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SENATE FILE 327
BY IVERSON and HUSAK

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

A BILL FOR

1 An Act providing for the regulation of animal feeding operations
2 by providing for manure management practices, and providing
3 for the application of penalties.

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

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S.F. 327

1 Section 1. Section 455B.171, Code 1995, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 1A. "Anaerobic lagoon" means an
4 impoundment used in conjunction with a confinement feeding
5 operation, if the primary function of the impoundment is to
6 store and stabilize manure wastes, the impoundment is designed
7 to receive manure on a regular basis, and the impoundment's
8 design manure loading rates provide that the predominant
9 biological activity is anaerobic. An anaerobic lagoon does
10 not include any of the following:

11 a. A confinement feeding operation structure.

12 b. A runoff control basin which collects and stores only
13 precipitation induced runoff from an operation in which
14 animals are confined to areas which are unroofed or partially
15 roofed and in which no crop, vegetation, or forage growth or
16 residue cover is maintained during the period in which animals
17 are confined in the operation.

18 c. An anaerobic treatment system which includes collection
19 and treatment facilities for all off gases.

20 NEW SUBSECTION. 1B. "Confinement building" means a
21 building used in conjunction with a confinement feeding
22 operation to house animals.

23 NEW SUBSECTION. 1C. "Confinement feeding operation" means
24 a totally roofed area in which animals are confined and fed
25 and maintained for forty-five days or more in any twelve-month
26 period, and all structures used for storage of manure from
27 animals in the operation. Two or more operations under common
28 ownership or management are deemed to be a single confinement
29 feeding operation if they are adjacent or utilize a common
30 area or system for manure disposal.

31 NEW SUBSECTION. 1D. "Confinement feeding operation
32 structure" means a formed manure storage structure, egg
33 washwater storage structure, earthen manure storage basin, or
34 confinement building. A confinement feeding operation
35 structure does not include an anaerobic lagoon.

1 NEW SUBSECTION. 4A. "Earthen manure storage basin" means
2 an earthen cavity, either covered or uncovered, which, on a
3 regular basis, receives waste discharges from a confinement
4 feeding operation if accumulated wastes from the basin are
5 completely removed at least twice each year.

6 NEW SUBSECTION. 4B. "Egg washwater storage structure"
7 means an aerobic or anaerobic structure used to store the
8 wastewater resulting from the washing and in-shell packaging
9 of eggs.

10 NEW SUBSECTION. 6A. "Formed manure storage structure"
11 means a structure, either covered or uncovered, used to store
12 manure, which has walls and a floor constructed of concrete,
13 concrete block, wood, steel, or similar materials.

14 NEW SUBSECTION. 7A. "Manure" means animal excreta or
15 other commonly associated wastes of animals, including, but
16 not limited to, bedding, litter, or feed losses.

17 NEW SUBSECTION. 7B. "Manure sludge" means the solid or
18 semisolid residue produced during the treatment of manure in
19 an anaerobic lagoon.

20 Sec. 2. NEW SECTION. 455B.201 MANURE MANAGEMENT
21 PRACTICES.

22 1. The department shall adopt rules for manure management
23 practices by persons required to obtain a permit for the
24 construction of a confinement feeding operation.

25 2. The rules for manure management practices shall include
26 the following:

27 a. Requirements for the submission and approval of a
28 manure management plan as provided in section 455B.202.

29 b. Manure application practices, including manure
30 application rates on land based on the production of
31 designated crops and according to crop schedules. The
32 application rates shall be based on nitrogen use levels of
33 designated crops, if the land where the manure is applied does
34 not exceed soil loss limits. The department shall establish
35 manure application rates based on phosphorus use levels of

1 designated crops, and phosphorus levels in the soil if the land
2 where the manure is applied exceeds soil loss limits.

3 c. The testing and management of manure sludge contained
4 in an anaerobic lagoon.

5 d. The application of manure sludge to land based on the
6 phosphorus content of the sludge, the phosphorus needs of the
7 crops, and the phosphorus levels in the soil.

8 3. The department shall consider adopting requirements
9 which distinguish between practices based on different types
10 of manures.

11 4. The department shall adopt rules based on
12 recommendations submitted by Iowa state university and the
13 division of soil conservation of the department of agriculture
14 and land stewardship.

15 Sec. 3. NEW SECTION. 455B.202 MANURE MANAGEMENT PLAN
16 REQUIREMENTS.

17 1. a. A person shall not receive a permit for the
18 construction of a confinement feeding operation as provided in
19 section 455B.173, unless the person submits and complies with
20 a manure management plan in accordance with rules which shall
21 be adopted by the department pursuant to chapter 17A. The
22 plan shall provide for the application of manure in a manner
23 that is consistent with manure management practices provided
24 in section 455B.201. The department shall adopt all rules
25 required to implement this section not later than six months
26 following the effective date of this Act.

27 b. A person issued a permit for the construction of a
28 confinement feeding operation before January 1, 1994, shall
29 submit a manure management plan to the department not later
30 than two years and six months after the effective date of this
31 Act. A person issued a permit for the construction of a
32 confinement feeding operation between January 1, 1994, and six
33 months after the effective date of this Act, shall submit a
34 manure management plan to the department not later than one
35 year after the effective date of this Act. If a person

1 required to submit a delayed plan pursuant to this paragraph
2 violates section 455B.201, the person shall be required to
3 submit the plan to the department not later than one hundred
4 twenty days following notice by the department.

5 2. The manure plan manager shall administer the
6 implementation of and compliance with the plan, including
7 manure sludge management. The manure plan manager shall be
8 certified within six months after the department issues a
9 permit for the confinement feeding operation. However, a
10 person is not required to obtain a certification until two
11 years and six months following the effective date of this Act.

12 3. A manure management plan shall include, but is not
13 limited to, the following:

14 a. Calculations to determine the land area required for
15 application of manure from the confinement feeding operation
16 for the crop schedule specified in the plan.

17 b. The rate of manure application which shall be
18 consistent with the requirements of section 455B.201.

19 c. A crop schedule for land subject to application.

20 d. Manure sludge practices as required pursuant to
21 subsection 4.

22 4. A person operating a confinement feeding operation
23 which utilizes an anaerobic lagoon shall include a provision
24 for manure sludge management. The department shall adopt
25 rules for manure sludge management. The rules may include a
26 requirement that following approval of the plan by the
27 department, the depth of sludge be periodically determined,
28 the manure sludge tested for phosphorus content, and the
29 results of the test submitted to the department. The
30 department shall determine whether the person shall be
31 required to remove the manure sludge. If applied to land, the
32 department shall determine sludge application practices
33 pursuant to section 455B.201, based on the information
34 submitted by the person and standards recommended by Iowa
35 state university.

1 5. A person receiving a permit for the construction of a
2 confinement feeding operation shall maintain a current manure
3 management plan and maintain records sufficient to demonstrate
4 compliance with the manure management plan. Chapter 22 shall
5 not apply to the records which shall be kept confidential by
6 the department and its agents and employees. The contents of
7 the records are not subject to disclosure except as follows:

8 a. Upon waiver by the person receiving the permit.

9 b. In an action or administrative proceeding commenced
10 under this chapter. Any hearing related to the action or
11 proceeding shall be closed.

12 c. When required by subpoena or court order.

13 6. The department may inspect the confinement feeding
14 operation at any time during normal working hours, and may
15 inspect records required to be maintained as part of the
16 manure management plan.

17 7. A person required to submit a manure management plan
18 who is found in violation of the terms and conditions of the
19 plan shall not be subject to an enforcement action other than
20 assessment of a civil penalty pursuant to section 455B.191.

21 EXPLANATION

22 This bill provides for the regulation of confinement
23 feeding operations by the department of natural resources.

24 The bill requires the department to adopt rules relating to
25 manure application practices by persons required to obtain a
26 permit for the construction of confinement feeding operations.
27 Generally a confinement feeding operation is an area which is
28 totally roofed in which animals are confined and fed and
29 maintained for 45 days in any 12-month period. The department
30 must adopt rules based on recommendations submitted by Iowa
31 state university and the department of agriculture and land
32 stewardship.

33 The bill provides for manure management plans. A person
34 cannot receive a permit for the construction of a confinement
35 feeding operation unless the person develops and complies with

1 a manure management plan as provided by rules which shall be
2 adopted by the department. The plan shall provide for the
3 application of manure in a manner that is consistent with
4 manure management practices required in the bill. The bill
5 provides for delayed implementation of the requirement.

6 The bill provides that a person operating a confinement
7 feeding operation which utilizes an anaerobic lagoon must
8 provide for manure sludge management as part of the plan. The
9 bill provides that a person required to maintain the plan must
10 keep records sufficient to demonstrate compliance with the
11 manure management plan. The public records law does not apply
12 to the records.

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