

# House File 352 - Introduced

HOUSE FILE \_\_\_\_\_  
BY THOMAS

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

## A BILL FOR

1 An Act providing separation distance requirements for confinement  
2 feeding operations that are under common ownership or  
3 management, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TL5B 1032HH 82  
6 da/je/5

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1 1 Section 1. Section 459.203, unnumbered paragraph 1, Code  
1 2 2007, is amended to read as follows:  
1 3 A confinement feeding operation constructed or expanded  
1 4 prior to the date that a distance requirement became effective  
1 5 under section 459.202 and which does not comply with the  
1 6 section's distance requirement may continue to operate  
1 7 regardless of the distance requirement. ~~The~~ For two or more  
1 8 confinement feeding operations that become a single  
1 9 confinement feeding operation because a person acquires common  
1 10 ownership or management of the confinement operations as  
1 11 provided in section 459.201, all confinement feeding operation  
1 12 structures which are part of the single confinement feeding  
1 13 operation shall be deemed constructed on the date that the  
1 14 first confinement feeding operation structure was constructed.  
1 15 A confinement feeding operation may be expanded if any of the  
1 16 following applies:

### EXPLANATION

1 17  
1 18 BACKGROUND. Code section 459.202 provides for various  
1 19 separation distance requirements established between  
1 20 confinement feeding operation structures (e.g., confinement  
1 21 buildings and manure storage structures) and homes, schools,  
1 22 businesses, churches, and public use areas (portions of parks  
1 23 and cemeteries) located outside and within city limits.  
1 24 Generally, the separation distance required depends upon (1)  
1 25 when the confinement feeding operation structure was  
1 26 constructed or expanded, which is usually related to when a  
1 27 new separation distance became effective, and (2) the size of  
1 28 the confinement feeding operation, which increases the  
1 29 distance according to the capacity of the confinement feeding  
1 30 operation (either animal weight capacity or animal unit  
1 31 capacity). Code section 459.205 exempts small animal feeding  
1 32 operations (having an animal unit capacity of 500 or less)  
1 33 from separation distance requirements. However, Code section  
1 34 459.201 provides that two or more confinement feeding  
1 35 operations under common ownership or management are deemed to  
2 1 be a single animal feeding operation if they are adjacent or  
2 2 utilize a common system for manure storage.  
2 3 Code section 459.203 provides that a confinement feeding  
2 4 operation constructed or expanded prior to the date that a  
2 5 distance requirement became effective may continue to operate  
2 6 regardless of the new distance requirement, and under certain  
2 7 circumstances may be expanded. For example, a confinement  
2 8 feeding operation may expand if it continues to meet the  
2 9 separation distance requirements applicable when the  
2 10 confinement feeding operation was established or it meets  
2 11 minimum capacity threshold requirements. It may expand so  
2 12 long as the confinement feeding operation stays within a  
2 13 minimum capacity (e.g., double its capacity on the date that a  
2 14 new separation requirement was established). Finally, it  
2 15 authorizes expansion by replacing an unformed (earthen) manure  
2 16 storage structure with a formed (concrete) manure storage  
2 17 structure.  
2 18 CHANGES. This bill applies when a person acquires common  
2 19 ownership or management of two or more small animal feeding

2 20 operations which were exempt from the separation distance  
2 21 requirements when constructed, but would have been subject to  
2 22 the separation distance requirements if constructed under  
2 23 common ownership or management because they are adjacent or  
2 24 utilize a common system for manure storage. The bill provides  
2 25 that in that case, all confinement feeding operation  
2 26 structures which are part of the single confinement feeding  
2 27 operation are deemed constructed on the date that the first  
2 28 confinement feeding operation structure was constructed, and  
2 29 must comply with the distance requirements applying to that  
2 30 confinement feeding operation as provided in Code section  
2 31 459.202. Otherwise, any confinement feeding operation may be  
2 32 expanded as provided in current law.

2 33 PENALTIES APPLICABLE. According to Code section 459.602, a  
2 34 person who violates a provision in the bill is subject to a  
2 35 civil penalty provided in Code section 455B.109 established  
3 1 according to a schedule established by the environmental  
3 2 protection commission not to exceed \$10,000.  
3 3 LSB 1032HH 82  
3 4 da:nh/je/5