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SENATE FILE 239
BY JUDGE

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

A BILL FOR

1 An Act relating to swine confinement feeding operations, by
2 providing for separation distance requirements, providing for
3 the applicability of penalties, and providing for an effective
4 date.

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

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SE. 239

1 Section 1. Section 455B.161, subsection 3, Code 1997, is
2 amended to read as follows:

3 3. a. "Animal feeding operation" means a lot, yard,
4 corral, building, or other area in which animals are confined
5 and fed and maintained for forty-five days or more in any
6 twelve-month period, and all structures used for the storage
7 of manure from animals in the operation.

8 b. Two or more animal feeding operations ~~under common~~
9 ~~ownership or management~~ are deemed to be a single animal
10 feeding operation ~~if they are adjacent~~ as follows:

11 (i) If the animal feeding operations do not include a
12 confinement swine feeding operation, the animal feeding
13 operations must be both of the following:

- 14 (a) Under common ownership or management.
- 15 (b) Adjacent or utilize a common system for manure
16 storage.

17 (2) If the animal feeding operations include a confinement
18 swine feeding operation, any of the following apply to the
19 animal feeding operations:

- 20 (a) They must utilize a common system for manure storage
21 or area for manure disposal.
- 22 (b) They must be separated by less than two thousand five
23 hundred feet, unless the combined animal weight capacity of
24 the animal feeding operations is two hundred thousand pounds
25 or less.

26 c. An animal feeding operation does not include a
27 livestock market.

28 Sec. 2. Section 455B.161, Code 1997, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 9A. "Confinement swine feeding operation"
31 means a confinement feeding operation in which swine are
32 confined and fed and all structures used for the storage of
33 manure from animals in the operation.

34 NEW SUBSECTION. 9B. "Confinement swine feeding operation
35 structure" means a confinement building or a formed swine

1 manure storage structure.

2 NEW SUBSECTION. 14A. "Formed swine manure storage
3 structure" means a formed manure storage structure used to
4 store swine manure, which has walls and a floor constructed of
5 poured concrete.

6 NEW SUBSECTION. 16A. "Manure storage structure" means any
7 structure used to store manure from an animal feeding
8 operation, including an anaerobic lagoon, earthen manure
9 storage basin, or formed manure storage structure.

10 Sec. 3. Section 455B.162, unnumbered paragraph 1, Code
11 1997, is amended to read as follows:

12 1. The Except as provided in subsection 1A, the following
13 shall apply to animal feeding operation structures constructed
14 on or after May 31, 1995; to the expansion of structures
15 constructed on or after May 31, 1995; or, except as provided
16 in section 455B.163, to the expansion of structures
17 constructed prior to May 31, 1995:

18 Sec. 4. Section 455B.162, subsection 1, unnumbered
19 paragraph 1, Code 1997, is amended by striking the unnumbered
20 paragraph.

21 Sec. 5. Section 455B.162, Code 1997, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 1A. The following shall apply to
24 confinement swine feeding operation structures constructed on
25 or after the effective date of this Act, if the confinement
26 swine feeding operations are established on or after the
27 effective date of this Act:

28 a. The following table represents the minimum separation
29 distance in feet required between a confinement swine feeding
30 operation structure and a residence not owned by the owner of
31 the confinement swine feeding operation, or a commercial
32 enterprise, bona fide religious institution, or an educational
33 institution:

34	Minimum	Minimum	Minimum
35	separation	separation	separation

1	distance in	distance in	distance in
2	feet for	feet for	feet for
3	operations	operations	operations
4	having an	having an	having an
5	animal weight	animal weight	animal weight
6	capacity of	capacity of	capacity of
7	less than	625,000 or	1,250,000 or
8	625,000	more pounds	more pounds
9	pounds	but less than	
10		1,250,000	
11		pounds	

12 Type of structure _____

13 Uncovered formed

14 swine manure

15 storage

16 structure	2,250	2,750	3,250
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17 Covered formed

18 swine manure

19 storage

20 structure	1,900	2,250	2,750
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21 Confinement

22 building	1,900	2,250	2,750
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23 b. The following table represents the minimum separation
 24 distance in feet required between confinement swine feeding
 25 operation structures and a public use area or a residence not
 26 owned by the owner of the confinement swine feeding operation,
 27 a commercial enterprise, a bona fide religious institution, or
 28 an educational institution located within the corporate limits
 29 of a city:

30	Minimum	Minimum	Minimum
31	separation	separation	separation
32	distance in	distance in	distance in
33	feet for	feet for	feet for
34	operations	operations	operations
35	having an	having an	having an

1	animal weight	animal weight	animal weight
2	capacity of	capacity of	capacity of
3	less than	625,000 or	1,250,000 or
4	625,000	more pounds	more pounds
5	pounds	but less than	
6		1,250,000	
7		pounds	

8 Type of structure

9 Confinement

10 swine

11 feeding

12 operation

13 structure	2,500	3,025	3,750
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14 Sec. 6. Section 455B.171, subsection 2, Code 1997, is
15 amended to read as follows:

16 2. a. "Animal feeding operation" means a lot, yard,
17 corral, building, or other area in which animals are confined
18 and fed and maintained for forty-five days or more in any
19 twelve-month period, and all structures used for the storage
20 of manure from animals in the animal feeding operation.

21 b. Two or more animal feeding operations ~~under common~~
22 ~~ownership or management~~ are deemed to be a single animal
23 feeding operation ~~if they are adjacent~~ as follows:

24 (1) If the animal feeding operations do not include a
25 confinement swine feeding operation, the animal feeding
26 operations must be both of the following:

27 (a) Under common ownership or management.

28 (b) Adjacent or utilize a common area or system for manure
29 disposal.

30 (2) If the animal feeding operations include a confinement
31 swine feeding operation, any of the following apply to the
32 animal feeding operations:

33 (a) They must utilize a common system or area for manure
34 storage.

35 (b) They must be separated by more than two thousand five

1 hundred feet, unless the combined animal weight capacity of
2 the animal feeding operations is two hundred thousand pounds
3 or less.

4 c. An animal feeding operation does not include a
5 livestock market as defined in section 455B.161.

6 Sec. 7. Section 455B.171, Code 1997, is amended by adding
7 the following new subsections:

8 NEW SUBSECTION. 4A. "Confinement swine feeding operation"
9 means the same as defined in section 455B.161.

10 NEW SUBSECTION. 4B. "Confinement swine feeding operation
11 structure" means the same as defined in section 455B.161.

12 NEW SUBSECTION. 9A. "Formed manure storage structure"
13 means the same as defined in section 455B.161.

14 NEW SUBSECTION. 9B. "Formed swine manure storage
15 structure" means the same as defined in section 455B.161.

16 NEW SUBSECTION. 12A. "Manure storage structure" means the
17 same as defined in section 455B.161.

18 Sec. 8. Section 455B.201, Code 1997, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 5. On and after the effective date of
21 this Act, a person shall not construct a manure storage
22 structure which is part of a confinement swine feeding
23 operation unless the manure storage structure is a formed
24 swine manure storage structure.

25 Sec. 9. Section 455B.204, subsection 1, unnumbered
26 paragraph 1, Code 1997, is amended to read as follows:

27 An animal feeding operation structure shall not be located
28 at-least constructed or expanded less than five hundred feet
29 away from the surface intake of an agricultural drainage well
30 or known sinkhole, and at-least not less than two hundred feet
31 away from a lake, river, or stream located within the
32 territorial limits of the state, any marginal river area
33 adjacent to the state, which can support a floating vessel
34 capable of carrying one or more persons during a total of a
35 six-month period in one out of ten years, excluding periods of

1 flooding. However, no a distance separation is not required
2 between a location or object and a farm pond or privately
3 owned lake, as defined in section 462A.2. A confinement swine
4 feeding operation structure shall not be constructed or
5 expanded less than five hundred feet away from a drinking
6 water well.

7 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

9 EXPLANATION

10 This bill relates to separation distance requirements
11 imposed on confinement swine feeding operations. A
12 confinement swine feeding operation is an area in which swine
13 are confined to buildings and fed and maintained for 45 days
14 or more in any 12-month period, including all structures used
15 for the storage of manure from animals in the operation.

16 The bill provides that for purposes of the regulation of
17 animal feeding operations under chapter 455B, two or more
18 animal feeding operations are deemed to be a single animal
19 feeding operation if they include a confinement swine feeding
20 operation and either use a common system for manure storage or
21 area for manure disposal, or are separated by less than 2,500
22 feet, unless the combined animal weight capacity of the animal
23 feeding operations is 200,000 pounds or less.

24 The bill provides greater separation distances for
25 confinement swine feeding operation structures constructed on
26 or after the effective date of the bill. The separation
27 distances apply between a confinement swine feeding operation
28 structure and a residence, commercial enterprise, bona fide
29 religious institution, or educational institution. Other
30 separation distances apply between a confinement swine feeding
31 operation structure and a public use area or a residence,
32 commercial enterprise, bona fide religious institution, or
33 educational institution located within the corporate limits of
34 a city.

35 The bill provides that on and after the effective date of

1 the bill, a person is prohibited from constructing a manure
2 storage structure which is part of a confinement swine feeding
3 operation unless the manure storage structure is a formed
4 swine manure storage structure.

5 The bill requires that a confinement swine feeding
6 operation structure be constructed at least 500 feet away from
7 a drinking water well.

8 Chapter 455B includes provisions imposing penalties upon
9 violators which are applicable to the provisions of this bill.
10 A person violating provisions of the bill is generally subject
11 to a civil penalty of not more than \$10,000, pursuant to
12 section 455B.109. A person who violates water quality
13 provisions is subject to a civil penalty of not more than
14 \$5,000 unless the person is classified as a habitual violator,
15 pursuant to section 455B.191. A habitual violator may be
16 subject to a civil penalty of not more than \$25,000.

17 The bill takes effect upon enactment.

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