

House File 2638 - Introduced

HOUSE FILE _____
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 698)

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 confinement feeding operation structure and a designated
3 wetland, and making penalties applicable.

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

5 TLSB 5944HV 82

6 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 federal
1 8 government, ~~or~~ the department of natural resources, a county,
1 9 or a city. However, a designated wetland does not include
1 10 land where an agricultural drainage well has been plugged
1 11 causing a temporary wetland or land within a drainage district
1 12 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 protected wetland may also be owned or managed
1 23 by a county or a city.

1 24 Code section 459.310 establishes a separation distance of
1 25 2,500 feet between a confinement feeding operation structure
1 26 (e.g., a confinement building, manure storage structure, or
1 27 egg washwater storage structure) and a designated wetland. A
1 28 person who violates the separation distance requirement is
1 29 subject to a number of penalties including the administrative
1 30 assessment of a civil penalty of up to \$10,000 (Code sections
1 31 459.603 and 455B.109).

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