

House File 2241 - Introduced

HOUSE FILE _____
BY WHITAKER

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

A BILL FOR

1 An Act concerning separation distance requirements that apply to
2 two or more confinement feeding operations under common
3 ownership or management, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6171HH 82
6 da/nh/5

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1 1 Section 1. Section 459.205, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. A confinement feeding operation structure, if the
1 4 structure is part of a confinement feeding operation which
1 5 qualifies as a small animal feeding operation. However, this
1 6 subsection shall not apply if any of the following apply:
1 7 a. The confinement feeding operation structure is an
1 8 unformed manure storage structure.
1 9 b. The confinement feeding operation no longer has an
1 10 animal unit capacity of five hundred or fewer animal units due
1 11 to the common ownership or management of an adjacent
1 12 confinement feeding operation as provided in section 459.201.

1 13 EXPLANATION

1 14 Code section 459.202 provides for various separation
1 15 distance requirements established between a confinement
1 16 feeding operation structure (e.g., a confinement building or
1 17 manure storage structure) and a home, school, business,
1 18 church, or public use area (portions of parks and cemeteries)
1 19 located outside and within city limits. Generally, as the
1 20 size of the confinement feeding operation increases, the
1 21 separation distance also increases. Code section 459.205
1 22 exempts small animal feeding operations (having an animal unit
1 23 capacity of 500 or less) from the separation distance
1 24 requirements. However, Code section 459.201 provides that two
1 25 or more confinement feeding operations under common ownership
1 26 or management are deemed to be a single animal feeding
1 27 operation if they are adjacent or utilize a common system for
1 28 manure storage.

1 29 The bill provides that the exemption in Code section
1 30 459.205 does not apply if the confinement feeding operation no
1 31 longer has an animal unit capacity of 500 or fewer animal
1 32 units due to the common ownership or management of an adjacent
1 33 confinement feeding operation as provided in Code section
1 34 459.201.

1 35 According to Code section 459.602, a person who violates a
2 1 provision in the bill is subject to a civil penalty provided
2 2 in Code section 455B.109, established according to a schedule
2 3 established by the environmental protection commission not to
2 4 exceed \$10,000.

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