

House File 489 - Introduced

HOUSE FILE 489

BY KELLEY

A BILL FOR

1 An Act providing for the application of manure originating from
2 animal feeding operations, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.102, Code 2015, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 48A. "*Rainfall event*" means any period of
4 continuous rainfall.

5 NEW SUBSECTION. 50A. "*Saturated ground*" means the top
6 two inches of soil that due to precipitation can no longer
7 absorb liquid as determined according to rules adopted by the
8 department.

9 Sec. 2. Section 459.312, subsection 10, paragraph h, Code
10 2015, is amended by striking the paragraph.

11 Sec. 3. Section 459.313A, Code 2015, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **459.313A Application of manure on land — frozen,
14 snow-covered, and saturated ground — authorized and prohibited
15 — exceptions.**

16 1. A person may apply manure originating from an animal
17 feeding operation on frozen ground, snow-covered ground, or
18 saturated ground, except to the extent otherwise provided by
19 applicable requirements in this section, this chapter, or the
20 national pollutant discharge elimination system pursuant to
21 the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as
22 amended, and 40 C.F.R. pts. 122 and 412.

23 2. A person shall not apply liquid manure, originating
24 from a manure storage structure that is part of a confinement
25 feeding operation, on land that is any of the following:

26 a. Frozen ground, snow-covered ground, or saturated ground.

27 b. Located in a five-digit zip code area that is subject to
28 a rainfall event as forecast by the national weather service,
29 immediately prior to the beginning of the rainfall event,
30 predicting a fifty percent or greater probability that the area
31 will receive more than one quarter inch of rain during the
32 rainfall event's first twenty-four hours. In that case, the
33 person shall not apply the liquid manure for twenty-four hours
34 from the beginning of the rainfall event.

35 3. Subsection 2 does not apply to the application of liquid

1 manure that is any of the following:

2 *a.* Originates from a manure storage structure that is part
3 of a small animal feeding operation.

4 *b.* Is injected into the soil or incorporated within the soil
5 on the same date as the manure is first applied.

6 Sec. 4. NEW SECTION. **459.313B Application of liquid manure**
7 **on sloped land — prohibited exceptions.**

8 1. A person shall not apply liquid manure originating from a
9 manure storage structure, that is part of a confinement feeding
10 operation, on land having a slope with a grade exceeding twenty
11 percent.

12 2. Subsection 1 does not apply to the application of liquid
13 manure that is any of the following:

14 *a.* Originates from a manure storage structure that is part
15 of a small confinement feeding operation.

16 *b.* Is injected into the soil or incorporated within the soil
17 on the same date as the manure is first applied.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 BILL. This bill allows a person to apply manure originating
22 from an animal feeding operation on saturated ground, unless
23 it is liquid manure originating from a confinement feeding
24 operation. In that case, the bill prohibits the application of
25 such liquid manure on saturated ground as well as on frozen or
26 snow-covered ground regardless of the season. The prohibition
27 also requires a 24-hour delay if the national weather service
28 forecasts rain. The bill also prohibits a person from applying
29 liquid manure originating from a confinement feeding operation
30 on land having a slope with a grade exceeding 20 percent. The
31 prohibitions do not apply: (1) if the manure originates from a
32 small animal feeding operation or (2) the manure is injected or
33 incorporated.

34 CURRENT LAW. Generally, a person may apply manure
35 originating from an animal feeding operation on snow-covered

1 or frozen ground, except during a period beginning in winter
2 and ending in early spring. However, an exception allows such
3 application if there is an emergency, the manure originates
4 from a small animal feeding operation, or if the manure is
5 injected or incorporated. The prohibition is enforced by the
6 department of natural resources.

7 TERMS. An "animal feeding operation" is a place where
8 animals (cattle, swine, horses, sheep, chickens, turkeys,
9 or fish) are confined for 45 or more days in a 12-month
10 period. A "confinement feeding operation" is an animal feeding
11 operation in which animals are confined in roofed areas (e.g.,
12 buildings). A small animal feeding operation uses a formed
13 manure storage that has less than a 500 animal unit capacity
14 (e.g., 1,250 head of hogs weighing more than 55 pounds).
15 Injection is the process of applying manure beneath the soil
16 surface and incorporation is a process that mixes manure into
17 the soil.

18 APPLICABLE PENALTIES. A person who applies liquid manure
19 in violation of the bill's prohibition would be subject to a
20 civil penalty, that may be administratively assessed by the
21 department, in an amount of not more than \$10,000 (Code section
22 455B.109), or judicially assessed for an amount not more than
23 \$5,000 per each day of the violation (Code section 455B.191).
24 Collected moneys would be deposited into the watershed
25 improvement fund (Code sections 459.603 and 466A.2).