

Senate File 2369 - Enrolled

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SENATE FILE 2369

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AN ACT
RELATING TO REQUIREMENTS FOR OPEN FEEDLOT OPERATIONS, BY
PROVIDING FOR NUTRIENT MANAGEMENT PLANS, STOCKPILING OF
SOLIDS, AND OPERATING PERMITS, AND PROVIDING AN EFFECTIVE
DATE AND RETROACTIVE APPLICABILITY.

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

Section 1. Section 459A.102, Code Supplement 2005, is amended by adding the following new subsections:
NEW SUBSECTION. 8A. "Designated area" means a known sinkhole, a cistern, an abandoned well, an unplugged agricultural drainage well, an agricultural drainage well surface inlet, a drinking water well, a designated wetland, or a water source. However, "designated area" does not include a terrace tile inlet or surface tile inlet other than an agricultural drainage well surface tile inlet.

NEW SUBSECTION. 8B. "Designated wetland" means the same as defined in section 459.102.

NEW SUBSECTION. 9A. "Grassed waterway" means a natural or constructed channel that is shaped or graded and established with suitable vegetation for the stable conveyance of surface water runoff.

NEW SUBSECTION. 9B. "High-quality water resource" means the same as defined in section 459.102.

NEW SUBSECTION. 20A. "Stockpile" means to store solids from an open feedlot operation outside of an open feedlot operation structure or outside of an area that drains to an open feedlot operation structure.

NEW SUBSECTION. 23. "Water source" means the same as defined in section 459.102.

Sec. 2. NEW SECTION. 459A.202 OPERATING PERMIT REQUIREMENTS.

1. The owner of an open feedlot operation qualifying under this section shall apply for an operating permit on or before July 31, 2007.

2. Except as provided in subsection 3, an open feedlot operation qualifies under this section if all of the following apply:

a. The open feedlot operation commenced operation prior to April 14, 2003, and the physical facilities of the open feedlot operation have not expanded since that date.

b. The open feedlot operation was not required to be issued an operating permit prior to April 14, 2003, but is required to obtain an operating permit on and after that date, pursuant to all of the following:

(1) Rules adopted by the department, including but not limited to rules adopted as part of 567 IAC ch. 65, that were in effect prior to April 14, 2003, and have been subsequently amended.

(2) Regulations adopted by the federal government, including but not limited to the environmental protection agency as a part of 40 C.F.R. pts. 122 and 412, that were in effect prior to April 14, 2003, and have been subsequently amended.

3. An open feedlot operation does not qualify under this section if the open feedlot operation is required by the department to be issued an operating permit only because of special conditions determined applicable by the department according to the results of a departmental evaluation as established by rules adopted by the department.

4. This section is repealed on July 1, 2009.

Sec. 3. Section 459A.205, subsection 3, paragraph a, Code Supplement 2005, is amended to read as follows:

a. For an open feedlot operation submitting an application for a construction permit on or after ~~September~~ April 30, 2006 ~~2007~~, a nutrient management plan as provided in section 459A.208.

Sec. 4. Section 459A.208, subsection 1, Code Supplement 2005, is amended to read as follows:

1. a. The owner of an open feedlot operation which has an

3 4 animal unit capacity of one thousand animal units or more or
3 5 which is required to be issued an operating permit shall
3 6 develop and implement a nutrient management plan meeting the
3 7 requirements of this section ~~by December 31, 2006.~~

3 8 b. (1) The owner of an open feedlot operation shall
3 9 comply with the provisions of paragraph "a" by July 31, 2007.

3 10 (2) This paragraph "b" is repealed on July 31, 2007.

3 11 Sec. 5. NEW SECTION. 459A.403 SOLIDS STOCKPILING.

3 12 A person may stockpile solids, subject to all of the
3 13 following:

3 14 1. a. The person shall not stockpile the solids within
3 15 the following distances:

3 16 (1) Four hundred feet from a designated area other than a
3 17 high-quality water resource.

3 18 (2) Eight hundred feet from a high-quality water resource.

3 19 b. The person shall not stockpile solids within two
3 20 hundred feet from a terrace tile inlet or surface tile inlet
3 21 unless the solids are maintained in a manner that will not
3 22 allow precipitation-induced runoff to drain from the solids to
3 23 the terrace tile inlet or surface tile inlet.

3 24 c. The person shall not stockpile solids in a grassed
3 25 waterway or where water pools on the soil surface.

3 26 d. The person shall not stockpile solids on land having a
3 27 slope of more than three percent unless methods, structures,
3 28 or practices are implemented to contain the stockpiled solids,
3 29 including but not limited to using hay bales, silt fences,
3 30 temporary earthen berms, or other effective measures, and to
3 31 prevent or diminish precipitation-induced runoff from the
3 32 stockpiled solids.

3 33 2. The person must remove the stockpiled solids and apply
3 34 them in accordance with the provisions of this chapter,
3 35 including but not limited to section 459A.410, within six
4 1 months after the solids are stockpiled.

4 2 Sec. 6. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

4 3 This Act, being deemed of immediate importance, takes effect
4 4 upon enactment, and is retroactively applicable to February
4 5 13, 2006.

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JEFFREY M. LAMBERTI
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

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4 17 I hereby certify that this bill originated in the Senate and
4 18 is known as Senate File 2369, Eighty-first General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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Approved _____, 2006

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THOMAS J. VILSACK

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Governor