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Agriculture

HOUSE FILE 217
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and RAYHONS

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

A BILL FOR

1 An Act providing for the plugging of agricultural drainage wells
2 and the construction of alternative drainage systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 468A.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Agricultural drainage well" means a vertical opening
5 to an aquifer or permeable substratum which is constructed by
6 any means including but not limited to drilling, driving,
7 digging, boring, augering, jetting, washing, or coring, and
8 which is capable of intercepting or receiving surface or
9 subsurface drainage water from agricultural land.

10 2. "Agricultural drainage well basin" means an area of
11 land where surface or subsurface water drains into an
12 agricultural drainage well directly or through a drainage
13 system.

14 3. "Alternative drainage system" means a drainage system
15 constructed as part of a drainage district in order to drain
16 surface or subsurface water from agricultural land due to the
17 plugging of an agricultural drainage well.

18 4. "Anaerobic lagoon" means the same as defined in section
19 455B.161.

20 5. "Cost-share" means a contribution of money made by the
21 state in order to pay a percentage of the costs related to
22 plugging an agricultural drainage well or constructing an
23 alternative drainage system as provided in this chapter.

24 6. "Designated drainage area" means an agricultural
25 drainage well basin or a drainage district in which there is
26 located an anaerobic lagoon or earthen manure storage basin
27 for which a construction permit is required to be obtained
28 from the department of natural resources pursuant to section
29 455B.173.

30 7. "Division" means the soil conservation division of the
31 department of agriculture and land stewardship.

32 8. "Drainage district" means a drainage district
33 established pursuant to chapter 468.

34 9. "Drainage system" means tile lines, laterals, surface
35 inlets, or other improvements which are constructed to

1 facilitate the drainage of agricultural land.

2 10. "Earthen manure storage basin" means the same as
3 defined in section 455B.161.

4 Sec. 2. NEW SECTION. 468A.2 CLOSURE OF AGRICULTURAL
5 DRAINAGE WELLS AND CONSTRUCTION OF ALTERNATIVE DRAINAGE
6 SYSTEMS.

7 1. Not later than December 31, 2001, the owner of land
8 which is within a designated drainage area shall plug each
9 agricultural drainage well located on the land. The owner
10 shall plug the agricultural drainage well in a manner using
11 materials and according to specifications required by rules
12 which shall be adopted by the department of natural resources.
13 The department may provide different plugging requirements
14 based on classifications established by the department.
15 However, the department's requirements shall ensure that an
16 agricultural drainage well is plugged by using sealing
17 materials such as bentonite to permanently seal the
18 agricultural drainage well from contamination by surface or
19 subsurface water drainage.

20 2. A person owning land affected by the plugging of an
21 agricultural drainage well as required pursuant to subsection
22 1 may construct an alternative drainage system as part of an
23 established or new drainage district. The alternative
24 drainage system shall ensure that surface or subsurface water
25 does not drain into an agricultural drainage well. A
26 competent registered professional engineer shall certify that
27 work related to plugging an agricultural drainage well and
28 constructing an alternative drainage system meets all
29 applicable engineering standards. If the site is within an
30 established drainage district, the engineer shall be the
31 district's engineer appointed pursuant to section 468.10 or an
32 engineer approved by the district's engineer.

33 3. The department of natural resources shall provide
34 notice to owners of land registering agricultural drainage
35 wells pursuant to section 159.29 within designated drainage

1 areas. The notice shall include the deadline for complying
2 with this section, and information regarding the alternative
3 drainage system assistance program as provided in section
4 468A.5. The notice may be provided by print, electronic
5 media, or other notification process as determined appropriate
6 by the department.

7 Sec. 3. NEW SECTION. 468A.3 ASSESSMENT OF COSTS WITHIN
8 AN ESTABLISHED DRAINAGE DISTRICT.

9 The costs of plugging an agricultural drainage well or
10 constructing an alternative drainage system within an
11 established drainage district shall be assessed as a special
12 assessment by the board of the drainage district as provided
13 in chapter 468.

14 Sec. 4. NEW SECTION. 468A.4 ALTERNATIVE DRAINAGE SYSTEM
15 ASSISTANCE FUND.

16 1. An alternative drainage system assistance fund is
17 created in the state treasury under the control of the
18 division. The fund is composed of moneys appropriated by the
19 general assembly, and moneys available to and obtained or
20 accepted by the division or the state soil conservation
21 committee established pursuant to section 161A.4, from the
22 United States or private sources for placement in the fund.

23 2. Moneys in the fund are subject to an annual audit by
24 the auditor of state. The fund is subject to warrants written
25 by the director of revenue and finance, drawn upon the written
26 requisition of the division.

27 3. The fund shall be used to support the alternative
28 drainage system assistance program as provided in section
29 468A.5. Moneys shall be used to provide financial incentives
30 under the program. The division may adopt rules pursuant to
31 chapter 17A to administer this section.

32 4. The division shall not in any manner directly or
33 indirectly pledge the credit of the state.

34 5. Section 8.33 shall not apply to moneys in the fund.
35 Moneys earned as income, including as interest, from the fund

1 shall remain in the fund until expended as provided in this
2 section.

3 Sec. 5. NEW SECTION. 468A.5 ALTERNATIVE DRAINAGE SYSTEM
4 ASSISTANCE PROGRAM.

5 1. The division shall establish an alternative drainage
6 system assistance program as provided by rules which shall be
7 adopted by the division pursuant to chapter 17A. The program
8 shall be supported from moneys deposited in the alternative
9 drainage system assistance fund created pursuant to section
10 468A.4.

11 2. To the extent that moneys are available to support the
12 program, the division shall provide cost-share moneys to
13 persons plugging agricultural drainage wells and constructing
14 alternative drainage systems which are not part of an
15 established drainage district system. The amount of moneys
16 allocated in cost-share payments to a person qualifying under
17 the program shall not exceed seventy-five percent of the
18 estimated cost of installing the alternative drainage system
19 or seventy-five percent of the actual cost of installing the
20 drainage system, whichever is less.

21 3. A person shall not be eligible to participate in the
22 program, if the person does any of the following:

23 a. Owns land within the agricultural well drainage basin
24 where there is located an anaerobic lagoon or earthen manure
25 storage basin for which a construction permit is required to
26 be obtained from the department of natural resources pursuant
27 to section 455B.173 or an agricultural drainage well serving
28 the agricultural well drainage basin.

29 b. Is a party to a pending legal or administrative action,
30 including a contested case proceeding under chapter 17A, which
31 relates to an alleged violation of chapter 455B involving an
32 animal feeding operation.

33 c. Is classified as a habitual violator as provided in
34 section 455B.173.

35 The department of natural resources shall cooperate with

1 the division by providing information necessary to administer
2 this subsection.

3 EXPLANATION

4 This bill provides for plugging agricultural drainage wells
5 within areas where there are located anaerobic lagoons and
6 earthen manure storage basins required to obtain construction
7 permits from the department of natural resources.

8 The bill requires that by December 31, 2001, a landowner
9 must plug an agricultural drainage well located on the land,
10 if the land drains into an agricultural drainage well. The
11 well must be plugged in a manner and according to
12 specifications required by the department of natural
13 resources. The bill provides that a professional engineer
14 must certify that the work related to plugging the
15 agricultural drainage well and constructing any alternative
16 drainage system meets all applicable engineering standards.

17 The bill requires the department of natural resources to
18 provide notice to applicable landowners of the December 31,
19 2001, deadline and information regarding a state assistance
20 program as provided in the bill.

21 The bill provides that the costs of plugging an
22 agricultural drainage well or constructing an alternative
23 drainage system within an established drainage district is to
24 be assessed as a special assessment by the board of the
25 drainage district. The bill establishes a state fund
26 administered by the soil conservation division of the
27 department of agriculture and land stewardship. The purpose
28 of the fund is to support a program also administered by the
29 division which provides cost-share moneys to landowners
30 plugging agricultural drainage wells and constructing
31 alternative drainage systems which are not part of an
32 established drainage district. The bill places restrictions
33 upon persons eligible to qualify for assistance. Assistance
34 is not available for landowners who maintain a permitted
35 anaerobic lagoon or earthen manure storage basin on the land.

1 In addition, a landowner cannot be a party to a pending legal
2 or administrative action which relates to an alleged violation
3 involving an animal feeding operation. The landowner also
4 cannot be classified as a habitual violator of regulations
5 applying to confinement feeding operations.

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