

**Senate File 256 - Introduced**

SENATE FILE 256

BY BOLKCOM

**A BILL FOR**

1 An Act providing for the application of manure originating  
2 from an animal feeding operation, and making penalties  
3 applicable.

4 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 — authorized and**  
14 **prohibited — exceptions.**

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

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

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

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

34 3. Subsection 2 does not apply to the application of liquid  
35 manure that is any of the following:

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

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

5 EXPLANATION

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

8 BILL. This bill allows a person to apply manure originating  
9 from an animal feeding operation, unless it is liquid manure  
10 originating from a confinement feeding operation. In that  
11 case, the bill prohibits the application of such liquid manure  
12 on saturated ground as well as on frozen or snow-covered  
13 ground regardless of the season. The prohibition also applies  
14 and requires a 24-hour delay if the national weather service  
15 forecasts rain. The prohibitions do not apply: (1) if the  
16 manure originates from a small animal feeding operation or (2)  
17 the manure is injected or incorporated.

18 CURRENT LAW. Generally, a person may apply manure  
19 originating from an animal feeding operation on snow-covered  
20 or frozen ground, except during a period beginning in winter  
21 and ending in early spring. However, an exception allows such  
22 application if there is an emergency, the manure originates  
23 from a small animal feeding operation, or if the manure is  
24 injected or incorporated. The prohibition is enforced by the  
25 department of natural resources.

26 TERMS. An "animal feeding operation" is a place where  
27 animals (cattle, swine, horses, sheep, chickens, turkeys,  
28 or fish) are confined for 45 or more days in a 12-month  
29 period. A "confinement feeding operation" is an animal feeding  
30 operation in which animals are confined in roofed areas (e.g.,  
31 buildings). A small animal feeding operation uses a formed  
32 manure storage that has less than a 500 animal unit capacity  
33 (e.g., 1,250 head of hogs weighing more than 55 pounds).  
34 Injection is the process of applying manure beneath the soil  
35 surface and incorporation is a process that mixes manure into

1 the soil.

2 APPLICABLE PENALTIES. A person who applies liquid manure  
3 in violation of the prohibition would be subject to a civil  
4 penalty, that may be administratively assessed by the  
5 department, in an amount of not more than \$10,000 (Code section  
6 455B.109), or judicially assessed for an amount not more than  
7 \$5,000 per each day of the violation (Code section 455B.191).  
8 Collected moneys would be deposited into the watershed  
9 improvement fund (Code sections 459.603 and 466A.2).