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SENATE FILE 309  
BY BLACK of Kossuth

Passed Senate, Date \_\_\_\_\_ Passed House, 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 by prohibiting their construction  
3 within an agricultural drainage well basin or certain drainage  
4 districts, and making penalties applicable.

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

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S.F. 309

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 and subsurface water  
12 drains into an agricultural drainage well, including by a  
13 drainage system constructed of tile lines, laterals, surface  
14 inlets, 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 the boundaries of either of the following:

24 a. An agricultural drainage well basin.

25 b. A drainage district as established pursuant to chapter  
26 468, if an agricultural drainage well is located within the  
27 boundaries of the drainage district.

28 EXPLANATION

29 This bill amends a provision in Code chapter 455B which  
30 provides for minimum manure control practices as regulated by  
31 the department of natural resources. The bill prohibits a  
32 person from constructing or expanding an earthen manure  
33 storage basin or an anaerobic lagoon within the boundaries of  
34 two specific areas. The first area is an agricultural  
35 drainage well basin where surface and subsurface water drains

1 into an agricultural drainage well. The second area is a  
2 drainage district, if an agricultural drainage well is located  
3 in the drainage district. A general civil penalty provision  
4 contained in Code section 4558.191 applies to a person who  
5 violates the bill. That Code section provides in part that a  
6 violator is subject to a \$5,000 civil penalty for each day of  
7 a violation.

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