

JAN 22 1997  
Agriculture

HOUSE FILE 51  
BY BRADLEY

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 51

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, and  
8 addresses criteria required by the county engineer or  
9 consulting engineer, including the environmental sensitivity  
10 of the site, the area's soil condition, the proximity of the  
11 structure or practice to surface water, the level of the  
12 area's water table, the potential for flooding, and drainage.

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

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

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#### EXPLANATION

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

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

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