

House File 522 - Introduced

HOUSE FILE 522

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 287)

A BILL FOR

1 An Act providing that a qualified confinement feeding operation
2 may utilize an anaerobic digester system to treat manure,
3 and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.102, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "*Anaerobic digester system*" means
4 a manure storage structure that is covered, if the primary
5 function of the manure storage structure is to process manure
6 by employing environmental conditions including bacteria to
7 break down organic matter in the absence of oxygen, and is used
8 for producing, collecting, and utilizing a biogas.

9 Sec. 2. Section 459.206, subsection 2, Code 2021, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. c. A qualified confinement feeding operation
12 that processes manure using an anaerobic digester system.

13 EXPLANATION

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

16 GENERAL. This bill amends provisions in Code chapter 459,
17 the "Animal Agriculture Compliance Act" (Act) (Code section
18 459.101) and specifically subchapter II which regulates
19 air quality. The department of natural resources (DNR)
20 regulates confinement feeding operations (operations) including
21 associated structures. The bill provides that a qualified
22 confinement feeding operation (qualified operation) may store
23 and process manure from the qualified operation using an
24 anaerobic digester system (digester). The digester would be
25 an alternative to the current requirement that a qualified
26 operation must utilize a manure storage structure that (1)
27 employs bacterial action, (2) is maintained by the utilization
28 of air or oxygen, and (3) includes aeration equipment (amended
29 Code section 459.206). A digester is a covered manure storage
30 structure having a primary function to process manure by
31 utilizing bacteria to break down organic matter in the absence
32 of oxygen for purposes of producing, collecting, and utilizing
33 a biogas.

34 SPECIAL TERMS. An operation is a roofed area in which
35 animals used in agricultural production are kept for 45 days or

1 more in any 12-month period (Code section 459.102(4) and (14)).
2 A qualified operation refers to an operation meeting a certain
3 animal unit (AU) capacity (AUC) threshold (e.g., for a swine
4 farrow-to-finish operation, 5,400 or more AUs, and for a cattle
5 operation, 8,500 or more AUs) (Code section 459.102(46)). In
6 calculating the AU, a special equivalency factor is assigned
7 for each classification of confined animal (Code section
8 459.102(6) and (7)). For example, swine weighing more than
9 55 pounds equal .40 AU each and slaughter or feeder cattle
10 equal 1.00 AU each. A manure storage structure may be a formed
11 or unformed structure which is part of an operation subject
12 to a number of regulations including separation distance
13 requirements (Code sections 459.202 and 459.203), permitting
14 requirements (Code section 459.303), and construction
15 requirements (Code section 459.306 and 459.307).

16 ENFORCEMENT AND APPLICABLE CIVIL PENALTIES. Compliance with
17 a statutory regulation under the Act includes compliance with a
18 rule adopted by DNR (Code section 459.103). A civil penalty
19 assessed for an air quality violation of the Act (Code section
20 459.602) cannot exceed \$10,000 for each violation (Code section
21 455B.109).