

# House File 2363 - Introduced

HOUSE FILE \_\_\_\_\_  
BY REICHERT and MERTZ

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for the stockpiling of dry manure from a  
2 confinement feeding operation and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6099YH 82  
5 da/nh/8

PAG LIN

1 1 Section 1. Section 459.102, Code 2007, is amended by  
1 2 adding the following new subsections:  
1 3 NEW SUBSECTION. 20A. "Designated area" means a known  
1 4 sinkhole, a cistern, an abandoned well, an unplugged  
1 5 agricultural drainage well, an agricultural drainage well  
1 6 surface inlet, a drinking water well, a designated wetland, or  
1 7 a water source. However, "designated area" does not include a  
1 8 terrace tile inlet or a surface tile inlet other than an  
1 9 agricultural drainage well surface tile inlet.  
1 10 NEW SUBSECTION. 23A. "Dry manure" means manure which  
1 11 meets all of the following conditions:  
1 12 a. The manure does not flow perceptibly under pressure.  
1 13 b. The manure is not capable of being transported through  
1 14 a mechanical pumping device designed to move a liquid.  
1 15 c. The constituent molecules of the manure do not flow  
1 16 freely among themselves but may show a tendency to separate  
1 17 under stress.  
1 18 NEW SUBSECTION. 45A. "Stockpile" means to store dry  
1 19 manure from a confinement feeding operation outside of a  
1 20 confinement feeding operation structure.  
1 21 Sec. 2. Section 459.206, subsection 2, paragraph b, Code  
1 22 2007, is amended to read as follows:  
1 23 b. A qualified confinement feeding operation that stores  
1 24 ~~dry manure on a dry matter basis.~~  
1 25 Sec. 3. Section 459.307, subsection 1, paragraph b, Code  
1 26 2007, is amended to read as follows:  
1 27 b. Whether the manure storage structure stores only dry  
1 28 ~~manure in an exclusively dry form.~~  
1 29 Sec. 4. NEW SECTION. 459.311A DRY MANURE STOCKPILING.  
1 30 A person may stockpile dry manure, subject to all of the  
1 31 following restrictions:  
1 32 1. a. The person shall not stockpile dry manure within  
1 33 the following distances unless the dry manure is maintained in  
1 34 a manner that will not allow precipitation-induced runoff to  
1 35 drain from the dry manure to the designated area:  
2 1 (1) Four hundred feet from a designated area other than a  
2 2 high-quality water resource.  
2 3 (2) Eight hundred feet from a high-quality water resource.  
2 4 b. The person shall not stockpile dry manure within two  
2 5 hundred feet from a terrace tile inlet or surface tile inlet  
2 6 unless the dry manure is maintained in a manner that will not  
2 7 allow precipitation-induced runoff to drain from the dry  
2 8 manure to the terrace tile inlet or surface tile inlet. A  
2 9 terrace tile inlet or surface tile inlet does not include a  
2 10 tile inlet that is not directly connected to a tile line that  
2 11 discharges directly into a water of the state.  
2 12 c. The person shall not stockpile dry manure in a grassed  
2 13 waterway.  
2 14 d. The person shall not stockpile dry manure on land  
2 15 having a slope of more than three percent unless methods,  
2 16 structures, or practices are implemented to contain the  
2 17 stockpiled dry manure, including but not limited to using silt  
2 18 fences, temporary earthen berms, or other effective measures,  
2 19 and to prevent or diminish precipitation-induced runoff from  
2 20 the stockpiled dry manure.

2 21 2. The person must remove the stockpiled manure and apply  
2 22 it in accordance with the provisions of this chapter,  
2 23 including but not limited to section 459.311, within six  
2 24 months after the manure is stockpiled.

2 25 Sec. 5. Section 459.314, unnumbered paragraph 1, Code  
2 26 2007, is amended by striking the paragraph.

2 27 EXPLANATION

2 28 BACKGROUND. This bill amends Code chapter 459, the "Animal  
2 29 Agriculture Compliance Act", regulated by the department of  
2 30 natural resources. The bill provides for storing dry manure  
2 31 from a confinement feeding operation outside a confinement  
2 32 feeding operation structure (i.e., a confinement building or  
2 33 manure storage structure), a practice referred to as  
2 34 "stockpiling". Code chapter 459 does not specifically address  
2 35 stockpiling. For stockpiling manure solids from an open  
3 1 feedlot, see Code section 459A.403.

3 2 BILL'S PROVISIONS. The bill defines dry manure as manure  
3 3 which does not flow perceptibly under pressure, is not capable  
3 4 of being transported through a mechanical pumping device  
3 5 designed to move a liquid, and its constituent molecules do  
3 6 not flow freely among themselves but may show a tendency to  
3 7 separate under stress. The bill specifically allows for  
3 8 stockpiling dry manure, subject to certain limitations.

3 9 A person is prohibited from stockpiling dry manure within  
3 10 certain distances from certain areas involving surface water  
3 11 or groundwater, including the following:

3 12 1. A designated area. The definition of designated area  
3 13 is taken from current law (Code section 459.314) and includes  
3 14 a known sinkhole, a cistern, an abandoned well, an unplugged  
3 15 agricultural drainage well, an agricultural drainage well  
3 16 surface inlet, a drinking water well, a designated wetland, or  
3 17 a water source. It does not include a terrace tile inlet.  
3 18 The bill provides that a designated area also does not include  
3 19 a surface tile inlet, other than an agricultural drainage well  
3 20 surface tile inlet, which is consistent with Code chapter 459A  
3 21 governing open feedlot operations.

3 22 2. A high-quality water resource as provided by rules  
3 23 adopted by the department.

3 24 3. A terrace tile inlet or surface tile inlet unless the  
3 25 dry manure is maintained in a manner that will not allow  
3 26 precipitation-induced runoff to drain from the dry manure to  
3 27 the terrace tile inlet or surface tile inlet.

3 28 In addition, a person cannot stockpile dry manure in a  
3 29 grassed waterway or on a slope of more than 3 percent unless  
3 30 means are provided to contain the stockpiled dry manure.

3 31 A person must remove the stockpiled manure and apply it in  
3 32 accordance with the provisions of Code chapter 459, including  
3 33 but not limited to Code section 459.311, within six months  
3 34 after the manure is stockpiled.

3 35 PENALTIES APPLICABLE. A person who violates a provision of  
4 1 the bill is subject to a civil penalty assessed by the  
4 2 department under Code section 455B.109 or by the attorney  
4 3 general pursuant to Code section 455B.191 (\$5,000 per  
4 4 violation with each day an offense continues considered a  
4 5 separate offense). The civil penalties are deposited in the  
4 6 animal agriculture compliance fund created in Code section  
4 7 459.401.

4 8 LSB 6099YH 82

4 9 da/nh/8