

FEB 16 2000
Agriculture

HOUSE FILE 2285
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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 regulation of manure storage structures
2 and making penalties applicable.

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

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HF 2285

1 Section 1. Section 455B.171, Code 1999, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 14A. "Highly permeable soils" means any
4 subsurface materials with a hydraulic conductivity rate
5 greater than thirty centimeters per day, which may include
6 fractured bedrock, gravel, or sand.

7 NEW SUBSECTION. 14B. "High-risk area" means any of the
8 following:

9 a. An agricultural drainage well area as defined in
10 section 455I.1.

11 b. A stream valley or a floodplain as designated by the
12 department.

13 c. An area where the typical depth of the groundwater
14 table is less than fifteen feet below the surface of the
15 ground.

16 d. An area composed predominately of highly permeable
17 soils.

18 Sec. 2. Section 455B.177, Code 1999, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 3. The general assembly further finds and
21 declares that it is in the interest of the people of Iowa to
22 both promote the prosperity of agriculture in the state,
23 including livestock operations, and to preserve and protect
24 sources of safe pollution-free water supplies used and enjoyed
25 by this state's residents. It is the intent of the general
26 assembly to require that persons owning or managing and
27 profiting from livestock operations bear the burden of
28 installing and maintaining equipment required by this chapter
29 to monitor potential pollution originating from livestock
30 operations.

31 Sec. 3. Section 455B.200A, subsection 4, Code 1999, is
32 amended to read as follows:

33 4. The department shall not issue a permit for the
34 construction of an animal feeding operation, unless the
35 applicant files a statement approved by a professional

1 engineer licensed pursuant to chapter 542B stating whether the
2 manure storage structure is to be constructed in a high-risk
3 area. The statement shall provide the distance between the
4 top of the floor of the manure storage structure's liner and
5 top of the groundwater table. Prior to issuing a permit to a
6 person for the construction of an animal feeding operation,
7 the department may require the installation and operation of a
8 hydrological monitoring system for ~~an-exclusively-earth~~ a
9 manure storage structure according to rules which shall be
10 adopted by the department.

11 Sec. 4. Section 455B.202, subsection 4, Code Supplement
12 1999, is amended to read as follows:

13 4. ~~The department shall conduct an annual review of~~
14 following shall apply to each confinement feeding operation
15 which is a habitual violator and each confinement feeding
16 operation in which a habitual violator holds a controlling
17 interest.:

18 a. The department shall conduct an annual review of the
19 confinement feeding operation.

20 b. The owner of the confinement feeding operation shall
21 collect, label, and submit samples of water originating from
22 monitoring wells installed near a manure storage structure for
23 analysis as required pursuant to section 455B.205 at least
24 once each thirty days.

25 Sec. 5. Section 455B.203, Code 1999, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 3A. The owner of a confinement feeding
28 operation shall maintain records in support of the manure
29 management plan which shall include the results of analyses of
30 subsurface water sources originating from monitoring wells as
31 provided in section 455B.205. The owner shall maintain the
32 records in a manner and for a period as required by
33 departmental rule.

34 Sec. 6. Section 455B.204, subsection 5, Code 1999, is
35 amended by striking the subsection.

1 Sec. 7. Section 455B.205, subsection 2, paragraph d, Code
2 1999, is amended to read as follows:

3 ~~d. The top of the floor of the structure's liner must be~~
4 ~~above the groundwater table as determined by the department.~~
5 If the groundwater table is less than two fifteen feet below
6 the top of the liner's floor, the structure shall be installed
7 with a synthetic liner. If the department allows an unformed
8 manure storage structure to be located at a site by
9 permanently lowering the groundwater table, the department
10 shall confirm that the proposed system meets standards
11 necessary to ensure that the structure does not pollute
12 groundwater sources. If the department allows drain tile
13 installed to lower a groundwater table to remain where ~~located~~
14 the drain tile is installed, the department shall require that
15 a device be installed to allow monitoring of the water in the
16 drain tile line. The department shall also require the
17 installation of a device to allow shutoff of the drain tile
18 ~~lines line~~, if the drain tile ~~lines-do~~ line does not have a
19 surface outlet accessible on the property where the unformed
20 manure storage structure is located.

21 Sec. 8. Section 455B.205, Code 1999, is amended by adding
22 the following new subsections:

23 NEW SUBSECTION. 2A. A person shall not construct or
24 expand an unformed manure storage structure requiring a permit
25 pursuant to section 455B.200A, if the manure storage structure
26 is located within a high-risk area. The department may
27 require that a formed manure storage structure only be
28 constructed in a high-risk area if the formed manure storage
29 structure is constructed on the ground's surface.

30 NEW SUBSECTION. 2B. A manure storage structure which is
31 part of an animal feeding operation other than a small animal
32 feeding operation shall be constructed in a manner to allow
33 the department to monitor the seepage of manure into
34 subsurface water sources, as provided by rules which shall be
35 adopted by the department.

1 a. The owner of the animal feeding operation shall install
2 monitoring wells including any necessary devices near the
3 manure storage structure being constructed in order to comply
4 with this subsection. At least one monitoring well shall be
5 located as close to the center of the manure storage structure
6 as is possible without compromising the integrity of the
7 manure storage structure, including the lining's seal. The
8 department shall also require that monitoring wells be placed
9 on the manure storage structure's berm.

10 b. The owner of the animal feeding operation shall collect
11 and label samples of water originating from the monitoring
12 wells for submission to the department or a laboratory
13 certified by the department pursuant to section 455B.113, at
14 intervals and according to procedures prescribed by the
15 department. The department may inspect the records relating
16 to a laboratory analysis as provided in section 455B.203.

17 Sec. 9. Section 455B.205, subsection 3, paragraph a, Code
18 1999, is amended to read as follows:

19 a. The department shall conduct a routine inspection of
20 each ~~unformed~~ manure storage structure at least once each
21 year. A routine inspection conducted pursuant to this
22 subsection shall be limited to ~~a visual inspection of~~ the site
23 where the ~~unformed~~ manure storage structure is located. The
24 department shall inspect the site at a reasonable time after
25 providing at least twenty-four hours' notice to the person
26 owning or managing the confinement feeding operation. ~~The~~
27 ~~visual~~ An inspection shall be limited to the following:

28 (1) Conducting a visual inspection. A visual inspection
29 of an unformed manure storage structure shall include, but is
30 not be limited to, determining whether any of the following
31 exists:

32 ~~(1)~~ (a) An adequate freeboard level.

33 ~~(2)~~ (b) The seepage of manure from the unformed manure
34 storage structure.

35 ~~(3)~~ (c) Erosion.

1 than bovine, or 400,000 pounds or less for bovine. The bill
2 provides that the owner must install monitoring wells
3 including any necessary devices near the manure storage
4 structure being constructed. The bill requires that at least
5 one monitoring well be located as close to the center of the
6 manure storage structure as is possible without compromising
7 the structure's integrity. The bill requires the owner to
8 collect and label samples of water originating from the
9 monitoring wells for submission to the department or a
10 laboratory certified by the department at intervals and
11 according to procedures prescribed by the department. The
12 results from laboratory analyses must be maintained as records
13 associated with the owner's manure management plan. The owner
14 of the confinement feeding operation classified as a habitual
15 violator must collect, label, and submit samples of water
16 originating from monitoring wells at least once every 30 days.

17 The ordinary penalty applicable to a person who violates a
18 provision of the bill is a civil penalty of up to \$5,000.
19 However, a habitual violator who violates the bill's
20 provisions is subject to a civil penalty of up to \$25,000.

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