

House File 2416 - Introduced

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BY CROKEN and WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to the regulation of confinement feeding
2 operations, including by providing for partially roofed
3 structures and prohibiting the construction, including
4 expansion, of structures, making penalties applicable, and
5 including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 459.102, subsection 15, Code 2026, is
2 amended to read as follows:

3 15. "Confinement feeding operation" means an animal feeding
4 operation in which animals are confined to areas ~~which~~ that are
5 totally or partially roofed.

6 Sec. 2. NEW SECTION. **459.104 Moratorium — confinement**
7 **feeding operation structures.**

8 1. Notwithstanding any provision of this chapter or any other
9 provision of law to the contrary, a person shall not construct,
10 including expand, a confinement feeding operation structure.

11 2. Subsection 1 does not apply to a confinement feeding
12 operation structure that is part of a small animal feeding
13 operation.

14 3. This section does not prohibit a person from completing
15 construction, including expansion, of a confinement feeding
16 operation structure if, prior to the effective date of this
17 Act, the person has begun construction, including expansion, of
18 the confinement feeding operation structure as otherwise allowed
19 under this chapter.

20 4. a. When the department of natural resources determines
21 there are fewer than one hundred water bodies in Iowa included
22 on the section 303(d) list of impaired waters as provided in
23 sections 455B.193 through 455B.195, the department shall submit
24 that determination as a notice for publication in the Iowa
25 administrative bulletin not later than thirty days after making
26 that determination.

27 b. This section is repealed thirty days after the publication
28 date of the issue of the Iowa administrative bulletin that
29 includes the notice described in paragraph "a".

30 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
31 importance, takes effect upon enactment.

32 **EXPLANATION**

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

35 **BILL'S PROVISIONS.** This bill amends Code chapter 459 (the

1 "Animal Agriculture Compliance Act") (Code section 459.101),
2 which regulates confinement feeding operations by the department
3 of natural resources (DNR). The bill revises the definition of
4 "confinement feeding operation" to include an operation that
5 is partially roofed (amended Code section 459.102(15)). The
6 bill also prohibits the construction, including expansion, of
7 a confinement feeding operation structure. Such a structure
8 includes a confinement building, a manure storage structure, or
9 an egg washwater structure. The bill provides an exception that
10 allows construction if the new structure is part of a small
11 animal feeding operation. The bill does not prohibit a person
12 from completing construction if the person had begun construction
13 prior to the effective date of the bill.

14 The bill's provision establishing the moratorium is eliminated
15 30 days after a notice is published in the Iowa administrative
16 bulletin stating that DNR has determined that there are fewer
17 than 100 water bodies included in the section 303(d) list of
18 impaired waters in the state. Every two years, DNR compiles a
19 list of the state's impaired waters (section 303(d) list) for
20 approval by the environmental protection agency. State statute
21 requires DNR to use credible data when determining whether any
22 water body of the state is to be placed on or removed from the
23 section 303(d) list (Code sections 455B.193 through 455B.195).

24 BACKGROUND — ENFORCEMENT AND APPLICABLE CIVIL

25 PENALTIES. Compliance with a statutory regulation under Code
26 chapter 459 includes compliance with a rule adopted by the
27 department of natural resources (Code section 459.103). A
28 person violating air quality regulations under Code chapter
29 459, subchapter II, is subject to an administrative assessment
30 of a civil penalty of up to \$10,000 (Code sections 459.602
31 and 455B.109). A person violating a water quality regulation
32 under Code chapter 459, subchapter III, is subject to the
33 administrative assessment of a civil penalty of up to \$10,000
34 (Code sections 459.603 and 455B.109) or a judicially assessed
35 civil penalty of up to \$5,000 (Code sections 459.603 and

1 455B.191).

2 EFFECTIVE DATE. The bill takes effect upon enactment.

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