

FEB 8 1996
Agriculture

HOUSE FILE 2184
BY SUKUP, TEIG, ARNOLD,
BRANSTAD, GARMAN, and
COON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to animal feeding operations by providing for
2 minimum distance requirements, establishing applicability
3 provisions, and making penalties applicable.

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

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HF 2184

1 Section 1. Section 455B.162, unnumbered paragraph 1, Code
 2 Supplement 1995, is amended by striking the unnumbered
 3 paragraph.

4 Sec. 2. Section 455B.162, subsection 1, paragraph a, Code
 5 Supplement 1995, is amended to read as follows:

6 a. The following table represents the minimum separation
 7 distance in feet required between an animal feeding operation
 8 structure and a residence not owned by the owner of the animal
 9 feeding operation, or a commercial enterprise, bona fide
 10 religious institution, or an educational institution:

	Minimum separation distance in feet for operations	Minimum separation distance in feet for operations
14 Minimum separation	14 having an animal	14 Minimum separation
15 distance in feet	15 weight capacity of	15 distance in feet
16 for operations	16 625,000 or more	16 for operations
17 having an animal	17 pounds but less	17 having an animal
18 weight capacity of	18 than 1,250,000	18 weight capacity of
19 less than 625,000	19 pounds for animals	19 1,250,000 or more
20 pounds for animals	20 other than bovine,	20 pounds for animals
21 other than bovine,	21 or 1,600,000 or more	21 other than bovine,
22 or less than	22 pounds but less	22 or 4,000,000 or
23 1,600,000 pounds	23 than 4,000,000	23 more pounds for
24 for bovine	24 pounds for bovine	24 bovine
25 Type of structure		
26		
27 Anaerobic lagoon	1,250	1,875
28 Uncovered earthen manure		2,500
29 storage basin	1,250	1,875
30 Uncovered formed manure		2,500
31 storage structure	1,700 <u>1,250</u>	1,500
32 Covered earthen manure		2,000
33 storage basin	750 <u>1,250</u>	1,700 <u>1,250</u>
34 Covered formed manure		1,500
35 storage structure	750 <u>1,250</u>	1,700 <u>1,250</u>
		1,500

1	Confinement building	750	<u>1,250</u>	1,000	<u>1,250</u>	1,500
2	Egg washwater storage					
3	structure	750	<u>1,250</u>	1,000	<u>1,250</u>	1,500

4 Sec. 3. APPLICABILITY. Except as provided in section
5 455B.163, Code Supplement 1995, as enacted by 1995 Iowa Acts,
6 chapter 195, section 17, with regard to the continued
7 operation of animal feeding operations constructed prior to
8 May 31, 1995, or the expansion of structures constructed prior
9 to May 31, 1995, the provisions of section 455B.162,
10 subsection 1, paragraph "a", Code Supplement 1995, as enacted
11 by 1995 Iowa Acts, chapter 195, section 16, shall continue to
12 apply to animal feeding operation structures constructed on or
13 after May 31, 1995, but prior to the effective date of this
14 Act, and to the expansion of such structures constructed on or
15 after May 31, 1995, but prior to the effective date of this
16 Act.

17 EXPLANATION

18 This bill amends provisions enacted in 1995 relating to
19 separation distances required between animal feeding operation
20 structures such as a manure storage structure, confinement
21 building, or egg washwater storage structure and a residence
22 not owned by the owner of the animal feeding operation,
23 commercial enterprise, bona fide religious institution,
24 educational institution, or public use area. The bill
25 increases the minimum distance from 750 or 1,000 feet to 1,250
26 feet.

27 A person violating the bill's provisions is subject to a
28 civil penalty which cannot exceed \$10,000 for a violation.

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