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Agriculture

HOUSE FILE 2195
BY TEIG, SUKUP, ARNOLD,
and BRANSTAD

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

A BILL FOR

An Act relating to the removal, rerouting, and capping of drainage tile lines near confinement feeding operations, and making penalties applicable.

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

HF 2195

TLSB 3588YH 76
da/cf/24

S.F. _____ H.F. 2195

1 Section 1. Section 455B.171, Code Supplement 1995, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 12A. "Manure storage structure" means an
4 aerobic structure, anaerobic lagoon, earthen manure storage
5 basin, or formed manure storage structure. "Manure storage
6 structure" does not include an egg washwater storage
7 structure.
8 Sec. 2. NEW SECTION. 455B.173A REMOVAL AND CAPPING OF
9 DRAINAGE TILE LINES.
10 1. Prior to constructing a manure storage structure that
11 is part of a confinement feeding operation, other than a
12 structure used for the storage of manure in an exclusively dry
13 form, for which the department requires a construction permit
14 pursuant to section 455B.173, an applicant for a construction
15 permit shall inspect the site of the confinement feeding
16 operation for drainage tile lines and examine all applicable
17 records of known drainage tiles.
18 a. Prior to the excavation for the berm of an aerobic
19 structure, anaerobic lagoon, or earthen manure storage basin,
20 an applicant for the construction permit shall do one of the
21 following:
22 (1) Dig an inspection trench at least ten inches wide
23 around the structure to a depth of at least six feet from the
24 original grade and at least fifty feet from the projected
25 outside edge of the berm.
26 (2) Dig a core trench to a depth of at least six feet from
27 grade at the projected center of the berm. After inspection
28 for tile lines and after any discovered tile lines are
29 removed, an additional containment barrier shall be
30 constructed underneath the center of the berm. The additional
31 containment barrier shall meet the same percolation standards
32 established by the department for an anaerobic lagoon or
33 earthen manure storage basin with the lateral flow potential
34 restricted to one-sixteenth of an inch per day.
35 b. A drainage tile line discovered near an aerobic

1 structure, anaerobic lagoon, or earthen manure storage basin
2 shall be removed within fifty feet of the projected outside
3 edge of the berm and within the projected site of the
4 structure including under the berm. A drainage tile line
5 discovered upgrade from the structure shall be rerouted
6 outside the perimeters of fifty feet from the berm to continue
7 the flow of drainage. A drain tile line installed at the time
8 of construction to lower a perched groundwater layer may
9 remain where it is located. All other drainage tile lines
10 discovered shall be rerouted, capped, plugged with concrete,
11 bentonite, or similar materials, or reconnected to upgrade
12 tile lines.
13 c. The applicant for a construction permit for a formed
14 manure storage structure must inspect the site for tile lines
15 during excavation for the structure. A drainage tile line
16 discovered upgrade from the structure must be rerouted around
17 the formed manure storage structure to continue the flow of
18 drainage. Any other drainage tile line discovered shall be
19 rerouted, capped, plugged with concrete, bentonite, or similar
20 materials, or reconnected to an upgrade tile line. A drainage
21 tile line installed at the time of construction to lower a
22 perched groundwater layer may remain where located.
23 d. An applicant may utilize other proven methods approved
24 by the department to discover drainage tile lines.
25 e. The department may grant a variance to a requirement of
26 this subsection, if the applicant provides an alternative
27 method that is substantially equivalent to the requirements of
28 this subsection or provides improved effectiveness or
29 protection than that required by this subsection. A request
30 for a variance shall be made according to rules adopted by the
31 department. The denial of a variance may be appealed to the
32 commission.
33 f. The department may grant a waiver from a requirement of
34 this subsection if sufficient information is provided that the
35 area where the confinement feeding operation is located does

1 not have a history of drainage tile lines.
2 2. The owner of an aerobic structure, anaerobic lagoon, or
3 earthen manure storage basin, other than an egg washwater
4 storage structure, that is part of a confinement feeding
5 operation with a construction permit granted before the
6 effective date of this Act, shall inspect the anaerobic
7 structure, anaerobic lagoon, or earthen manure storage basin
8 not later than July 1, 1997.
9 a. The inspection shall include an examination of all
10 applicable records of known drainage tiles. The inspection
11 shall be performed by digging an inspection trench at least
12 ten inches wide around the structure to a depth of at least
13 six feet from the original grade and at least fifty feet from
14 the outside edge of the berm. The owner first shall inspect
15 the area where trenching is to occur and manure management
16 records to determine if there is any evidence of leakage and,
17 if so, shall contact the department for further instructions
18 regarding proper inspection procedures. The confinement
19 feeding operation shall either obtain permission from an
20 adjoining property owner or trench up to the boundary line of
21 the property if the distance of fifty feet would require the
22 inspection trench to go onto the adjoining property.
23 b. The owner of the confinement feeding operation may
24 utilize other proven methods approved by the department to
25 discover drainage tile lines.
26 c. A drainage tile line discovered near an aerobic
27 structure, anaerobic lagoon, or earthen manure storage basin,
28 other than an egg washwater storage structure, shall be
29 removed within fifty feet of the outside edge of the berm. A
30 drainage tile line discovered upgrade from the aerobic
31 structure, anaerobic lagoon, or earthen manure storage basin
32 shall be rerouted outside the perimeter of fifty feet from the
33 berm to continue the flow of drainage. All other drainage
34 tile lines discovered shall be rerouted, capped, plugged with
35 concrete, bentonite, or similar materials, or reconnected to

1 upgrade tile lines. A drainage tile line installed at the
2 time of construction to lower a perched groundwater layer may
3 either be avoided if the location is known or may remain at
4 the location if discovered.
5 d. If the owner of a confinement feeding operation
6 discovers a drainage tile that projects underneath the berm,
7 the owner shall do one of the following:
8 (1) Contact the department to obtain permission to remove
9 the drainage tile under the berm. The manure in the structure
10 must be lowered to a point below the depth of the tile prior
11 to removing the drainage tile from under the berm. Prior to
12 using the structure, the department must approve a new
13 percolation test submitted from the owner.
14 (2) Grout the length of the tile under the berm to the
15 extent possible. The material used to grout shall include
16 concrete, bentonite, or similar materials.
17 e. The department may grant a variance to a requirement of
18 this subsection, if the applicant provides an alternative
19 method that is substantially equivalent to this subsection's
20 requirements or provides improved effectiveness or protection
21 than is required by this subsection. A request for a variance
22 shall be made in writing as provided by the department. A
23 denial of a variance may be appealed to the commission.
24 f. The department may grant a waiver of a requirement of
25 this subsection if sufficient information is provided that the
26 location does not have a history of drainage tile lines.
27 g. A written record describing the actions taken to
28 determine the existence of drainage tile lines, the findings,
29 and actions taken to comply with this subsection shall be
30 prepared and maintained as part of the owner's manure
31 management plan records, as provided in section 455B.203.
32 EXPLANATION
33 This bill amends chapter 455B, which in part provides for
34 the regulation of animal feeding operations. This bill
35 codifies provisions adopted as proposed rules by the

1 environmental protection commission relating to the removal,
2 rerouting, and capping of drainage tiles around confinement
3 feeding operations. However, the bill provides that
4 provisions in the rules applicable to existing operations
5 required to obtain construction permits after December 31,
6 1992, but before the effective date of the rules, apply to all
7 confinement feeding operations required to obtain a
8 construction permit prior to the effective date of the bill.
9 The bill provides that prior to constructing a manure
10 storage structure, other than a structure used for the storage
11 of manure in an exclusively dry form, for which the department
12 requires a construction permit, an applicant for a
13 construction permit must make an inspection of the site and
14 examination of related records to determine the existence of
15 drainage tile lines.
16 The bill provides for excavation of land around an aerobic
17 structure, anaerobic lagoon, or earthen manure storage basin
18 confinement feeding operation structure, and for the removal,
19 rerouting, or plugging of drainage tile lines. If a drainage
20 tile line is found near a formed manure storage structure,
21 similar requirements for removal, rerouting, or plugging the
22 line are established.
23 The bill provides that the department may grant a variance
24 to a requirement of the bill. The bill also provides for a
25 grant of waivers to a confinement feeding operation located in
26 an area which does not have a history of drainage tile lines.
27 The bill imposes similar requirements upon the owner of an
28 existing aerobic structure, anaerobic lagoon, or earthen
29 manure storage basin, other than an egg washwater storage
30 structure, that is part of a confinement feeding operation
31 with a construction permit granted before the effective date
32 of the bill. The bill requires the owner to conduct an
33 inspection not later than July 1, 1997. The bill provides
34 that a written record describing the owner's actions to comply
35 with the requirements must be prepared and maintained as part

of the owner's manure management plan records.

According to section 455B.191, a person violating the bill's provisions is subject to a civil penalty of not more than $5,000.