

House File 327 - Introduced

HOUSE FILE 327

BY SEXTON

A BILL FOR

1 An Act regulating the stockpiling of certain effluent from
2 animal feeding operations and animal truck wash facilities,
3 providing for penalties, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ANIMAL AGRICULTURE COMPLIANCE ACT

1
2
3 Section 1. Section 459.311, Code 2017, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 6. A person stockpiling dry manure shall
6 comply with applicable requirements of the national pollutant
7 discharge elimination system pursuant to the federal Water
8 Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40
9 C.F.R. pts. 122 and 412.

10 Sec. 2. Section 459.311B, subsection 1, unnumbered
11 paragraph 1, Code 2017, is amended to read as follows:

12 A person shall not stockpile dry manure within the following
13 separation distances from any of the following:

14 Sec. 3. Section 459.311C, Code 2017, is amended to read as
15 follows:

16 **459.311C Stockpiling dry manure on terrain other than karst**
17 **terrain.**

18 A person ~~stockpiling~~ shall not stockpile dry manure on
19 terrain, other than karst terrain, for more than fifteen
20 consecutive days ~~shall comply with any of the following:~~

21 ~~1. Stockpile unless the person stockpiles the dry manure by~~
22 using any of the following:

23 ~~a. 1.~~ A qualified stockpile structure.

24 ~~b. 2.~~ A qualified stockpile cover. However, the person
25 shall not stockpile dry manure using a qualified stockpile
26 cover at a long-term stockpile location unless the person
27 stockpiles the dry manure on compacted soil, compacted granular
28 aggregates, asphalt, concrete, or other similar materials.

29 ~~2. Deliver a stockpile inspection statement to the~~
30 ~~department as follows:~~

31 ~~a. The department must receive the statement by the~~
32 ~~fifteenth day of each month.~~

33 ~~b. The stockpile inspection statement shall provide the~~
34 ~~location of the stockpile and document the results of an~~
35 ~~inspection conducted by the person during the previous month.~~

1 ~~The inspection must evaluate whether precipitation-induced~~
2 ~~runoff is draining away from the stockpile and, if so, describe~~
3 ~~actions taken to prevent the runoff. If an inspection by the~~
4 ~~department documents that precipitation-induced runoff is~~
5 ~~draining away from a stockpile, the person shall immediately~~
6 ~~remove dry manure from the stockpile in compliance with this~~
7 ~~chapter or comply with all directives of the department to~~
8 ~~prevent the runoff.~~

9 ~~c. The stockpile inspection statement must be in writing and~~
10 ~~may be on a form prescribed by the department.~~

11 Sec. 4. Section 459.311E, Code 2017, is amended to read as
12 follows:

13 **459.311E Stockpiling — required practices water quality —**
14 **removal and application.**

15 1. ~~A person stockpiling dry manure shall comply with~~
16 ~~applicable requirements of the national pollutant discharge~~
17 ~~elimination system pursuant to the federal Water Pollution~~
18 ~~Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts.~~
19 ~~122 and 412.~~

20 2. A person stockpiling dry manure shall remove the dry
21 manure and apply it in accordance with the provisions of this
22 chapter, including but not limited to section 459.311, within
23 six months after the dry manure is first stockpiled.

24 Sec. 5. Section 459.319, Code 2017, is amended to read as
25 follows:

26 **459.319 Exception from regulation — stockpiling.**

27 1. This Except as provided in subsection 2, this subchapter
28 shall not apply to a person who stockpiles dry manure if the
29 stockpile's dry manure originates from a confinement feeding
30 operation that was constructed prior to January 1, 2006, ~~unless~~
31 ~~the confinement feeding operation is expanded after that date.~~

32 2. Subsection 1 does not The stockpiling requirements of
33 this subchapter do apply to any all of the following:

34 a. A person who stockpiles dry manure in violation of
35 section 459.311.

1 Sec. 8. NEW SECTION. **459A.402A Stockpiling solids allowed**
2 **— general.**

3 A person may stockpile solids so long as the person
4 stockpiles the solids in compliance with restrictions
5 applicable to stockpiling as provided in this subchapter.

6 Sec. 9. NEW SECTION. **459A.402B Stockpiling solids — air**
7 **quality — minimum separation distance requirements.**

8 1. Except as provided in subsection 2, a person shall not
9 stockpile solids within one thousand two hundred fifty feet
10 from a residence not owned by the titleholder of the land, a
11 commercial enterprise, a bona fide religious institution, an
12 educational institution, or a public use area.

13 2. A person may stockpile solids within a separation
14 distance required between the stockpiled solids and an object
15 or location for which separation is required under subsection
16 1, if any of the following apply:

17 *a.* The titleholder of the land benefiting from the
18 separation distance requirement executes a written waiver with
19 the titleholder of the land where the stockpile is located.

20 *b.* The stockpiled solids originate from any of the
21 following:

22 (1) A small animal feeding operation.

23 (2) A small animal truck wash facility.

24 *c.* The stockpile consists of solids originating from any of
25 the following:

26 (1) An open feedlot operation was constructed before
27 January 1, 2006, unless the open feedlot operation is expanded
28 after that date.

29 (2) An animal truck wash facility was constructed before
30 January 1, 2006, unless the animal truck wash facility is
31 expanded after that date.

32 Sec. 10. NEW SECTION. **459A.402C Stockpiling solids — water**
33 **quality — determining single stockpile.**

34 For purposes of sections 459A.402D, 459A.403, 459A.403A,
35 459A.403B, and 459A.403C, solids that are stockpiled within a

1 distance of one thousand two hundred fifty feet from another
2 stockpile shall be considered part of the same stockpile.

3 **Sec. 11. NEW SECTION. 459A.402D Stockpiling solids — water**
4 **quality — minimum requirements for control.**

5 1. A person stockpiling solids shall comply with applicable
6 requirements of the national pollutant discharge elimination
7 system pursuant to the federal Water Pollution Control Act, 33
8 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

9 2. Stockpiled solids shall be disposed of in a manner
10 which will not cause surface water or groundwater pollution.
11 Disposal shall be deemed as compliance with this requirement if
12 it is in accordance with provisions of state law, including all
13 of the following:

14 a. Disposal of solids under this chapter, including rules
15 and guidelines adopted pursuant to this chapter.

16 b. Disposal of solids in the same manner as stockpiled dry
17 manure in accordance with chapter 459, or rules and guidelines
18 adopted pursuant to that chapter.

19 **Sec. 12. Section 459A.403, Code 2017, is amended by striking**
20 **the section and inserting in lieu thereof the following:**

21 **459A.403 Stockpiling solids — water quality — minimum**
22 **separation distance requirements and prohibitions.**

23 1. A person shall not stockpile solids within the following
24 separation distances from any of the following:

25 a. A terrace tile inlet or surface tile inlet, two hundred
26 feet. However, this paragraph does not apply to a person
27 who stockpiles the solids in a manner that does not allow
28 precipitation-induced runoff to drain from the stockpile to the
29 terrace tile inlet or surface tile inlet. A terrace tile inlet
30 or surface tile inlet does not include a tile inlet that is not
31 directly connected to a tile line that discharges directly into
32 a water of the state.

33 b. (1) A designated area, four hundred feet. However, an
34 increased separation distance of eight hundred feet shall apply
35 to all of the following:

1 (a) A high-quality water resource.

2 (b) An agricultural drainage well.

3 (c) A known sinkhole.

4 (2) Subparagraph (1) does not apply to a person
5 who stockpiles solids in a manner that does not allow
6 precipitation-induced runoff to drain from the stockpile to the
7 designated area.

8 2. A person shall not stockpile solids in a grassed
9 waterway.

10 3. A person shall not stockpile solids on land having a
11 slope of more than three percent. However, this subsection
12 shall not apply to a person who stockpiles solids using
13 methods, structures, or practices that contain the stockpile,
14 including but not limited to silt fences, temporary earthen
15 berms, or other effective measures, and that prevent or
16 diminish precipitation-induced runoff from the stockpile.

17 Sec. 13. NEW SECTION. **459A.403A Stockpiling solids — water**
18 **quality — terrain other than karst terrain.**

19 A person shall not stockpile solids on terrain, other than
20 karst terrain, for more than fifteen consecutive days unless
21 the person stockpiles the solids by using any of the following:

22 1. A qualified stockpile structure.

23 2. A qualified stockpile cover. However, the person shall
24 not stockpile solids using a qualified stockpile cover at a
25 long-term stockpile location unless the person stockpiles
26 the solids on compacted soil, compacted granular aggregates,
27 asphalt, concrete, or other similar materials.

28 Sec. 14. NEW SECTION. **459A.403B Stockpiling solids — water**
29 **quality — karst terrain.**

30 A person stockpiling solids on karst terrain shall comply
31 with all of the following:

32 1. The person shall stockpile the solids at a location
33 where there is a vertical separation distance of at least five
34 feet between the bottom of the stockpile and the underlying
35 limestone, dolomite, or other soluble rock.

1 2. A person who stockpiles the solids for more than fifteen
2 consecutive days shall use any of the following:

3 a. A qualified stockpile structure.

4 b. A qualified stockpile cover. However, the person shall
5 not stockpile solids using a qualified stockpile cover at a
6 long-term stockpile location unless the stockpile is located on
7 reinforced concrete at least five inches thick.

8 Sec. 15. NEW SECTION. **459A.403C Stockpiling solids — water**
9 **quality — removal and application.**

10 1. A person stockpiling solids shall remove the solids and
11 apply them in accordance with the provisions of this chapter,
12 including but not limited to section 459A.402D within six
13 months after the solids are first stockpiled.

14 2. A person shall only apply stockpiled solids in the same
15 manner as stockpiled dry manure is required to be applied under
16 chapter 459, including on snow-covered ground or frozen ground
17 as provided in section 459.313A and in close proximity to a
18 designated area in the same manner as stockpiled dry manure is
19 required to be applied under section 459.314.

20 Sec. 16. NEW SECTION. **459A.403D Stockpiling solids — water**
21 **quality — exception from regulation.**

22 1. Except as provided in subsection 2, sections 459A.402A,
23 459A.402C, 459A.403, 459A.403A, 459A.403B, and 459A.403C shall
24 not apply to a person who stockpiles solids if the stockpile's
25 solids originate from an open feedlot operation or an animal
26 truck wash facility that was constructed prior to January 1,
27 2006.

28 2. The stockpiling requirements of the sections referred to
29 in subsection 1 do apply to all of the following:

30 a. A stockpile where precipitation-induced runoff has
31 drained away.

32 b. A stockpile consisting of solids originated from an open
33 feedlot operation or an animal truck wash facility that is
34 expanded on or after January 1, 2006.

35 Sec. 17. Section 459A.502, Code 2017, is amended to read as

1 follows:

2 **459A.502 Violations — civil penalty.**

3 A person who violates section 459A.402B shall be subject
4 to the same penalty as provided in section 459.602, and a
5 person who violates any other provision of **this chapter** shall
6 be subject to a civil penalty which shall be established,
7 assessed, and collected in the same manner as provided in
8 section 455B.191. Any collected civil penalty and interest on
9 a civil penalty shall be credited to the Iowa nutrient research
10 fund created in **section 466B.46**. A person shall not be subject
11 to a penalty under **this section** and a penalty under section
12 459.603 for the same violation.

13 DIVISION III

14 DRY BEDDED CONFINEMENT FEEDING OPERATIONS

15 Sec. 18. Section 459B.102, Code 2017, is amended by adding
16 the following new subsections:

17 NEW SUBSECTION. 19A. *"Long-term stockpile location"* means
18 an area where a person stockpiles dry bedded manure for more
19 than six months in any two-year period.

20 NEW SUBSECTION. 23A. *"Qualified stockpile cover"* means the
21 same as defined in section 459.102.

22 NEW SUBSECTION. 23B. *"Qualified stockpile structure"* means
23 the same as defined in section 459.102.

24 NEW SUBSECTION. 23C. *"Religious institution"* means the same
25 as defined in section 459.102.

26 NEW SUBSECTION. 23D. *"Small animal feeding operation"* means
27 the same as defined in section 459.102.

28 NEW SUBSECTION. 24A. *"Stockpile dry bedded manure"* means to
29 create or add to a stockpile.

30 Sec. 19. NEW SECTION. **459B.300 Stockpiling dry bedded**
31 **manure allowed — general.**

32 A person may stockpile dry bedded manure so long as the
33 person stockpiles the dry bedded manure in compliance with
34 restrictions applicable to stockpiling as provided in this
35 subchapter.

1 Sec. 20. Section 459B.301, unnumbered paragraph 1, Code
2 2017, is amended by striking the unnumbered paragraph.

3 Sec. 21. Section 459.301, subsection 2, Code 2017, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. *c.* The stockpile consists of dry bedded
6 manure originating from a dry bedded confinement feeding
7 operation that was constructed before January 1, 2006, unless
8 the dry bedded confinement feeding operation is expanded after
9 that date.

10 Sec. 22. NEW SECTION. **459B.304A Stockpiling dry bedded**
11 **manure — water quality — determining single stockpile.**

12 For purposes of sections 459B.307, 459B.307A, 459B.307B,
13 and 459B.307C, dry bedded manure that is stockpiled within a
14 distance of one thousand two hundred fifty feet from another
15 stockpile shall be considered part of the same stockpile.

16 Sec. 23. Section 459B.306, Code 2017, is amended to read as
17 follows:

18 **459B.306 Stockpiling — ~~NPDES requirements~~ dry bedded manure**
19 **— water quality — minimum requirements for control.**

20 1. A person stockpiling dry bedded manure shall comply with
21 applicable requirements of the national pollutant discharge
22 elimination system pursuant to the federal Water Pollution
23 Control Act, 33 U.S.C. ch. 26, as amended, and **40 C.F.R. pts.**
24 **122 and 412.**

25 2. Stockpiled dry bedded manure shall be disposed of in
26 a manner which will not cause surface water or groundwater
27 pollution. Disposal shall be deemed as compliance with this
28 requirement if it is in accordance with the provisions of state
29 law, including the following:

30 a. Disposal of dry bedded manure under this chapter,
31 including rules and guidelines adopted pursuant to this
32 chapter.

33 b. Disposal of stockpiled dry bedded manure in accordance
34 with chapter 459, or rules and guidelines adopted pursuant to
35 that chapter.

1 Sec. 24. Section 459B.307, Code 2017, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **459B.307 Stockpiling dry bedded manure — water quality —**
4 **minimum separation distance requirements and prohibitions.**

5 1. A person shall not stockpile dry bedded manure within the
6 following distances from any of the following:

7 a. A terrace tile inlet or surface tile inlet, two hundred
8 feet. However, this paragraph does not apply to a person who
9 stockpiles the dry bedded manure in a manner that does not
10 allow precipitation-induced runoff to drain from the stockpile
11 to the terrace tile inlet or surface tile inlet. A terrace
12 tile inlet or surface tile inlet does not include a tile inlet
13 that is not directly connected to a tile line that discharges
14 directly into a water of the state.

15 b. (1) A designated area, four hundred feet. However, an
16 increased separation distance of eight hundred feet shall apply
17 to all of the following:

18 (a) A high-quality water resource.

19 (b) An agricultural drainage well.

20 (c) A known sinkhole.

21 (2) Subparagraph (1) does not apply to a person who
22 stockpiles dry bedded manure in a manner that does not allow
23 precipitation-induced runoff to drain from the stockpile to the
24 designated area.

25 2. A person shall not stockpile dry bedded manure in a
26 grassed waterway.

27 3. A person shall not stockpile dry bedded manure on land
28 having a slope of more than three percent. However, this
29 subsection shall not apply to a person who stockpiles dry
30 bedded manure using methods, structures, or practices that
31 contain the stockpile, including but not limited to silt
32 fences, temporary earthen berms, or other effective measures,
33 and that prevent or diminish precipitation-induced runoff from
34 the stockpile.

35 Sec. 25. NEW SECTION. **459B.307A Stockpiling dry bedded**

1 manure — water quality — terrain other than karst terrain.

2 A person shall not stockpile dry bedded manure on terrain,
3 other than karst terrain, for more than fifteen consecutive
4 days unless the person stockpiles the dry bedded manure by
5 using any of the following:

6 1. A qualified stockpile structure.

7 2. A qualified stockpile cover. However, the person shall
8 not stockpile dry bedded manure using a qualified stockpile
9 cover at a long-term stockpile location unless the person
10 stockpiles the dry bedded manure on compacted soil, compacted
11 granular aggregates, asphalt, concrete, or other similar
12 materials.

13 Sec. 26. NEW SECTION. 459B.307B Stockpiling dry bedded
14 manure — water quality — karst terrain.

15 A person stockpiling dry bedded manure on karst terrain
16 shall comply with all of the following:

17 1. The person shall stockpile the dry bedded manure at a
18 location where there is a vertical separation distance of at
19 least five feet between the bottom of the stockpile and the
20 underlying limestone, dolomite, or other soluble rock.

21 2. A person who stockpiles dry bedded manure for more than
22 fifteen consecutive days shall use any of the following:

23 a. A qualified stockpile structure.

24 b. A qualified stockpile cover. However, the person shall
25 not stockpile dry bedded manure using a qualified stockpile
26 cover at a long-term stockpile location unless the stockpile is
27 located on reinforced concrete at least five inches thick.

28 Sec. 27. NEW SECTION. 459B.307C Stockpiling dry bedded
29 manure — removal and application.

30 1. A person stockpiling dry bedded manure shall remove
31 the dry bedded manure and apply it in accordance with the
32 provisions of section 459B.306 within six months after the dry
33 bedded manure is first stockpiled.

34 2. A person shall only apply stockpiled dry bedded manure
35 in the same manner as stockpiled dry manure is required to be

1 applied under chapter 459, including applying dry bedded manure
2 on snow-covered ground or frozen ground as provided in sections
3 459.313A and in close proximity to a designated area in the
4 same manner as stockpiled dry manure is required to be applied
5 under section 459.314.

6 Sec. 28. NEW SECTION. **459B.307D Stockpiling dry bedded**
7 **manure — water quality — exceptions from regulation.**

8 1. Except as provided in subsection 2, sections 459B.304A,
9 459B.307, 459B.307A, 459B.307B, and 459B.307C shall not apply
10 to a person who stockpiles dry bedded manure if the stockpile's
11 dry bedded manure originates from a dry bedded confinement
12 feeding operation that was constructed prior to January 1,
13 2006.

14 2. The stockpiling requirements of the sections referred to
15 in subsection 1 do apply to all of the following:

16 a. A stockpile where precipitation-induced runoff has
17 drained away.

18 b. A stockpile consisting of dry bedded manure originated
19 from a dry bedded confinement feeding operation that is
20 expanded on or after January 1, 2006.

21 Sec. 29. CODE EDITOR DIRECTIVE.

22 1. The Code editor is directed to make the following
23 transfer: section 459B.305 to section 459B.311.

24 2. The Code editor shall correct internal references in the
25 Code and in any enacted legislation as necessary due to the
26 enactment of this section.

27 **EXPLANATION**

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

30 **GENERAL — STOCKPILING.** This bill amends three related
31 Code chapters which in part regulate the stockpiling of that
32 part of effluent produced by agricultural animals and which is
33 characterized as "dry" or "solid" (referred to herein as "dry
34 or solid manure") meaning that it does not flow perceptibly
35 under pressure and is not capable of being transported through

1 a mechanical pumping device designed to move a liquid (Code
2 sections 459.102 which refers to dry manure, 459A.102 which
3 refers to solids, and 459B.102 which refers to dry bedded
4 manure) and which originates from animal feeding operations.
5 An animal feeding operation is where agricultural animals
6 are confined and fed and maintained for at least 45 days.
7 The regulations also apply to associated facilities and
8 specifically animal truck wash facilities.

9 GENERAL — AMENDED CHAPTERS. The bill amends provisions
10 regulating stockpiles in Code chapters 459A and 459B to be
11 the same as or similar as provisions regulating stockpiles
12 contained in Code chapter 459. Code chapter 459 ("Animal
13 Agriculture Compliance Act") regulates all animal feeding
14 operations but primarily confinement feeding operations where
15 agricultural animals are confined to areas which are totally
16 roofed. Code chapter 459A ("Animal Agriculture Compliance Act
17 for Open Feedlot Operations and Animal Truck Wash Facilities")
18 regulates open feedlot operations which are unroofed or
19 partially roofed areas where there is no vegetation, and
20 where settleable solids are separated from liquids; and
21 animal truck wash facilities that are used to store effluent
22 including solids after truck-trailers transporting agricultural
23 animals are cleaned. Code chapter 459B ("Animal Agriculture
24 Compliance Act for Dry Bedded Confinement Feeding Operations")
25 regulates special confinement feeding operations (e.g., hooped
26 structures) in which the effluent is exclusively stored on a
27 dry rather than liquid basis.

28 ALLOWANCE. The bill provides that a person may stockpile dry
29 or solid manure, so long as it complies with legal statutory
30 requirements and rules adopted by the department of natural
31 resources, including provisions which refer to the federal
32 Clean Water Act.

33 AIR QUALITY — SEPARATION DISTANCE REQUIREMENTS. The bill
34 establishes separation distance requirements established
35 between a stockpile and a residence not owned by the

1 titleholder of the land, a commercial enterprise, a bona fide
2 religious institution, an educational institution, or a public
3 use area.

4 AIR QUALITY — EXCEPTIONS. The bill provides exceptions
5 from separation distance requirements in cases where a
6 titleholder of land benefiting from the separation distance
7 signs a waiver, the dry or solid manure originates from a small
8 animal feeding operation or small animal truck wash facility,
9 or the operation or facility was established prior to January
10 1, 2006.

11 WATER QUALITY — CONSOLIDATION. The bill provides that two
12 stockpiles separated by 1,250 feet or less are considered a
13 single stockpile.

14 WATER QUALITY — GENERAL. The bill requires a person
15 stockpiling dry or solid manure to comply with applicable
16 requirements of the federal Water Pollution Control Act. In
17 addition, the dry or solid manure must not be disposed of in a
18 manner that will cause surface water or groundwater pollution.

19 WATER QUALITY — SEPARATION DISTANCE REQUIREMENTS. The bill
20 establishes separation distances between a stockpile and a
21 designated area (sinkhole, cistern, abandoned well, unplugged
22 agricultural drainage well, agricultural drainage well surface
23 inlet, drinking water well, a designated wetland, or a water
24 source) and a high-quality water resource. A stockpile
25 also cannot be located on land having a slope of more than 3
26 percent, unless measures are installed to prevent runoff.

27 WATER QUALITY — NONKARST AND KARST TERRAIN. The bill
28 prohibits a person from stockpiling dry manure on terrain,
29 other than karst terrain, for more than 15 consecutive days
30 unless the person uses a roofed structure (qualified stockpile
31 structure) or other barrier (qualified stockpile cover). If a
32 cover is used to store dry or solid manure on a long-term basis
33 (more than six months in any two-year period) the ground or
34 flooring must be composed on nonpermeable materials. If the
35 stockpile is located on karst terrain, there must be at least

1 a five-foot barrier between the bottom of the stockpile and
2 the underlying limestone, dolomite, or other soluble rock. In
3 addition, if the dry or solid manure is stockpiled for more
4 than 15 days, a qualified stockpile structure or qualified
5 stockpile cover must be used. If a cover is used to store
6 dry or solid manure on a long-term basis, the stockpile must
7 be located on reinforced concrete at least five inches thick.
8 The bill eliminates a provision in Code chapter 459 which
9 requires a stockpile inspection statement be filed with the
10 department. The bill eliminates a provision which applies
11 the same requirements to dry bedded manure stockpiled in an
12 alluvial aquifer.

13 WATER QUALITY — APPLICATION PRACTICES. The bill requires
14 that dry or solid manure must be removed within six months
15 after it is first stockpiled. It also requires a person to
16 apply the dry or solid manure in the same manner as required in
17 Code chapter 459, including on snow-covered ground or frozen
18 ground and in close proximity to a designated area.

19 WATER QUALITY — EXCEPTIONS. The provisions of the bill
20 which establish water quality regulations do not apply to
21 operations or facilities constructed prior to January 1, 2006,
22 unless they are expanded. These exceptions do not apply to
23 provisions prohibiting water pollution.

24 CIVIL PENALTIES. Under Code chapter 459, different civil
25 penalties apply to violations involving air quality and water
26 quality. A person who violates a provision regulating air
27 quality is subject to a range of administratively assessed
28 civil penalties based on a number of criteria established
29 by the department. The civil penalty cannot exceed \$10,000
30 (Code sections 455B.109 and 459.602). A person who violates
31 a provision regulating water quality is subject to an
32 administratively assessed civil penalty of not more than
33 \$10,000 (Code sections 455B.109 and 459.603), or a judicially
34 assessed amount of not more than \$5,000 per each day of the
35 violation (Code sections 455B.191 and 459.603).

1 The bill provides that a person stockpiling dry manure from
2 an open feedlot operation or an animal truck wash facility who
3 violates the new air quality provision is subject to the same
4 civil penalty that applies to a person stockpiling dry manure
5 from a confinement feeding operation. Otherwise, the person is
6 subject to the same civil penalty as applies to water quality
7 regulations applicable to confinement feeding operations. A
8 person stockpiling dry manure from a dry bedded confinement
9 feeding operation is subject to the same civil penalties that
10 apply to confinement feeding operations violating air or water
11 quality regulations.