

FEB 13 1996
Agriculture

HOUSE FILE 2194
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the submission and filing of construction
2 permit applications and manure management plans involving
3 animal feeding operations with county boards of supervisors
4 and permitting the imposition of a filing fee.

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

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HF 2194

1 Section 1. Section 455B.173, subsection 13, Code
2 Supplement 1995, is amended to read as follows:

3 13. a. Adopt, modify, or repeal rules relating to the
4 construction or operation of animal feeding operations. The
5 rules shall include, but are not limited to, minimum manure
6 control requirements, requirements for obtaining permits, and
7 departmental evaluations of animal feeding operations. The
8 department shall not require that a person obtain a permit for
9 the construction of an animal feeding operation structure, if
10 the structure is part of a small animal feeding operation.

11 b. The department shall collect an indemnity fee as
12 provided in section 204.3 prior to the issuance of a
13 construction permit. The department shall deposit moneys
14 collected in indemnity fees in the manure storage indemnity
15 fund created in section 204.2.

16 c. The department shall not approve a permit for the
17 construction of three or more animal feeding operation
18 structures unless the applicant files a statement approved by
19 a professional engineer registered pursuant to chapter 542B
20 certifying that the construction of the animal feeding
21 operation structure will not impede the drainage through
22 established drainage tile lines which cross property boundary
23 lines unless measures are taken to reestablish the drainage
24 prior to completion of construction. ~~The department shall~~
25 ~~deposit moneys collected in indemnity fees in the manure~~
26 ~~storage indemnity fund created in section 204.2.~~

27 d. The department shall issue a permit for an animal
28 feeding operation, if an application is submitted according to
29 procedures required by the department, and the application
30 meets standards established by the department, regardless of
31 whether the animal feeding operation is required to obtain
32 such a permit. An applicant for a construction permit shall
33 not begin construction at the location of a site planned for
34 the construction of an animal feeding operation structure,
35 until the person has been granted a permit for the

1 construction of the structure by the department. The
2 department shall make a determination regarding the approval
3 or denial of a permit within sixty days from the date that the
4 department receives a completed application for a permit.
5 However, the sixty-day requirement shall not apply to an
6 application, if the applicant is not required to obtain a
7 permit in order to construct an animal feeding operation
8 structure or to operate an animal feeding operation. The
9 department shall deliver a copy or require the applicant to
10 deliver a copy of the application for a construction permit
11 and the applicant's manure management plan to the county board
12 of supervisors in the county where the confinement feeding
13 operation or confinement feeding operation structure subject
14 to the permit is to be located. The board may file the
15 application and the manure management plan, as provided in
16 section 455B.203, with the county recorder, and require that
17 the applicant submit a filing fee. The department shall not
18 approve the application or issue a construction permit until
19 thirty days following delivery of the application to the
20 county board of supervisors. The department shall consider
21 comments from the county board of supervisors, regarding
22 compliance by the applicant with the legal requirements for
23 the construction of the confinement feeding operation
24 structure as provided in this chapter, and rules adopted by
25 the department pursuant to this chapter, if the comments are
26 delivered to the department within fourteen days after receipt
27 of the application by the county board of supervisors.

28 e. Prior to granting a permit to a person for the
29 construction of an animal feeding operation, the department
30 may require the installation and operation of a hydrological
31 monitoring system for an exclusively earthen manure storage
32 structure, if, after an on-site inspection, the department
33 determines that the site presents an extraordinary potential
34 for groundwater pollution.

35 f. A person shall not obtain a permit for the construction

1 of a confinement feeding operation, unless the person develops
2 a manure management plan as provided in section 455B.203.

3 g. The department shall not issue a permit to a person
4 under this subsection if an enforcement action by the
5 department, relating to a violation of this chapter concerning
6 a confinement feeding operation in which the person has an
7 interest, is pending. The department shall not issue a permit
8 to a person under this subsection for five years after the
9 date of the last violation committed by a person or
10 confinement feeding operation in which the person holds a
11 controlling interest during which the person or operation was
12 classified as a habitual violator under section 455B.191. The
13 department shall conduct an annual review of each confinement
14 feeding operation which is a habitual violator and each
15 confinement feeding operation in which a habitual violator
16 holds a controlling interest. The department shall notify
17 persons classified as habitual violators of their
18 classification, additional restrictions imposed upon the
19 persons pursuant to the classification, and special civil
20 penalties that may be imposed upon the persons. The notice
21 shall be sent to the persons by certified mail.

22 EXPLANATION

23 This bill amends section 455B.173, which, in part, provides
24 that the department of natural resources must grant a
25 construction permit for animal feeding operations. The
26 section provides that a person cannot obtain a permit for the
27 construction of a confinement feeding operation structure,
28 unless the person develops a manure management plan. The
29 section also provides that the department must deliver a copy,
30 or require the applicant to deliver a copy, of the application
31 to the county board of supervisors in the county where the
32 confinement feeding operation structure, subject to the
33 permit, is to be located.

34 This bill provides that the department or the applicant
35 must submit a copy of the manure management plan to the county

1 board of supervisors, and that the board may file the
2 application and the manure management plan with the county
3 recorder. The bill also provides that the county may require
4 the applicant to pay a filing fee.

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