



TERRY E. BRANSTAD  
GOVERNOR

## OFFICE OF THE GOVERNOR

KIM REYNOLDS  
LT. GOVERNOR

April 7, 2011

The Honorable Matthew Schultz  
Secretary of State of Iowa  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 321, an Act relating to wastewater discharges by on-farm processing operations.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad  
Governor

cc: Secretary of the Senate  
Clerk of the House



Senate File 321

AN ACT

RELATING TO WASTEWATER DISCHARGES BY ON-FARM PROCESSING OPERATIONS.

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

Section 1. Section 455B.171, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. "*Food commodity*" means any commodity that is derived from an agricultural animal or crop, both as defined in section 717A.1, which is intended for human consumption in its raw or processed state.

*a.* A food commodity in its raw state for processing includes but is not limited to milk, eggs, vegetables, fruits, nuts, syrup, and honey.

*b.* A food commodity in its processed state includes but is not limited to dairy products, pastries, pies, and meat or poultry products.

NEW SUBSECTION. 14A. "*On-farm processing operation*" means any place located on a farm where the form or condition of a food commodity originating from that farm or another farm is changed or packaged for human consumption, including but not limited to a dairy, creamery, winery, distillery, cannery, bakery, or meat or poultry processor.

Sec. 2. NEW SECTION. 455B.172A On-farm processing operations.

1. The department shall adopt by rule standards for the disposal of wastewater from an on-farm processing operation. These standards shall provide for but are not limited to disposal by all of the following:

a. By land application if all of the following apply:

(1) The volume of wastewater produced by the on-farm processing operation is less than one thousand five hundred gallons per day.

(2) The wastewater is land-applied by a person licensed by the department under section 455B.172.

(3) The application rate does not exceed thirty thousand gallons per acre per year.

(4) The application rate does not exceed one thousand five hundred gallons per acre per day.

(5) The standards for land application are consistent with the rules for land application of septage that implement section 455B.172.

b. At a publicly owned treatment works or other wastewater treatment system with the permission of the owner of the treatment works.

c. Through a subsurface absorption system in conformance with applicable regulations of the United States environmental protection agency.

d. Through a disposal system that meets all of the following:

(1) The disposal system is located on the same site as the on-farm processing operation.

(2) The disposal system is constructed in conformance with a permit issued by the department.

(3) For a disposal system that discharges wastewater to a water of the United States, the system must be operated in conformance with a national pollutant discharge elimination system permit issued by the department under section 455B.197.

2. The department shall adopt by rule standards for the disposal of septage from an on-farm processing operation. The rules shall provide that the septage may be discharged to a permitted septage lagoon or septage drying bed with the permission of the owner of the septage system.

Sec. 3. Section 455B.197, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The owner of an on-farm processing

operation that produces less than one thousand five hundred gallons per day of wastewater shall not be assessed a fee by the department under this section.



JOHN P. KIBBIE

President of the Senate



KRAIG PAULSEN

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 321, Eighty-fourth General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved April 7, 2011



TERRY E. BRANSTAD

Governor