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Agriculture

HOUSE FILE 583  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the inspection of earthen storage structures  
2 associated with animal feeding operations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 583

1 Section 1. Section 455B.173, subsection 13, Code 1997, is  
2 amended to read as follows:

3 13. a. Adopt, modify, or repeal rules relating to the  
4 construction or operation of animal feeding operations. The  
5 rules shall include, but are not limited to, minimum manure  
6 control requirements, requirements for obtaining permits, and  
7 departmental evaluations of animal feeding operations. The  
8 department shall not require that a person obtain a permit for  
9 the construction of an animal feeding operation structure, if  
10 the structure is part of a small animal feeding operation.

11 b. The department shall collect an indemnity fee as  
12 provided in section 204.3 prior to the issuance of a  
13 construction permit. The department shall deposit moneys  
14 collected from indemnity fees in the manure storage indemnity  
15 fund created in section 204.2.

16 c. The department shall not approve a permit for the  
17 construction of three or more animal feeding operation  
18 structures, unless the applicant files a statement approved by  
19 a professional engineer registered pursuant to chapter 542B  
20 certifying that the construction of the animal feeding  
21 operation structure will not impede the drainage through  
22 established drainage tile lines which cross property boundary  
23 lines unless measures are taken to reestablish the drainage  
24 prior to completion of construction. ~~The department shall~~  
25 ~~deposit moneys collected in indemnity fees in the manure~~  
26 ~~storage indemnity fund created in section 204.2.~~

27 d. The department shall issue a permit for an animal  
28 feeding operation, if an application is submitted according to  
29 procedures required by the department, and the application  
30 meets standards established by the department, regardless of  
31 whether the animal feeding operation is required to obtain  
32 such a permit. An applicant for a construction permit shall  
33 not begin construction at the location of a site planned for  
34 the construction of an animal feeding operation structure,  
35 until the person has been granted a permit for the

1 construction of the structure by the department. The  
2 department shall make a determination regarding the approval  
3 or denial of a permit within sixty days from the date that the  
4 department receives a completed application for a permit.  
5 However, the sixty-day requirement shall not apply to an  
6 application, if the applicant is not required to obtain a  
7 permit in order to construct an animal feeding operation  
8 structure or to operate an animal feeding operation. The  
9 department shall deliver a copy or require the applicant to  
10 deliver a copy of the application for a construction permit to  
11 the county board of supervisors in the county where the  
12 confinement feeding operation or confinement feeding operation  
13 structure subject to the permit is to be located. The  
14 department shall not approve the application or issue a  
15 construction permit until thirty days following delivery of  
16 the application to the county board of supervisors. The  
17 department shall consider comments from the county board of  
18 supervisors, regarding compliance by the applicant with the  
19 legal requirements for the construction of the confinement  
20 feeding operation structure as provided in this chapter, and  
21 rules adopted by the department pursuant to this chapter, if  
22 the comments are delivered to the department within fourteen  
23 days after receipt of the application by the county board of  
24 supervisors.

25 e. Prior to granting a permit to a person for the  
26 construction of an animal feeding operation, the department  
27 may require the installation and operation of a hydrological  
28 monitoring system for an exclusively earthen manure storage  
29 structure, if, after an on-site inspection, the department  
30 determines that the site presents an extraordinary potential  
31 for groundwater pollution.

32 f. A person shall not obtain a permit for the construction  
33 of a confinement feeding operation, unless the person develops  
34 a manure management plan as provided in section 455B.203.

35 g. The department shall conduct an annual inspection of

1 each earthen structure, including but not limited to, an  
2 anaerobic lagoon or earthen manure storage basin, which is  
3 used to store manure from an animal feeding operation, if the  
4 structure is required to be constructed pursuant to a permit  
5 issued by the department.

6 h. The department shall not issue a permit to a person  
7 under this subsection if an enforcement action by the  
8 department, relating to a violation of this chapter concerning  
9 a confinement feeding operation in which the person has an  
10 interest, is pending. The department shall not issue a permit  
11 to a person under this subsection for five years after the  
12 date of the last violation committed by a person or  
13 confinement feeding operation in which the person holds a  
14 controlling interest during which the person or operation was  
15 classified as a habitual violator under section 455B.191. The  
16 department shall conduct an annual review of each confinement  
17 feeding operation which is a habitual violator and each  
18 confinement feeding operation in which a habitual violator  
19 holds a controlling interest. The department shall notify  
20 persons classified as habitual violators of their  
21 classification, additional restrictions imposed upon the  
22 persons pursuant to the classification, and special civil  
23 penalties that may be imposed upon the persons. The notice  
24 shall be sent to the persons by certified mail.

25 EXPLANATION

26 This bill amends Code chapter 455B which provides for the  
27 regulation of animal feeding operations.

28 Specifically, the bill provides that the department of  
29 natural resources must inspect on an annual basis earthen  
30 structures used to store manure from an animal feeding  
31 operation, if the structures are required to be constructed  
32 pursuant to a permit by the department of natural resources.

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