
 2 503, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by inserting after line 36, the  
 5 following:  
 6 "NEW SUBSECTION. 43A. "Solids settling facility"  
 7 means a basin, terrace, diversion, or other structure  
 8 designed and operated to remove settleable solids from  
 9 open feedlot runoff."  
 10 2. Page 1, line 41 by inserting after the word  
 11 "basin" the following: "or a solids settling  
 12 facility".  
 13 3. Page 1, line 42, by inserting before the word  
 14 "design" the following: "construction".  
 15 4. Page 1, by striking lines 48 through 50 and  
 16 inserting the following: "structures. However, the  
 17 department's rules shall provide that a settled open  
 18 feedlot effluent basin or solids settling facility  
 19 must be constructed according to construction design  
 20 standards that are equivalent to construction design  
 21 standards applicable to unformed manure storage  
 22 structures that are part of confinement feeding  
 23 operations."  
 24 5. By renumbering, redesignating, and correcting  
 25 internal references as necessary.

*N/D 4/16/02*

By MIKE SEXTON

**S-5390** FILED APRIL 4, 2002

# Legislative Fiscal Bureau

## Fiscal Note

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SF 503 as Amended and Passed by the House - Open Cattle Feedlot (LSB 3255)  
Analyst: Deb Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)  
Fiscal Note Version - As Amended and Passed By House

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### Description

Senate File 503 as amended and passed by the House adds definitions to Chapter 455B, Code of Iowa, regarding open cattle feedlots and specifies that an animal feeding operation structure cannot be constructed on a 100-year floodplain. Senate File 503 as amended by the House eliminates funding for cost share funds to operators of open feedlots.

### Assumptions

1. The Bill as amended and passed by the House encourages owners of open cattle feedlots to register with the Department of Natural Resources. As of February 1, 2002, the Department had 1,527 registered open cattle feedlot owners. Of this amount, 172 have more than 1,000 animal units, 769 have between 586 and 1,000 animal units, and 291 have 300 animal units or less.
2. The Bill as amended and passed by the House allows an owner participating in the Open Cattle Feedlot Compliance Program to extend the completion date for installing a manure control practice until cost share funds are available from the State or federal government.

### Fiscal Impact

Senate File 503 as amended and passed by the House is expected to have minimal fiscal impact.

### Source

Department of Natural Resources



March 26, 2002

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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~~cover-is-maintained-during-the-period-in-which-animals-are confined-in-the-operation~~ an open feedlot.

Sec. 2. Section 455B.161, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 18A. "Open feedlot" means an unroofed or partially roofed animal feeding operation if crop, vegetation, or forage growth or residue cover is not maintained as part of the animal feeding operation during the period that animals are confined in the animal feeding operation.

Sec. 3. Section 455B.171, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 23A. "Open feedlot" means the same as defined in section 455B.161.

NEW SUBSECTION. 38A. "Settled open feedlot effluent" means a combination of manure, precipitation-induced runoff, or other runoff originating from an open feedlot after its settleable solids have been removed.

NEW SUBSECTION. 38B. "Settled open feedlot effluent basin" or "basin" means an impoundment which is part of an open feedlot, if the primary function of the impoundment is to collect and store settled open feedlot effluent.

Sec. 4. NEW SECTION. 455B.205A CONSTRUCTION DESIGN STANDARDS -- SETTLED OPEN FEEDLOT EFFLUENT BASINS.

If the department requires that a settled open feedlot effluent basin be constructed according to design standards, regardless of whether the department requires the owner to be issued a construction permit under section 455B.200, any design standards for the basin shall be established by rule as provided in chapter 17A that exclusively account for special design characteristics of open feedlots and related basins, including but not limited to the dilute composition of settled open feedlot effluent as collected and stored in the basins.

Sec. 5. DIRECTIONS TO CODE EDITOR. The Code editor shall transfer provisions of this Act amending Code chapter 455B to a new chapter in conformance with sections transferred

SENATE FILE 503

AN ACT

RELATING TO OPEN FEEDLOTS, BY PROVIDING FOR STANDARDS OF CONSTRUCTION FOR POLLUTION CONTROL STRUCTURES.

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

Section 1. Section 455B.161, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. A runoff-control settled open feedlot effluent basin which that collects and stores only precipitation-induced runoff from an-animal-feeding-operation-in-which-animals-are confined-to-areas-which-are-unroofed-or-partially-roofed-and in-which-no-crop-vegetation-or-forage-growth-or-residue

pursuant to Senate File 2293 or House File 2468, if enacted by the Seventy-ninth General Assembly, 2002 Session.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 503, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 30, 2002

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THOMAS J. VILSACK  
Governor