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AGRICULTURE

SENATE FILE 2106

BY BORLAUG

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

A BILL FOR

1 An Act requiring a monitoring and notification system connected
 2 to an earthen manure storage structure, providing a penalty,
 3 and providing effective dates.

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

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S.F. 2106

1 Section 1. NEW SECTION. 455A.14 EARTHEN MANURE STORAGE
2 STRUCTURES -- MONITORING AND NOTIFICATION SYSTEM.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Answering point" means a communications facility such
6 as a telephone operating service which is operated on a
7 twenty-four-hour basis and which receives and delivers
8 electronic transmissions including telephone calls.

9 b. "Earthen manure storage structure" means an anaerobic
10 lagoon, earthen manure storage basin, earthen waste slurry
11 storage basin, or aerobic structure, which is part of an
12 animal feeding operation regulated by the department.

13 2. The owner of an animal feeding operation which uses an
14 earthen manure storage structure shall install, calibrate,
15 maintain, and operate a monitoring and notification system
16 consistent with this section. The system shall include
17 electronic equipment which automatically monitors the
18 elevation of manure stored in the earthen manure storage
19 structure and notifies persons when manure in the structure
20 exceeds limits required under chapter 455E, including rules
21 adopted by the department. The equipment shall do all of the
22 following:

23 a. Sound an alarm when the elevation of manure stored in
24 the structure exceeds the minimum freeboard level required by
25 the department for the structure. The alarm shall be located
26 outside but not more than fifty feet from the structure, and
27 shall provide a continuous audible signal at a level which is
28 designed to notify persons of an emergency, and which is at
29 least one hundred twenty decibels.

30 b. Transmit an electronic notice to an answering point.
31 The notice shall identify the location of the system. The
32 answering point shall immediately notify the department and
33 the owner of the animal feeding operation, or a person
34 designated by the owner of the animal feeding operation, that
35 the system is transmitting the notice.

1 3. The department shall adopt rules necessary for the
2 administration and enforcement of this section, including the
3 adoption of standards for monitoring and notification
4 equipment and procedures for the installation, calibration,
5 maintenance, and operation of the monitoring and notification
6 system, the approval of the answering point, and procedures
7 required for notification. The department may require that
8 all notification is transmitted to one or more answering
9 points. The department shall not approve a construction or
10 operating permit for an animal feeding operation utilizing an
11 earthen manure storage structure unless the department
12 approves the installation of the monitoring and notification
13 system.

14 4. A person who violates this section, or a rule adopted
15 by the department pursuant to this section, shall be subject
16 to a civil penalty of not more than five thousand dollars for
17 each day of the violation.

18 Sec. 2. DEPARTMENTAL RULES. The department of natural
19 resources shall adopt all rules required to carry out this Act
20 by October 1, 1998.

21 Sec. 3. COMPLIANCE REQUIREMENTS. A person who has
22 constructed an earthen manure storage structure prior to
23 October 1, 1998, shall comply with the requirements of this
24 Act not later than March 1, 1999.

25 Sec. 4. EFFECTIVE DATES.

26 1. Except as provided in subsection 2, this Act takes
27 effect October 1, 1998.

28 2. Section 2 of this Act takes effect upon enactment.

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EXPLANATION

30 This bill regulates earthen manure storage structures, such
31 as anaerobic lagoons, earthen manure storage basins, earthen
32 waste slurry storage basins, and aerobic structures, which are
33 part of animal feeding operations regulated by the department.
34 The bill provides that the owner of an animal feeding
35 operation which uses an earthen manure storage structure must

1 install, calibrate, maintain, and operate a monitoring and
2 notification system. The system must include electronic
3 equipment which automatically monitors the elevation of manure
4 stored in the earthen manure storage structure and notifies
5 persons when manure in the structure exceeds required limits.
6 The equipment must sound an alarm when the elevation of manure
7 stored in the structure exceeds the minimum freeboard level
8 required for the structure, and transmit an electronic notice
9 to an answering point, such as a telephone answering system.
10 The answering point must immediately notify the department and
11 the owner of the animal feeding operation, or a person
12 designated by the owner of the animal feeding operation, that
13 the system is transmitting the notice. A person who violates
14 the bill's provisions is subject to a civil penalty of not
15 more than \$5,000 for each day of the violation. The
16 department of natural resources is required to adopt rules
17 required to carry out the bill by October 1, 1998. A person
18 constructing a structure must comply with the bill's
19 requirements by that date. A person who has constructed an
20 earthen manure storage structure prior to that date must
21 comply with the requirements of the bill not later than March
22 1, 1999.

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