

FEB 13 1997
Agriculture

HOUSE FILE
BY KOENIGS

221

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

A BILL FOR

1 An Act relating to the construction of earthen manure storage
2 basins and anaerobic lagoons within an agricultural drainage
3 well basin, and making penalties applicable.

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

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HF 221

1 Section 1. Section 455B.171, Code 1997, is amended by
2 adding the following new subsections:

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

10 NEW SUBSECTION. 1B. "Agricultural drainage well basin"
11 means an area of land where surface or subsurface water drains
12 into an agricultural drainage well by a constructed drainage
13 system which may include tile lines, laterals, surface inlets,
14 or other improvements which facilitate drainage.

15 NEW SUBSECTION. 1C. "Anaerobic lagoon" means the same as
16 defined in section 455B.161.

17 NEW SUBSECTION. 7A. "Earthen manure storage basin" means
18 the same as defined in section 455B.161.

19 Sec. 2. Section 455B.201, Code 1997, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 5. A person shall not construct or expand
22 an earthen manure storage basin or an anaerobic lagoon within
23 an agricultural drainage well basin.

24 EXPLANATION

25 This bill amends a provision in Code chapter 455B which
26 provides for minimum manure control practices, as regulated by
27 the department of natural resources. The bill prohibits a
28 person from constructing or expanding an earthen manure
29 storage basin or an anaerobic lagoon within an agricultural
30 drainage well basin where surface or subsurface water drains
31 into an agricultural drainage well. A general civil penalty
32 provision contained in Code section 455B.191 applies to a
33 person who violates the bill. That Code section provides in
34 part that a violator is subject to a civil penalty of up to
35 \$5,000 for each day of a violation.