

AGRICULTURE
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SENATE FILE 89
BY KIBBIE

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

A BILL FOR

1 An Act regulating unformed manure storage structures associated
2 with animal feeding operations, making a penalty applicable,
3 and providing an effective date.

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

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SF 89
AGRICULTURE

1 Section 1. Section 455B.161, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 6A. "Authorized animal feeding operation
4 structure" means a confinement building, egg washwater storage
5 structure, or formed manure storage structure.

6 Sec. 2. Section 455B.162, subsection 2, unnumbered
7 paragraph 1, Code 2001, is amended to read as follows:

8 Except as provided in subsection subsections 3B and 6, and
9 sections 455B.163 and 455B.165, this subsection applies to
10 animal feeding operation structures constructed on or after
11 January 1, 1999, but prior to the effective date of this Act,
12 and to the expansion of structures constructed on or after
13 January 1, 1999, but prior to the effective date of this Act.

14 The following table represents the minimum separation distance
15 in feet required between an animal feeding operation structure
16 and a residence not owned by the owner of the animal feeding
17 operation, or a commercial enterprise, bona fide religious
18 institution, or an educational institution:

19 Sec. 3. Section 455B.162, subsection 3, unnumbered
20 paragraph 1, Code 2001, is amended to read as follows:

21 Except as provided in subsection subsections 3B and 6, and
22 sections 455B.163 and 455B.165, this subsection applies to
23 animal feeding operation structures constructed on or after
24 May 31, 1995, but prior to the effective date of this Act; to
25 the expansion of structures constructed on or after May 31,
26 1995, but prior to the effective date of this Act; and to the
27 expansion of structures constructed prior to May 31, 1995.

28 The following table represents the minimum separation distance
29 in feet required between animal feeding operation structures
30 and a public use area or a residence not owned by the owner of
31 the animal feeding operation, a commercial enterprise, a bona
32 fide religious institution, or an educational institution
33 located within the corporate limits of a city:

34 Sec. 4. Section 455B.162, Code 2001, is amended by adding
35 the following new subsections:

1 NEW SUBSECTION. 3A. The following tables shall apply to
 2 authorized animal feeding operation structures constructed or
 3 expanded on or after the effective date of this Act:

4 a. The following table represents the minimum separation
 5 distance in feet required between an authorized animal feeding
 6 operation structure and a residence not owned by the owner of
 7 the animal feeding operation, or a commercial enterprise, bona
 8 fide religious institution, or an educational institution:

	Minimum	Minimum	Minimum
	separation	separation	separation
	distance in	distance in	distance in
	feet for	feet for	feet for
	operations	operations	operations
	having an	having an	having an
	animal	animal	animal
	weight	weight	weight
	capacity of	capacity of	capacity of
	625,000 or	625,000 or	625,000 or
	more pounds	more pounds	more pounds
	but less than	but less than	but less than
	1,250,000	1,250,000	1,250,000
	pounds for	pounds for	pounds for
	animals other	animals other	animals other
	than bovine,	than bovine,	than bovine,
	625,000	625,000	625,000
	pounds for	or 1,600,000	more pounds
	animals other	or more	for animals
	than bovine,	pounds but	other than
	or less than	less than	bovine, or
	1,600,000	4,000,000	4,000,000 or
	pounds for	pounds for	more pounds
	bovine	bovine	for bovine
9			
10			
11			
12			
13			
14	Minimum	Minimum	Minimum
15	separation	separation	separation
16	distance in	distance in	distance in
17	feet for	feet for	feet for
18	operations	operations	operations
19	having an	having an	having an
20	animal	animal	animal
21	weight	weight	weight
22	capacity of	capacity of	capacity of
23	less than	less than	less than
24	625,000	625,000	625,000
25	pounds for	or 1,600,000	more pounds
26	animals other	or more	for animals
27	than bovine,	pounds but	other than
28	or less than	less than	bovine, or
29	1,600,000	4,000,000	4,000,000 or
30	pounds for	pounds for	more pounds
31	<u>Type of structure</u>	<u>bovine</u>	<u>bovine</u>
32	Uncovered formed		
33	manure storage		
34	structure	1,250	1,500
35	Covered formed		2,000

1	manure storage			
2	structure	1,000	1,250	1,875
3	Confinement			
4	building	1,000	1,250	1,875
5	Egg washwater			
6	storage structure	750	1,000	1,500

7 b. The following table represents the minimum separation
 8 distance in feet required between an authorized animal feeding
 9 operation structure and a public use area or a residence not
 10 owned by the owner of the animal feeding operation, a
 11 commercial enterprise, a bona fide religious institution, or
 12 an educational institution located within the corporate limits
 13 of a city:

14		Minimum	
15		separation	
16		distance in	
17		feet for	
18		operations	
19	Minimum	having an	
20	separation	animal	Minimum
21	distance in	weight	separation
22	feet for	capacity of	distance in
23	operations	625,000 or	feet for
24	having an	more pounds	operations
25	animal	but less than	having an
26	weight	1,250,000	animal
27	capacity of	pounds for	weight
28	less than	animals other	capacity of
29	625,000	than bovine,	1,250,000 or
30	pounds for	or 1,600,000	more pounds
31	animals other	or more	for animals
32	than bovine,	pounds but	other than
33	or less than	less than	bovine, or
34	1,600,000	4,000,000	4,000,000 or
35	pounds for	pounds for	more pounds

1 Type of structure bovine bovine for bovine

2 Authorized animal

3 feeding operation

4 structure 1,250 1,875 2,500

5 NEW SUBSECTION. 3B. An animal feeding operation structure
6 constructed prior to the effective date of this Act may be
7 expanded only if it is an authorized animal feeding operation
8 structure as provided in section 455B.163.

9 Sec. 5. Section 455B.163, unnumbered paragraph 1, Code
10 2001, is amended to read as follows:

11 An animal feeding operation constructed or expanded prior
12 to the date that a distance requirement became effective under
13 section 455B.162 and which does not comply with the section's
14 distance requirement may continue to operate regardless of the
15 distance requirement. The An animal feeding operation
16 structure shall not be expanded unless it complies with this
17 section. The animal feeding operation may only be expanded by
18 the construction or expansion of an authorized animal feeding
19 operation structure. In addition, the animal feeding
20 operation may be expanded only if any of the following
21 applies:

22 Sec. 6. Section 455B.171, Code 2001, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 6A. "Authorized animal feeding operation
25 structure" means the same as defined in section 455B.161.

26 Sec. 7. Section 455B.200A, subsection 1, Code 2001, is
27 amended to read as follows:

28 1. The department shall issue permits for the
29 construction, including the expansion, of animal feeding
30 operation structures, including structures which are part of
31 confinement feeding operations, as provided by rules adopted
32 pursuant to section 455B.200. The department shall not issue
33 a permit for the construction of an animal feeding operation
34 structure unless it is an authorized animal feeding operation
35 structure. The department shall issue a permit to an animal

1 feeding operation if an application is submitted according to
2 procedures required by the department and the application
3 meets standards established by the department, regardless of
4 whether the animal feeding operation is required to obtain
5 such a permit. The department shall not require that a person
6 obtain a permit for the construction of an authorized animal
7 feeding operation structure if the structure is part of a
8 small animal feeding operation. For purposes of this section,
9 an animal feeding operation structure includes a manure
10 storage structure.

11 Sec. 8. NEW SECTION. 455B.207 CONSTRUCTION OR EXPANSION
12 OF UNFORMED MANURE STORAGE STRUCTURES PROHIBITED.

13 A person shall not construct or expand an unformed manure
14 storage structure on or after the effective date of this Act.

15 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 This bill amends provisions concerning unformed manure
19 storage structures related to animal feeding operations.

20 The bill amends provisions in Code chapter 455B which
21 regulate animal feeding operations and related structures.
22 Specifically, the bill creates a new Code section 455B.207,
23 which prohibits a person from constructing or expanding an
24 unformed manure storage structure on or after the effective
25 date of the bill. An unformed manure storage structure
26 includes an anaerobic lagoon or earthen manure storage basin.
27 The bill makes corresponding changes in sections requiring
28 separation distances between objects or locations and animal
29 feeding operation structures.

30 According to Code section 455B.191, a person who violates
31 Code section 455B.207, as enacted in the bill, is subject to a
32 civil penalty of \$5,000.

33 The bill takes effect upon enactment.

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