

**Senate File 131 - Introduced**

SENATE FILE 131

BY D. JOHNSON

**A BILL FOR**

1 An Act reducing the size of certain confinement feeding  
2 operations that qualify for exemptions from environmental  
3 regulations.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.102, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 51A. *"Small confinement feeding operation"*  
4 means a confinement feeding operation which has an animal unit  
5 capacity of two hundred fifty or fewer animal units.

6 Sec. 2. Section 459.203, unnumbered paragraph 1, Code 2017,  
7 is amended to read as follows:

8 A confinement feeding operation constructed or expanded  
9 prior to the date that a distance requirement became effective  
10 under [section 459.202](#) and which does not comply with the  
11 section's distance requirement may continue to operate  
12 regardless of the distance requirement. A small animal feeding  
13 operation which is not in compliance with the applicable  
14 separation distance requirement described in section 459.202  
15 on the effective date of this Act may continue to operate  
16 regardless of that distance requirement. The A confinement  
17 feeding operation described in this paragraph may be expanded  
18 if any of the following applies:

19 Sec. 3. Section 459.205, subsection 1, Code 2017, is amended  
20 to read as follows:

21 1. A confinement feeding operation structure, if the  
22 structure is part of a ~~confinement feeding operation which~~  
23 ~~qualifies as a small animal~~ confinement feeding operation.  
24 However, [this subsection](#) shall not apply if the confinement  
25 feeding operation structure is an unformed manure storage  
26 structure.

27 Sec. 4. Section 459.205, subsection 4, paragraph c, Code  
28 2017, is amended to read as follows:

29 c. The liquid manure originates from a small animal  
30 confinement feeding operation.

31 Sec. 5. Section 459.205, subsection 5, paragraph b, Code  
32 2017, is amended to read as follows:

33 b. The stockpile consists of dry manure originating from a  
34 small animal confinement feeding operation.

35 Sec. 6. Section 459.301, subsection 3, paragraph b,

1 unnumbered paragraph 1, Code 2017, is amended to read as  
2 follows:

3 In calculating animal unit capacity for purposes of an  
4 election to be considered a small ~~animal~~ confinement feeding  
5 operation as provided in [section 459.312A](#), the animal unit  
6 capacity of a confinement feeding operation shall include all  
7 confinement feeding operation buildings that are used to do any  
8 of the following:

9 Sec. 7. Section 459.303, subsection 1, paragraph b,  
10 subparagraph (1), Code 2017, is amended to read as follows:

11 (1) The confinement feeding operation structure, if  
12 constructed, would be part of a small ~~animal~~ confinement  
13 feeding operation. However, the person must obtain a permit  
14 under [this section](#) if the confinement feeding operation  
15 structure is an unformed manure storage structure.

16 Sec. 8. Section 459.306, subsection 1, paragraph b,  
17 subparagraph (1), Code 2017, is amended to read as follows:

18 (1) A person who constructs a formed manure storage  
19 structure as part of a small ~~animal~~ confinement feeding  
20 operation.

21 Sec. 9. Section 459.307, unnumbered paragraph 1, Code 2017,  
22 is amended to read as follows:

23 The department shall adopt rules establishing construction  
24 design standards for formed manure storage structures that are  
25 part of confinement feeding operations other than small ~~animal~~  
26 confinement feeding operations. However, the construction  
27 design standards shall apply to a formed manure storage  
28 structure that is part of a small ~~animal~~ confinement feeding  
29 operation as provided in [section 459.310](#).

30 Sec. 10. Section 459.312, subsection 1, paragraph a,  
31 unnumbered paragraph 1, Code 2017, is amended to read as  
32 follows:

33 The owner of a confinement feeding operation, other than  
34 a small ~~animal~~ confinement feeding operation, if any of the  
35 following apply:

1     Sec. 11. Section 459.312, subsection 1, paragraph b, Code  
2 2017, is amended to read as follows:

3     *b.* A person who applies manure from a confinement feeding  
4 operation, other than a small ~~animal~~ confinement feeding  
5 operation, which is located in another state, if the manure is  
6 applied on land located in this state.

7     Sec. 12. Section 459.312A, subsections 1 and 2, Code 2017,  
8 are amended to read as follows:

9     1. A person otherwise required to submit an updated manure  
10 management plan as required in [section 459.312](#) and pay an  
11 annual compliance fee as required in [section 459.400](#) may make a  
12 small ~~animal~~ confinement feeding operation election as provided  
13 in [this section](#).

14     2. Upon the effective date of the election, the confinement  
15 feeding operation covered by the updated manure management  
16 plan shall be considered a small ~~animal~~ confinement feeding  
17 operation only for purposes of submitting the updated manure  
18 management plan and paying the annual compliance fee, during  
19 the period of the election.

20     Sec. 13. Section 459.312A, subsection 4, Code 2017, is  
21 amended to read as follows:

22     4. The department shall provide for the period of election,  
23 including its effective and expiration dates. However, the  
24 period of election shall be at least for the same period  
25 covered by the updated manure management plan. An election  
26 automatically terminates when more than ~~five~~ two hundred fifty  
27 animal units are housed at the confinement feeding operation at  
28 any one time.

29     Sec. 14. Section 459.313A, subsection 3, paragraph a, Code  
30 2017, is amended to read as follows:

31     *a.* The application of liquid manure originating from a small  
32 ~~animal~~ confinement feeding operation.

33     Sec. 15. Section 459.315, subsection 4, Code 2017, is  
34 amended to read as follows:

35     4. [This section](#) shall not require a person to be certified

1 as a confinement site manure applicator if the person applies  
2 manure which originates from a manure storage structure which  
3 is part of a small ~~animal~~ confinement feeding operation.

4 EXPLANATION

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

7 GENERAL. This bill amends a number of provisions in the  
8 animal agriculture compliance Act (Code chapter 459) which  
9 regulate animal feeding operations by creating a new category  
10 of confinement feeding operation referred to as a small  
11 confinement feeding operation (SCFO) that would effectively  
12 replace the current category referred to as a small animal  
13 feeding operation (SAFO). Currently, in order to qualify as  
14 an SAFO, an animal feeding operation's capacity cannot exceed  
15 500 animal units (AUs). A confinement feeding operation  
16 would not qualify as an SCFO if its capacity exceeds 250  
17 AUs. Any exemption from a regulation currently available  
18 to a confinement feeding operation qualifying as an SAFO  
19 would only be available if the confinement feeding operation  
20 qualified as an SCFO. In the case where a current exemption  
21 allows an SAFO to be located closer than normally allowed to a  
22 benefited object or location (home, school, business, religious  
23 institution, road, or public use area), the bill provides the  
24 SAFO may continue to operate, but limits how such operation  
25 could expand in the same manner as other grandfathered  
26 operations. The bill does not affect exemptions for SAFOs  
27 in other Code chapters including the animal agriculture  
28 compliance Act for open feedlot operations and animal truck  
29 wash facilities (Code chapter 459A) or the animal agriculture  
30 compliance Act for dry bedded confinement feeding operations  
31 (Code section 459B).

32 BACKGROUND — EXEMPTIONS. An SAFO is exempted from  
33 regulations that would otherwise require a confinement  
34 operation to (1) maintain a separation distance between a  
35 confinement feeding operation structure (building or manure

1 storage) and a benefited object or location (Code sections  
 2 459.202, 459.203, and 459.205), (2) maintain a separation  
 3 distance between manure applied to land and a home (Code  
 4 sections 459.204 and 459.205), (3) maintain a separation  
 5 distance between a stockpile of dry manure and a home (Code  
 6 sections 459.204B and 459.205), (4) obtain a permit from  
 7 the department of natural resources (DNR) to construct a  
 8 confinement feeding operation structure other than an unformed  
 9 manure storage structure (Code section 459.303), (5) submit  
 10 a construction design statement to DNR for the construction  
 11 of a formed manure storage structure (Code sections 459.306  
 12 and 459.307), (6) submit an annual manure management plan  
 13 or update and pay an associated compliance fee to DNR (Code  
 14 sections 459.312 and 459.400), (7) restrict the application of  
 15 liquid manure on snow-covered and frozen ground (Code section  
 16 459.313A), and (8) be certified by DNR to apply manure on land  
 17 (Code section 459.315). The bill also provides that an option  
 18 allowing a confinement feeding operation to become reclassified  
 19 as an SAFO would apply to allow the operation to be instead  
 20 reclassified as an SCFO exempt from filing a manure management  
 21 plan update and paying the annual compliance fee for the period  
 22 of election (Code sections 459.312A and 459.400).

23 BACKGROUND — ANIMAL FEEDING OPERATIONS AND CONFINEMENT  
 24 FEEDING OPERATIONS. An animal feeding operation refers to any  
 25 area in which animals are confined and fed and maintained for  
 26 45 days or more in any 12-month period, and includes associated  
 27 structures including those used to store manure. A confinement  
 28 feeding operation is a type of animal feeding operation that  
 29 includes a building that is totally roofed (as compared to  
 30 an open feedlot). Confined animals are limited to cattle,  
 31 swine, horses, sheep, chickens, turkeys, or fish (Code section  
 32 459.102).

33 BACKGROUND — AU CAPACITY. AU capacity refers to the  
 34 maximum number of animal units that may be maintained in all  
 35 confinement buildings associated with the confinement feeding

1 operation at any one time (Code sections 459.102 and 459.201).  
2 In calculating AU capacity, each of various types of animals  
3 is assigned a special equivalency factor. For example, each  
4 butcher or breeding swine weighing more than 55 pounds has  
5 an equivalency factor of 0.4 AUs (Code section 459.102). In  
6 order to qualify as an SAFO, a confinement feeding operation  
7 must have a capacity of 1,250 or fewer butcher or breeding  
8 swine ( $500 \div 0.4 = 1,250$ ). In order to qualify as an SCFO,  
9 the confinement feeding operation would have to have a maximum  
10 capacity of 625 or fewer breeding swine ( $250 \div 0.4 = 625$ ).