

FEB 26 1996  
Agriculture

HOUSE FILE **2327**  
BY BRADLEY and GRUBBS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to professional engineers and engineering  
2 standards involved in the approval of permits for confinement  
3 swine feeding operations.

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

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**HF 2327**

1 Section 1. NEW SECTION. 331.411 CONFINEMENT FEEDING  
2 OPERATIONS.

3 1. As used in this section:

4 a. "Confinement swine feeding operation" means an animal  
5 feeding operation in which swine are confined to areas which  
6 are totally roofed.

7 b. "Construction permit" means a permit issued by the  
8 department for the construction of a structure, device, or  
9 practice.

10 c. "Consulting engineer" means a professional engineer  
11 serving the county as an employee or pursuant to a contract.

12 d. "Department" means the department of natural resources.

13 e. "Professional engineer" means an engineer registered  
14 pursuant to chapter 542B.

15 f. "Structure, device, or practice" means an animal  
16 feeding operation structure, including an anaerobic lagoon,  
17 earthen manure storage basin, formed manure storage structure,  
18 or any related pollution control device or practice, which is  
19 part of a confinement swine feeding operation regulated by the  
20 department of natural resources.

21 2. A person shall not receive a construction permit from  
22 the department, unless the application is recommended for  
23 approval by the county engineer or a consulting engineer  
24 serving the county in which the structure, device, or practice  
25 is to be located. The county may waive any right to receive  
26 an application for further comment prior to approval by the  
27 department.

28 Within fourteen calendar days after receipt of the  
29 application by the county, the county engineer or the  
30 consulting engineer shall either recommend the approval or  
31 disapproval of the application and forward the application to  
32 the department as required by the department. An application  
33 which is not received by the department in a timely manner  
34 shall be deemed to be recommended for approval by the county  
35 engineer or consulting engineer.

1 3. The application shall include preliminary drawings and  
2 specifications required by the county engineer or consulting  
3 engineer. The application must be certified by the  
4 applicant's professional engineer. The county engineer or  
5 consulting engineer shall conduct a technical review of the  
6 application to ensure that the construction does not violate  
7 state law, including rules adopted by the department of  
8 natural resources, and addresses criteria required by the  
9 county engineer or consulting engineer, including the  
10 environmental sensitivity of the site, the area's soil  
11 condition, the proximity of the structure or practice to  
12 surface water, the level of the area's water table, the  
13 potential for flooding, and drainage.

14 4. If the department approves the application, the permit  
15 shall be conditioned upon inspection of the construction by  
16 the county engineer or consulting engineer during each phase  
17 of construction. Any changes in the construction shall be  
18 approved by the county engineer or consulting engineer, and  
19 noted on final as-built drawings and specifications which  
20 shall be filed by the county. A copy of the approved final  
21 as-built drawings and specifications shall be forwarded to the  
22 department for filing.

23 5. The department shall annually reimburse each county for  
24 an amount expended by the county in recommending the approval  
25 or disapproval of a construction permit prior to departmental  
26 approval. The reimbursement shall be made according to rules  
27 adopted by the department. An applicant shall reimburse the  
28 county for the amount expended by the county in inspecting  
29 each phase of construction, and approving final as-built  
30 drawings and specifications for the construction.

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#### EXPLANATION

32 This bill provides for the issuance of construction permits  
33 for an animal feeding operation structure, including an  
34 anaerobic lagoon, earthen manure storage basin, formed manure  
35 storage structure, or any related pollution control device or

1 practice, which is part of a confinement swine feeding  
2 operation regulated by the department of natural resources.  
3 The bill prohibits a person from receiving a construction  
4 permit, unless the county engineer or a professional engineer  
5 serving the county recommends the approval of the permit to  
6 the department. The bill provides that the application must  
7 include preliminary drawings and specifications. In addition,  
8 the bill requires the application be certified by the  
9 applicant's professional engineer. The application is  
10 required to ensure that the construction does not violate  
11 state law, including rules adopted by the department of  
12 natural resources, and addresses criteria required by the  
13 county engineer or other professional engineer serving the  
14 county. The bill provides that once the department approves  
15 the application, the permit is conditioned upon inspection of  
16 the construction by the professional engineer serving the  
17 county during each phase of construction. The bill requires  
18 the department to annually reimburse each county for an amount  
19 expended by the county in approving or disapproving a permit  
20 prior to departmental approval. The bill requires an  
21 applicant to reimburse the county for the amount expended by  
22 the county in inspecting each phase of construction, and  
23 approving final as-built drawings and specifications for the  
24 construction.

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