

# Senate File 307 - Introduced

SENATE FILE \_\_\_\_\_  
BY KIBBIE

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

## A BILL FOR

1 An Act regulating animal feeding operations, and making penalties  
2 applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2339XS 83  
5 da/rj/8

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1 1 Section 1. Section 459.102, Code 2009, is amended by  
1 2 adding the following new subsections:  
1 3 NEW SUBSECTION. 28A. "Frozen ground" means soil that is  
1 4 impenetrable due to frozen soil moisture but does not include  
1 5 soil that is only frozen to a depth of two inches or less.  
1 6 NEW SUBSECTION. 44A. "Snow covered ground" means soil  
1 7 covered by one inch or more of snow or soil covered by one  
1 8 half inch or more of ice.  
1 9 Sec. 2. NEW SECTION. 459.313A WHEN A PERSON MAY APPLY  
1 10 MANURE ON LAND == FROZEN GROUND AND SNOW COVERED GROUND.  
1 11 1. A person may apply liquid manure originating from a  
1 12 confinement feeding operation on frozen ground or snow covered  
1 13 ground except as provided in this section or except as  
1 14 otherwise provided in this chapter. During the period  
1 15 beginning on February 1 and ending on April 1, a person may  
1 16 apply the liquid manure on frozen ground or snow covered  
1 17 ground only if the need for the application becomes urgent.  
1 18 The need for the application becomes urgent when there is an  
1 19 immediate need to comply with section 459.311, subsection 1.  
1 20 The immediate need must be caused by unforeseen circumstances  
1 21 beyond the control of the owner or operator of the confinement  
1 22 feeding operation, including but not limited to natural  
1 23 disaster, unusual weather conditions, or equipment failure.  
1 24 An owner or operator applying liquid manure pursuant to this  
1 25 paragraph shall notify the department before beginning the  
1 26 land application.  
1 27 2. The authorization to apply liquid manure in subsection  
1 28 1 does not apply to any of the following:  
1 29 a. If the immediate need to comply with section 459.311,  
1 30 subsection 1, is caused by the improper design or management  
1 31 of a manure storage structure, including but not limited to a  
1 32 failure to properly account for the volume of the manure to be  
1 33 stored.  
1 34 b. If the application of liquid manure consists of manure  
1 35 originating from a small animal feeding operation.  
2 1 c. If the liquid manure that is applied is injected into  
2 2 the soil or incorporated within the soil on the same date.  
2 3 Sec. 3. DEPARTMENTAL REPORT. The department of natural  
2 4 resources shall prepare and submit a report to the general  
2 5 assembly on or before July 1, 2010. The report shall provide  
2 6 recommendations regarding all of the following:  
2 7 1. The need for improved manure storage structures  
2 8 associated with small animal feeding operations to improve  
2 9 water quality.  
2 10 2. The application of dry manure on frozen ground or snow  
2 11 covered ground.

### EXPLANATION

2 12 APPLICATION OF MANURE ON FROZEN AND SNOW COVERED GROUND.  
2 13 This bill amends the "Animal Agriculture Compliance Act" (Code  
2 14 section 459.101), by providing for conditions when a person  
2 15 may apply liquid manure during winter months beginning on  
2 16 February 1 and ending on April 1 on frozen ground or snow  
2 17 covered ground. The application must be "urgent", meaning

2 19 that there is an immediate need to comply with Code section  
2 20 459.311(1) that prohibits manure from being discharged  
2 21 directly into water of the state or into a tile line that  
2 22 discharges directly into a water of the state. In addition,  
2 23 the need must be unforeseen by and beyond the control of the  
2 24 owner or operator of the confinement feeding operation.  
2 25 However, the restrictions do not apply to manure originating  
2 26 from a small animal feeding operation or liquid manure that is  
2 27 injected into the soil or incorporated within the soil on the  
2 28 same date as applied to the land.

2 29 REPORT REQUIRED. The bill also requires the department of  
2 30 natural resources to prepare and submit a report to the  
2 31 general assembly on or before July 1, 2010. The report must  
2 32 provide recommendations regarding (1) the need for improved  
2 33 manure storage structures associated with small animal feeding  
2 34 operations to improve water quality, and (2) the application  
2 35 of dry manure on frozen ground or snow covered ground.

3 1 PENALTIES APPLICABLE. Generally, a person who applies  
3 2 manure in violation of the new provision is subject to a civil  
3 3 penalty that may be administratively assessed by the  
3 4 department of not more than \$10,000 (Code section 455B.109) or  
3 5 judicially assessed of not more than \$5,000 per each day of  
3 6 the violation (455B.191(1)). Penalties are deposited into the  
3 7 animal agriculture compliance fund (Code section 459.401).

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