

**House File 2464 - Introduced**

HOUSE FILE 2464

BY SHIPLEY

**A BILL FOR**

1 An Act increasing separation distance requirements between  
2 a confinement feeding operation structure and certain  
3 locations, making penalties applicable, and including  
4 effective date provisions.

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

1 Section 1. Section 459.202, subsection 4, paragraph a, Code  
2 2020, is amended to read as follows:

3 a. Except as provided in subsection subsections 5 and 5A,  
4 and sections 459.203, 459.205, and 459.206, this subsection  
5 applies to confinement feeding operation structures constructed  
6 on or after March 1, 2003, and to the expansion of confinement  
7 feeding operation structures constructed on or after March 1,  
8 2003.

9 Sec. 2. Section 459.202, subsection 5, paragraph a, Code  
10 2020, is amended to read as follows:

11 a. Except as provided in subsection 5A, and sections  
12 459.203, 459.205, and 459.206, this subsection applies to  
13 confinement feeding operation structures constructed on or  
14 after March 1, 2003, and to the expansion of confinement  
15 feeding operation structures constructed on or after March 1,  
16 2003.

17 Sec. 3. Section 459.202, Code 2020, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 5A. a. Except as provided in sections  
20 459.203, 459.205, and 459.206, this subsection applies to  
21 confinement feeding operation structures constructed on or  
22 after the effective date of this Act, and to the expansion of  
23 confinement feeding operation structures constructed on or  
24 after the effective date of this Act.

25 b. (1) The following table represents the minimum  
26 separation distance in feet required between a confinement  
27 feeding operation structure and a residence not owned by the  
28 owner of the confinement feeding operation, if the residence is  
29 not located within the corporate limits of a city:

30		For a	
31	For a	confinement	For a
32	confinement	feeding	confinement
33	feeding	operation	feeding
34	operation	having an	operation
35	having an	animal unit	having an

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1	2	3	4	5
Type of structure	animal unit capacity of less than 1,000 animal units	capacity of 1,000 or more but less than 3,000 animal units	animal unit capacity of 3,000 or more animal units	
6 Anaerobic lagoon	2,375	3,000	3,500	
8 Uncovered earthen manure storage basin	2,375	3,000	3,500	
14 Uncovered formed manure storage structure	2,000	2,500	3,000	
19 Covered earthen manure storage basin	1,750	2,375	2,875	
24 Covered formed manure storage structure	1,750	2,375	2,875	
29 Confinement building	1,750	2,375	2,875	
31 Egg washwater storage structure	1,500	2,000	2,500	

35 (2) The following table represents the minimum separation

1 distance in feet required between a confinement feeding  
 2 operation structure and a residence not owned by the owner of  
 3 the confinement feeding operation, if the residence is located  
 4 within the corporate limits of a city:

	For a confinement feeding operation having an animal unit capacity of less than 1,000 animal units	For a confinement feeding operation having an animal unit capacity of 1,000 or more but less than 3,000 animal units	For a confinement feeding operation having an animal unit capacity of 3,000 or more animal units
5			
6			
7			
8			
9			
10			
11			
12			
13	Type of		
14	structure		
15			

16 Confinement  
 17 feeding  
 18 operation  
 19 structure

2,375

3,000

3,500

20 Sec. 4. Section 459.203, subsection 1, paragraph c, Code  
 21 2020, is amended to read as follows:

22 c. (1) For Except as provided in subparagraph (2), for a  
 23 confinement feeding operation constructed on or after March 1,  
 24 2003, any construction or expansion of a confinement feeding  
 25 operation structure complies with the distance requirements  
 26 applying to that structure as provided in section 459.202,  
 27 subsections 4 and 5.

28 (2) For a confinement feeding operation constructed on  
 29 or after the effective date of this Act, any construction or  
 30 expansion of a confinement feeding operation structure complies  
 31 with the distance requirements applying to that structure and a  
 32 residence as provided in section 459.202, subsection 5A.

33 Sec. 5. Section 459.204, Code 2020, is amended to read as  
 34 follows:

35 **459.204 Liquid manure application — separation distance.**

1 Except as provided in section 459.205, a person shall not  
2 apply liquid manure from a confinement feeding operation on  
3 land located within ~~seven~~ the following separation distances:

4 1. Seven hundred fifty feet from a residence not owned by  
5 ~~the titleholder of the land~~, a commercial enterprise, a bona  
6 fide religious institution, an educational institution, or a  
7 public use area.

8 2. One thousand feet from a residence not owned by the  
9 titleholder of the land.

10 Sec. 6. Section 459.310, subsection 1, paragraph b, Code  
11 2020, is amended to read as follows:

12 b. (1) A confinement feeding operation structure  
13 constructed prior to the effective date of this Act shall not  
14 be constructed if the confinement feeding operation structure  
15 as constructed is closer than any of the following:

16 ~~(1)~~ (a) Five hundred feet away from a water source other  
17 than a major water source.

18 ~~(2)~~ (b) One thousand feet away from a major water source.

19 ~~(3)~~ (c) Two thousand five hundred feet away from a  
20 designated wetland.

21 (2) A confinement feeding operation structure constructed  
22 on or after the effective date of this Act shall not be  
23 constructed or expanded if the confinement feeding operation  
24 structure as constructed or expanded is closer than any of the  
25 following:

26 (a) Six hundred feet away from a water source other than a  
27 major water source.

28 (b) One thousand one hundred feet away from a major water  
29 source.

30 (c) Two thousand five hundred feet away from a designated  
31 wetland.

32 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate  
33 importance, takes effect upon enactment.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       BACKGROUND. This bill amends provisions in Code chapter  
3 459, the "Animal Agriculture Compliance Act" (Code section  
4 459.101) regulating confinement feeding operations (operations)  
5 and associated confinement buildings, manure storage  
6 structures, and egg washwater storage structures (structures)  
7 by the department of natural resources (DNR). The Code chapter  
8 includes subchapter II regulating air quality and subchapter  
9 III regulating water quality. The bill increases certain  
10 separation distance requirements.

11       AIR QUALITY. Code section 459.202 imposes a separation  
12 distance between a structure and a number of benefited  
13 locations including a residence. The amount of the separation  
14 distance required depends upon: (1) when the confinement  
15 feeding operation structure was constructed or expanded,  
16 and (2) the size of the confinement feeding operation. The  
17 bill increases by 500 feet the separation distances between  
18 a structure constructed or expanded on or after the bill's  
19 effective date and a residence. Different separation distance  
20 requirements apply depending on whether the residence is  
21 located within or outside the limits of a city. A number  
22 of exceptions apply, including provisions in Code section  
23 459.203 which allows an operation constructed or expanded  
24 prior to the date that a distance requirement became effective  
25 to expand under certain circumstances; Code section 459.205  
26 which provides for small animal feeding operations, when a  
27 neighboring titleholder executes a written waiver, or when a  
28 benefited location encroaches within the separation distance;  
29 and Code section 459.206 which provides an exception for  
30 a qualified operation structure that treats manure using  
31 aeration.

32       Code section 459.204 imposes a separation distance between  
33 the land where liquid manure is applied and a benefited  
34 location. The bill increases by 250 feet the separation  
35 distance between the land and a residence, subject to the

1 relevant exemptions in Code section 459.205.

2       WATER QUALITY. Code section 459.310 imposes a separation  
3 distance between a structure and a major water source or minor  
4 water source. Code section 459.102 defines a major water  
5 source to include a lake, reservoir, river, or stream capable  
6 of supporting a floating vessel carrying one or more persons  
7 during a total of a six-month period in one out of 10 years.  
8 The bill increases by 100 feet the separation distance between  
9 a structure and both types of water sources.

10       ENFORCEMENT AND CIVIL PENALTIES. Compliance with a  
11 statutory regulation under Code chapter 459 includes compliance  
12 with a rule adopted by DNR (Code section 459.103). Code  
13 section 459.602 provides for civil penalties that may be  
14 assessed for violations of air quality regulations. A violator  
15 is subject to Code section 455B.109, which provides for the  
16 administrative assessment of civil penalties of up to \$10,000.  
17 Code section 459.603 provides for civil penalties that may  
18 be assessed for violations of water quality regulations. A  
19 violator is subject to either Code section 455B.109, which  
20 provides for the administrative assessment of civil penalties,  
21 or Code section 455B.191, which provides for a general civil  
22 penalty assessed judicially of up to \$5,000.

23       EFFECTIVE DATE. The bill takes effect upon enactment.