

House File 665 - Introduced

HOUSE FILE _____
BY MAY

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
2 confinement feeding operation structures and certain lakes,
3 providing an appropriation, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1352YH 82
6 da/cf/24

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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 lake" means a lake of at
1 4 least one thousand acres of surface area.
1 5 NEW SUBSECTION. 30A. "Iowa state university" or
1 6 "university" means Iowa state university of science and
1 7 technology.

1 8 Sec. 2. Section 459.205, unnumbered paragraph 1, Code
1 9 2007, is amended to read as follows:

1 10 A separation distance requirement provided in ~~this~~
1 11 ~~subchapter sections 459.202, 459.203, and 459.204~~ shall not
1 12 apply to the following:

1 13 Sec. 3. NEW SECTION. 459.206A CONSTRUCTION OF
1 14 CONFINEMENT FEEDING OPERATION STRUCTURES == SPECIAL MINIMUM
1 15 SEPARATION DISTANCES FROM DESIGNATED LAKES.

1 16 This section applies to confinement feeding operation
1 17 structures constructed on or after the effective date of this
1 18 Act, and to the expansion of confinement feeding operation
1 19 structures constructed on and after the effective date of this
1 20 Act, and to the expansion, after the effective date of this
1 21 Act, of confinement feeding operation structures constructed
1 22 prior to the effective date of this Act.

1 23 1. The confinement feeding operation structure shall not
1 24 be constructed or expanded closer than a minimum separation
1 25 distance from a designated lake. The minimum separation
1 26 distance shall be determined according to a community-based
1 27 odor assessment model as developed by the department within
1 28 Iowa state university responsible for agricultural and
1 29 biosystems engineering as provided for by rules adopted by the
1 30 department to the extent feasible. The model shall provide
1 31 for the measurement of detectable odors for a fixed duration
1 32 at intervals of at least two thousand six hundred forty feet.
1 33 The department may provide greater separation distance
1 34 requirement for a confinement feeding operation structure
1 35 based on the animal unit capacity of the confinement feeding
2 1 operation.

2 2 2. In order to determine a minimum separation distance,
2 3 the community-based odor assessment model may approve the best
2 4 site for constructing the confinement feeding operation
2 5 structure and best management practices for operating the
2 6 confinement feeding operation.

2 7 Sec. 4. NEW SECTION. 459.206B APPLICATION OF MANURE FROM
2 8 CONFINEMENT FEEDING OPERATION STRUCTURES == SPECIAL MINIMUM
2 9 SEPARATION DISTANCES FROM DESIGNATED LAKES.

2 10 A person shall not apply manure from a confinement feeding
2 11 operation on land located within a minimum separation distance
2 12 from a designated lake established pursuant to the
2 13 community-based odor assessment model as provided in section
2 14 459.206A.

2 15 Sec. 5. Section 459.310, subsection 3, Code 2007, is
2 16 amended by adding the following new paragraph:

2 17 NEW PARAGRAPH. c. A designated lake.

2 18 Sec. 6. COMMUNITY=BASED ODOR ASSESSMENT MODEL ==
2 19 APPROPRIATION. There is appropriated from the general fund of

2 20 the state to Iowa state university for the fiscal year
2 21 beginning July 1, 2007, and ending June 30, 2008, the
2 22 following amount, or so much thereof as is necessary, to be
2 23 used for the purposes designated:

2 24 For purposes of allocation to the department of
2 25 agricultural and biosystems engineering to develop and
2 26 implement a community-based odor assessment model for purposes
2 27 of providing minimum separation distances between confinement
2 28 feeding operation structures and designated lakes as provided
2 29 in section 459.206A, as enacted in this Act, including
2 30 salaries, support, maintenance, and miscellaneous purposes:
2 31 \$ 200,000

2 32 EXPLANATION

2 33 This bill amends provisions in Code chapter 459 regulating
2 34 confinement feeding operations and their associated structures
2 35 (confinement buildings, manure storage structures, and egg
3 1 washwater storage structures). A manure storage structure
3 2 includes both a formed structure made of concrete or steel.
3 3 An unformed manure storage structure is an impoundment used to
3 4 store manure including an anaerobic lagoon, aerobic structure,
3 5 or earthen manure storage basin. The Code chapter includes a
3 6 number of divisions including division II providing for air
3 7 quality regulations such as odor. Code section 459.202
3 8 provides minimum separation distances between a number of
3 9 benefited objects or locations such as residences, businesses,
3 10 schools, religious institutions, and public use areas. Code
3 11 section 459.204 provides minimum separation distance
3 12 requirements between the application of liquid manure from
3 13 confinement feeding operation structures and those benefited
3 14 objects or locations.

3 15 The bill establishes a new type of benefited object or
3 16 location referred to as a "designated lake" which has at least
3 17 1,000 acres of surface area. The bill provides that a
3 18 confinement feeding operation cannot be constructed or
3 19 expanded closer than a minimum separation distance from a
3 20 designated lake. The minimum separation distance is to be
3 21 determined according to a community-based odor assessment
3 22 model as developed by Iowa state university's agricultural and
3 23 biosystems engineering department as provided for by rules
3 24 adopted by the department of natural resources to the extent
3 25 feasible. The model is to provide for the measurement of
3 26 detectable odors for a fixed duration at intervals of at least
3 27 2,640 feet.

3 28 The bill makes an appropriation from the state general fund
3 29 to Iowa state university for purposes of allocating the moneys
3 30 to the department of agricultural and biosystems engineering
3 31 to develop and implement a community based odor assessment
3 32 model.

3 33 According to Code section 459.602, a person who violates
3 34 provisions relating to air quality is subject to a civil
3 35 penalty as provided in Code section 455B.109 which authorizes
4 1 the environmental protection commission to establish penalty
4 2 amounts according to a schedule not to exceed \$10,000.

4 3 LSB 1352YH 82

4 4 da:rj/cf/24