

Senate File 2371 - Introduced

SENATE FILE 2371
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3152)

A BILL FOR

1 An Act providing for the removal of effluent from certain
2 structures.

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

1 Section 1. Section 459A.208, subsection 3, Code 2024, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *c.* Notwithstanding paragraph "a", a person
4 may remove open feedlot effluent from an open feedlot operation
5 structure or animal truck wash effluent from an animal truck
6 wash effluent structure for which a nutrient management plan is
7 required under this section, if all of the following apply:

8 (1) The removal is necessary to prevent a possible violation
9 of water quality standards as provided in chapter 455B,
10 subchapter III; chapter 459; or this chapter.

11 (2) The person submits a complete nutrient management plan
12 to the department prior to the removal as required by the
13 department.

14 (3) The removed effluent is applied as required by this
15 chapter, including rules adopted by the department and the
16 nutrient management plan submitted to the department by the
17 person pursuant to subparagraph (2).

18 (4) The department is notified prior to the application of
19 the effluent removed under this paragraph.

20 EXPLANATION

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

23 BACKGROUND. This bill amends Code chapter 459A, which
24 authorizes the department of natural resources (DNR) to
25 regulate open feedlot operations, and which supplements
26 provisions in Code chapter 459 that authorize DNR to regulate
27 all animal feeding operations where animals are maintained
28 for 45 days or more in any 12-month period, if there is no
29 supporting crop, vegetation, or forage growth (Code sections
30 459.102 and 459A.102). An open feedlot operation (operation)
31 is an unroofed or partially roofed area. Specifically, Code
32 chapter 459A regulates effluent originating from the operation
33 which includes manure and precipitation-induced runoff,
34 liquids, solids, and process wastewater (567 IAC 65.112). The
35 Code chapter also regulates an animal truck wash facility

1 (facility) that engages in washing certain trucks transporting
2 agricultural animals (cattle, swine, horses, sheep, chickens,
3 turkeys, or fish) and collecting, storing, and applying the
4 resulting animal effluent. In both cases, the effluent is
5 stored in a structure. For an operation, this includes a
6 basin, solids settling facility, or alternative technology
7 system, and for a facility, this includes an impoundment (Code
8 section 459A.102). The owner of an operation or facility
9 (owner) may also be required to file a nutrient management
10 plan (NMP) comparable to a manure management plan under Code
11 section 459.312. An NMP refers to the original, complete
12 document or the next complete version of the document subject
13 to DNR approval. It may also refer to an annual update to
14 the complete document as required by DNR. An NMP and update
15 must be kept on site as part of the owner's records. An NMP
16 estimates effluent volume or weight produced from the operation
17 and addresses agronomic rates of application in part based
18 on nitrogen use and a phosphorus index. Effluent cannot be
19 removed from a structure that is part of an operation or
20 facility that requires an NMP without DNR approving the NMP or
21 providing a waiver (Code section 459A.208).

22 BILL'S PROVISIONS. The bill provides that a person may
23 remove effluent from a structure associated with an operation
24 or facility before an NMP has been approved (Code section
25 459A.208). In order to remove the effluent from a structure,
26 the person must comply with four conditions. First, the
27 removal must be necessary to prevent a violation of a water
28 quality standard; second, the person must submit a complete
29 NMP to DNR prior to the removal; third, the removed effluent
30 must be applied according to requirements in the Code chapter,
31 including DNR rules; and fourth, DNR must be notified prior to
32 the application.