

FEB 25 2004

Agriculture

HOUSE FILE 2370
BY FALLON

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

A BILL FOR

1 An Act regulating distance requirements benefiting confinement
2 feeding operations, and making a penalty applicable.

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

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HF 2370

1 Section 1. NEW SECTION. 459.211 CONFINEMENT FEEDING
 2 OPERATION STRUCTURES BENEFITING FROM SEPARATION DISTANCE
 3 REQUIREMENTS.

4 Notwithstanding section 459.205, subsection 1, all of the
 5 following apply:

6 1. a. Except as provided in subsection 2, this subsection
 7 applies to a residence not owned by the owner of a confinement
 8 feeding operation, a commercial enterprise, a bona fide
 9 religious institution, or an educational institution
 10 constructed on or after July 1, 2004, and to the expansion of
 11 such a structure on or after July 1, 2004.

12 b. The following table represents the minimum separation
 13 distance in feet required between a structure provided in
 14 paragraph "a" and a confinement feeding operation structure:

| | For a confinement feeding operation having an animal unit capacity of less than 1,000 animal units | For a confinement feeding operation having an animal unit capacity of less than 3,000 animal units | For a confinement feeding operation having an animal unit capacity of 3,000 or more animal units |
|--|---|---|---|
| 28 Anaerobic lagoon | 1,875 | 2,500 | 3,000 |
| 29 Uncovered earthen manure 30 storage basin | 1,875 | 2,500 | 3,000 |
| 31 Uncovered formed manure 32 storage structure | 1,500 | 2,000 | 2,500 |
| 33 Covered earthen manure 34 storage basin | 1,250 | 1,875 | 2,375 |
| 35 Covered formed manure | | | |

| | | | | |
|---|-----------------------|-------|-------|-------|
| 1 | storage structure | 1,250 | 1,875 | 2,375 |
| 2 | Confinement building | 1,250 | 1,875 | 2,375 |
| 3 | Egg washwater storage | | | |
| 4 | structure | 1,000 | 1,500 | 2,000 |

5 2. a. This subsection applies to all of the following:

6 (1) A public use area established on or after July 1,
 7 2004, or to the expansion of a public use area on or after
 8 July 1, 2004.

9 (2) A residence not owned by the owner of the confinement
 10 feeding operation, a commercial enterprise, a bona fide
 11 religious institution, or an educational institution, if such
 12 structure was constructed on or after July 1, 2004, and to the
 13 expansion of a structure on or after July 1, 2004, and if the
 14 structure is located within the corporate limits of a city.

15 b. The following table represents the minimum separation
 16 distance in feet required between a public use area or a
 17 structure provided in paragraph "a" and a confinement feeding
 18 operation structure:

| 19 | | For a | | |
|----|-------------------|--------------|--------------|-------------|
| 20 | | confinement | | |
| 21 | For a | feeding | | For a |
| 22 | confinement | operation | | confinement |
| 23 | feeding | having an | | feeding |
| 24 | operation | animal unit | | operation |
| 25 | having an | capacity of | | having an |
| 26 | animal unit | 1,000 or | | animal unit |
| 27 | capacity of | more but | | capacity of |
| 28 | less than | less than | | 3,000 or |
| 29 | 1,000 | 3,000 | | more animal |
| 30 | Type of structure | animal units | animal units | units |

| | | | | |
|----|---------------------|-------|-------|-------|
| 31 | | | | |
| 32 | Confinement feeding | | | |
| 33 | operation structure | 1,875 | 2,500 | 3,000 |

34 EXPLANATION

35 This bill amends provisions in Code chapter 459, relating

1 to the regulation of animal feeding operations by the
2 department of natural resources, including confinement feeding
3 operations.

4 Various provisions of the chapter require separation
5 distance requirements to be established between confinement
6 feeding operation structures (buildings, manure storage areas,
7 and egg washwater storage areas) and homes, schools,
8 businesses, and churches. Different separation distance
9 requirements apply between confinement feeding operation
10 structures and public use areas (portions of parks and
11 cemeteries) or homes, schools, businesses, and churches.

12 The bill prohibits a person from establishing or expanding
13 a home, school, business, church, or public use area within
14 the same separation distances that apply to prohibiting the
15 construction or expansion of a confinement feeding operation
16 structure within proximity of one of these places. There is
17 one exception: the current Code chapter's requirements do not
18 apply to the construction of small animal feeding operations
19 (having an animal unit capacity of 500 or fewer animal units).
20 The bill provides that the new separation distance
21 requirements preclude the establishment or expansion of one of
22 the places in proximity to a confinement feeding operation
23 structure, regardless of the confinement feeding operation's
24 size.

25 Generally, a person who violates a provision of Code
26 chapter 459, subchapter II, is subject to a civil penalty not
27 to exceed \$10,000 (see Code sections 459.602 and 455B.109).

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