



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 2, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 735, an Act providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Culver", written over a white background.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 735

AN ACT

PROVIDING FOR THE STOCKPILING OF DRY MANURE ORIGINATING FROM CONFINEMENT FEEDING OPERATIONS, MAKING PENALTIES APPLICABLE, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 459.102, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 20A. "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 a surface tile inlet other than an agricultural drainage well surface tile inlet.

NEW SUBSECTION. 23A. "Dry manure" means manure which meets all of the following conditions:

- a. The manure does not flow perceptibly under pressure.
- b. The manure is not capable of being transported through a mechanical pumping device designed to move a liquid.
- c. The constituent molecules of the manure do not flow freely among themselves but may show a tendency to separate under stress.

NEW SUBSECTION. 32A. "Long-term stockpile location" means an area where a person stockpiles manure for more than six months in any two-year period.

NEW SUBSECTION. 41A. "Qualified stockpile cover" means a barrier impermeable to precipitation that is used to protect a stockpile from precipitation.

NEW SUBSECTION. 41B. "Qualified stockpile structure" means any of the following:

1. A building.
2. A roofed structure other than a building that is all of the following:
 - a. Impermeable to precipitation.
 - b. Constructed using wood, steel, aluminum, vinyl, plastic, or other similar materials.
 - c. Constructed with walls or other means to prevent precipitation-induced surface runoff from contacting the stockpile.

NEW SUBSECTION. 45A. "Stockpile" means dry manure originating from a confinement feeding operation that is stored at a particular location outside a manure storage structure.

NEW SUBSECTION. 45B. "Stockpile dry manure" means to create or add to a stockpile.

Sec. 2. NEW SECTION. 459.204A STOCKPILING DRY MANURE.

A person may stockpile dry manure so long as the person stockpiles the dry manure in compliance with restrictions applicable to stockpiling as provided in this subchapter and subchapter III.

Sec. 3. NEW SECTION. 459.204B STOCKPILING DRY MANURE -- MINIMUM SEPARATION DISTANCE REQUIREMENTS.

Except as provided in section 459.205, a person shall not stockpile dry manure within one thousand two hundred fifty feet from a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area.

Sec. 4. Section 459.205, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The stockpiling of dry manure within a separation distance required between a stockpile and an object or location for which separation is required under section 459.204B if any of the following apply:

- a. The titleholder of the land benefiting from the separation distance requirement executes a written waiver with the titleholder of the land where the stockpile is located.
- b. The stockpile consists of dry manure originating from a small animal feeding operation.

c. The stockpile consists of dry manure originating from a confinement feeding operation that was constructed before January 1, 2006, unless the confinement feeding operation is expanded after that date.

Sec. 5. Section 459.206, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. A qualified confinement feeding operation that stores dry manure on-a-dry-matter-basis.

Sec. 6. Section 459.301, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Dry manure that is stockpiled within a distance of one thousand two hundred fifty feet from another stockpile shall be considered part of the same stockpile.

Sec. 7. Section 459.307, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Whether the manure storage structure stores only dry manure in-an-exclusively-dry-form.

Sec. 8. Section 459.311, subsection 1, Code 2009, is amended to read as follows:

1. A confinement feeding operation shall retain all manure produced by the operation between periods of manure disposal. For purposes of this section, dry manure may be retained by stockpiling as provided in this subchapter. A confinement feeding operation shall not discharge manure directly into water of the state or into a tile line that discharges directly into water of the state.

Sec. 9. NEW SECTION. 459.311A STOCKPILING DRY MANURE.

A person may stockpile dry manure so long as the person stockpiles the dry manure in compliance with restrictions applicable to stockpiling as provided in this subchapter and subchapter II.

Sec. 10. NEW SECTION. 459.311B STOCKPILING DRY MANURE -- MINIMUM SEPARATION DISTANCE REQUIREMENTS AND PROHIBITIONS.

1. A person shall not stockpile dry manure within the following distances from any of the following:

a. A terrace tile inlet or surface tile inlet, two hundred feet. However, this paragraph does not apply to a person who stockpiles the dry manure in a manner that does not allow precipitation-induced runoff to drain from the stockpile to the terrace tile inlet or surface tile inlet. A terrace tile

inlet or surface tile inlet does not include a tile inlet that is not directly connected to a tile line that discharges directly into a water of the state.

b. (1) A designated area, four hundred feet. However, an increased separation distance of eight hundred feet shall apply to all of the following:

- (a) A high-quality water resource.
- (b) An agricultural drainage well.
- (c) A known sinkhole.

(2) Subparagraph (1) does not apply to a person who stockpiles dry manure in a manner that does not allow precipitation-induced runoff to drain from the stockpile to the designated area.

2. A person shall not stockpile dry manure in a grassed waterway.

3. A person shall not stockpile dry manure on land having a slope of more than three percent. However, this subsection shall not apply to a person who stockpiles dry manure using methods, structures, or practices that contain the stockpile, including but not limited to silt fences, temporary earthen berms, or other effective measures, and that prevent or diminish precipitation-induced runoff from the stockpile.

Sec. 11. NEW SECTION. 459.311C STOCKPILING DRY MANURE ON TERRAIN OTHER THAN KARST TERRAIN.

A person stockpiling dry manure on terrain, other than karst terrain, for more than fifteen consecutive days shall comply with any of the following:

1. Stockpile dry manure using any of the following:

a. A qualified stockpile structure.

b. A qualified stockpile cover. However, the person shall not stockpile dry manure using a qualified stockpile cover at a long-term stockpile location unless the person stockpiles the dry manure on compacted soil, compacted granular aggregates, asphalt, concrete, or other similar materials.

2. Deliver a stockpile inspection statement to the department as follows:

a. The department must receive the statement by the fifteenth day of each month.

b. The stockpile inspection statement shall provide the location of the stockpile and document the results of an

inspection conducted by the person during the previous month. The inspection must evaluate whether precipitation-induced runoff is draining away from the stockpile and, if so, describe actions taken to prevent the runoff. If an inspection by the department documents that precipitation-induced runoff is draining away from a stockpile, the person shall immediately remove dry manure from the stockpile in compliance with this chapter or comply with all directives of the department to prevent the runoff.

c. The stockpile inspection statement must be in writing and may be on a form prescribed by the department.

Sec. 12. NEW SECTION. 459.311D STOCKPILING DRY MANURE ON KARST TERRAIN.

A person stockpiling dry manure on karst terrain shall comply with all of the following:

1. The person shall stockpile the dry manure at a location where there is a vertical separation distance of at least five feet between the bottom of the stockpile and the underlying limestone, dolomite, or other soluble rock.

2. A person who stockpiles dry manure for more than fifteen consecutive days shall use any of the following:

a. A qualified stockpile structure.

b. A qualified stockpile cover. However, the person shall not stockpile dry manure using a qualified stockpile cover at a long-term stockpile location unless the stockpile is located on reinforced concrete at least five inches thick.

Sec. 13. NEW SECTION. 459.311E STOCKPILING -- REQUIRED PRACTICES.

1. A person stockpiling dry manure shall comply with applicable requirements of the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

2. A person stockpiling dry manure shall remove the dry manure and apply it in accordance with the provisions of this chapter, including but not limited to section 459.311, within six months after the dry manure is first stockpiled.

Sec. 14. Section 459.314, unnumbered paragraph 1, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 15. NEW SECTION. 459.319 STOCKPILING -- EXCEPTION FROM REGULATION.

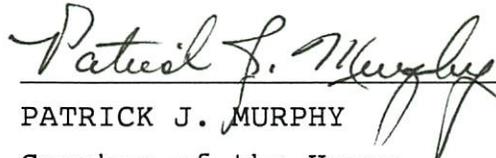
1. This subchapter shall not apply to a person who stockpiles dry manure if the stockpile's dry manure originates from a confinement feeding operation that was constructed prior to January 1, 2006, unless the confinement feeding operation is expanded after that date.

2. Subsection 1 does not apply to any of the following:

a. A person who stockpiles dry manure in violation of section 459.311.

b. A stockpile where precipitation-induced runoff has drained away.

Sec. 16. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

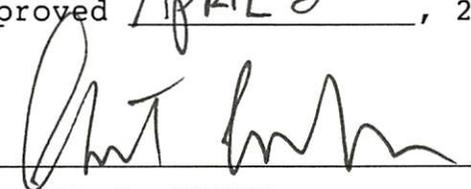

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 735, Eighty-third General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved APRIL 2nd, 2009


CHESTER J. CULVER
Governor