

House File 2192 - Introduced

HOUSE FILE _____
BY KUHN and GASKILL

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

A BILL FOR

1 An Act providing for separation distance requirements between a
2 structure associated with a confinement feeding operation and
3 a wetland designated as protected by the department of natural
4 resources, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 6268YH 82
7 da/rj/14

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1 1 Section 1. Section 459.102, subsection 21, Code 2007, is
1 2 amended to read as follows:
1 3 21. "Designated wetland" means land designated as a
1 4 protected wetland by the ~~United States department of the~~
~~1 5 interior or the department of natural resources~~, including but
1 6 not limited to a protected wetland as defined in section
1 7 456B.1, if the land is owned and managed by the department,
1 8 ~~the federal government, or the department of natural resources~~
1 9 a county or city. However, a designated wetland does not
1 10 include land where an agricultural drainage well has been
1 11 plugged causing a temporary wetland or land within a drainage
1 12 district or levee district.

EXPLANATION

1 14 This bill amends Code chapter 459, which regulates the
1 15 impact of confinement feeding operations on the environment.
1 16 Code section 459.102 provides that in order to be classified
1 17 as a "designated wetland" two conditions must be met: (1) it
1 18 must be identified as a "protected wetland" by the United
1 19 States department of the interior, and (2) it must be owned
1 20 and managed by the federal government or the department of
1 21 natural resources. The bill amends that Code section to
1 22 provide that a wetland must be identified as protected by the
1 23 department of natural resources and may be owned and managed
1 24 by a county or city.
1 25 Code section 459.310 establishes a separation distance of
1 26 2,500 feet between a confinement feeding operation structure
1 27 (e.g., a confinement building, manure storage structure, or
1 28 egg washwater storage structure) and a designated wetland. A
1 29 person who violates the separation distance requirement is
1 30 subject to a number of penalties including the administrative
1 31 assessment of a civil penalty of up to \$10,000 (Code sections
1 32 459.603 and 455B.109).
1 33 LSB 6268YH 82
1 34 da/rj/14