

**House Study Bill 301 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SEXTON)

**A BILL FOR**

1 An Act relating to animal feeding operations, by providing for  
2 the regulation of anaerobic digester systems, providing fees,  
3 making penalties applicable, and including effective date and  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 459.102, subsection 2, Code 2025, is  
2 amended by striking the subsection.

3 Sec. 2. NEW SECTION. **459.104 Purpose.**

4 The purpose of this chapter, together with chapters 459A  
5 and 459B, is to regulate animal agriculture, including but not  
6 limited to the storage, application, and processing of organic  
7 materials, including manure, originating from animal feeding  
8 operations.

9 Sec. 3. Section 459.201, Code 2025, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 6. "Anaerobic digester system" means the  
12 same as defined in section 459.701.

13 Sec. 4. NEW SECTION. **459.701 Definitions.**

14 For purposes of this subchapter, unless the context otherwise  
15 requires:

16 1. a. "Anaerobic digester system" means a digestate  
17 processing structure to effectuate the digestion process.

18 b. "Anaerobic digester system" may also include any of the  
19 following:

20 (1) A dry digester feedstock stockpile.

21 (2) A digester feedstock storage structure.

22 (3) A dry digestate stockpile.

23 (4) A liquid digestate storage structure.

24 (5) Other related structures, pipes, and equipment.

25 2. "Digestate" means the dry or liquid nutrient-rich material  
26 that remains after the digestion process is effectuated.

27 3. "Digestate processing structure" means a structure that  
28 effectuates the digestion process.

29 4. a. "Digester feedstock" means organic material, other  
30 than manure, derived from an on-farm source or nonfarm source  
31 that is used to effectuate the digestion process as part of an  
32 anaerobic digester system.

33 b. "Digester feedstock" includes the following:

34 (1) Dry digester feedstock.

35 (2) Liquid digester feedstock.

1 5. "*Digester feedstock stockpile*" means digester feedstock  
2 stored outside a digester structure.

3 6. "*Digester feedstock storage structure*" means a structure  
4 used to store digester feedstock before undergoing a digestion  
5 process as effectuated by an anaerobic digester system.

6 7. "*Digester stockpile*" means any of the following:

7 a. A dry digester feedstock stockpile.

8 b. A dry digestate stockpile.

9 8. "*Digester structure*" means any of the following:

10 a. A digester feedstock storage structure.

11 b. A digestate processing structure.

12 c. A liquid digestate storage structure.

13 9. "*Digestion process*" means primarily processing manure,  
14 and may include processing digester feedstock, by employing  
15 environmental conditions including bacteria to break down its  
16 organic matter in the absence of oxygen, if used for producing,  
17 collecting, and utilizing a biogas and digestate.

18 10. "*Dry digestate*" means digestate that meets the dry  
19 classification requirements in section 459.707.

20 11. "*Dry digestate stockpile*" means dry digestate stored  
21 outside an anaerobic digester system structure.

22 12. "*Dry digester feedstock*" means a digester feedstock that  
23 meets the dry classification requirements in section 459.707.

24 13. "*Dry digester feedstock stockpile*" means dry feedstock  
25 stored outside an anaerobic digester system structure.

26 14. "*Liquid digestate*" means digestate other than dry  
27 digestate.

28 15. "*Liquid digestate storage structure*" means a structure  
29 used to store liquid digestate.

30 16. "*Liquid digester feedstock*" means digester feedstock  
31 other than dry digester feedstock.

32 17. "*Nonfarm*" means real property that is not on-farm.

33 18. "*On-farm*" means real property used to produce raw  
34 agricultural commodities, including agricultural animals; crops  
35 such as corn, grain sorghum, oats, soybeans, or wheat; hay or

1 straw; milk; or wool.

2 Sec. 5. NEW SECTION. **459.702 Scope.**

3 1. This subchapter is limited to the regulation of on-farm  
4 construction, including expansion, of structures, the on-farm use  
5 of stockpiles, and the on-farm application of digestates.

6 2. If there is a conflict between the provisions of this  
7 subchapter and another subchapter, the provisions of this  
8 subchapter shall prevail.

9 3. Rules adopted to implement this subchapter are not subject  
10 to section 17A.7, subsection 2 or 3.

11 Sec. 6. NEW SECTION. **459.703 General authority —**  
12 **commission.**

13 The department shall establish by rule adopted pursuant  
14 to chapter 17A requirements relating to the construction,  
15 including expansion, or operation of on-farm anaerobic digester  
16 systems, including on-farm digester structures, on-farm digester  
17 stockpiles, and the on-farm application of digestates produced  
18 from on-farm anaerobic digester systems.

19 Sec. 7. NEW SECTION. **459.704 Minimum requirements for**  
20 **manure control.**

21 The delivery of manure by a confinement feeding operation  
22 for processing by an anaerobic digester system in a manner that  
23 complies with this subchapter constitutes manure disposal as  
24 required in section 459.311.

25 Sec. 8. NEW SECTION. **459.705 Special terms — control of**  
26 **animal feeding operations and anaerobic digester systems.**

27 1. a. An anaerobic digester system must be identified with  
28 an animal feeding operation.

29 b. An anaerobic digester system receiving manure from an  
30 animal feeding operation is identified with the animal feeding  
31 operation if the anaerobic digester system and the animal feeding  
32 operation are either of the following:

33 (1) Under common ownership or management.

34 (2) Adjacent.

35 c. An anaerobic digester system and an animal feeding

1 operation shall be subject to an enforcement action arising from  
2 the facts of a violation only if the anaerobic digester system  
3 is identified with the animal feeding operation pursuant to both  
4 paragraph "b", subparagraphs (1) and (2).

5 2. An animal feeding operation and an anaerobic digester  
6 system are deemed adjacent if the closest animal feeding  
7 operation structure is separated by less than one thousand two  
8 hundred fifty feet from the closest anaerobic digester system  
9 structure.

10 3. a. An animal feeding operation and the anaerobic digester  
11 system are under common ownership if a person holds an interest  
12 in the animal feeding operation and the anaerobic digester system  
13 as any of the following:

14 (1) A sole proprietor.

15 (2) A joint tenant or tenant in common.

16 (3) A holder of a majority equity interest in a business  
17 association as defined in section 202B.102, including but not  
18 limited to as a shareholder, partner, member, or beneficiary.

19 b. An interest in the animal feeding operation and the  
20 anaerobic digester system which is held directly or indirectly by  
21 the person's spouse or dependent child shall be attributed to the  
22 person.

23 4. An animal feeding operation and an anaerobic digester  
24 system are under common management if a person has significant  
25 control of the management of the day-to-day operations of the  
26 animal feeding operation and the anaerobic digester system.  
27 Common management does not include control over a contract  
28 livestock facility by a contractor, as those terms are defined  
29 in section 202.1.

30 **Sec. 9. NEW SECTION. 459.706 Special terms — animal**  
31 **feeding operation structures and digester structures.**

32 1. A digester structure that is used as a manure storage  
33 structure and that is not subject to a digestion process shall  
34 be conclusively presumed to be a manure storage structure.

35 2. Any digester structure must be covered. Notwithstanding

1 section 459.102, subsection 19, a cover must include organic or  
2 inorganic material placed upon a digester structure as provided  
3 by rules adopted by the department.

4 3. A digester structure is constructed when any of the  
5 following occur:

6 a. Excavation is conducted for a proposed digester structure  
7 or proposed expansion of an existing digester structure,  
8 including excavation for the footings of the digester structure.

9 b. Forms for concrete are installed for a proposed digester  
10 structure or the proposed expansion of an existing digester  
11 structure.

12 c. Piping for the movement of manure is installed between  
13 an animal feeding operation structure and a digester structure  
14 proposed to be constructed or expanded.

15 4. a. This subchapter does not apply to a manure storage  
16 structure regardless of whether manure originating from the  
17 manure storage structure is received by a digestate processing  
18 structure.

19 b. This subchapter does not apply to a settled open feedlot  
20 effluent basin or alternative technology system regulated under  
21 chapter 459A regardless of whether effluent originating from the  
22 settled open feedlot effluent basin or alternative technology  
23 system is received by a digestate processing structure.

24 c. Placing a cover over a manure storage structure does not  
25 constitute construction or expansion of a digester structure.

26 5. The owner of a digester structure that discontinues the  
27 use of an anaerobic digester system shall remove all digestate  
28 from a digester structure that is part of the anaerobic digester  
29 system within six months following the date that the anaerobic  
30 digester system is discontinued.

31 Sec. 10. NEW SECTION. **459.707 Special terms — manure and**  
32 **digestates.**

33 For purposes of this subchapter, all of the following apply:

34 1. The term "manure" includes "effluent" as defined in  
35 section 459A.102.

1 2. A digester feedstock or digestate is classified as dry  
2 only if all of the following apply:

3 a. The digester feedstock or digestate does not flow  
4 perceptibly under pressure.

5 b. The digester feedstock or digestate is not capable of  
6 being transported through a mechanical pumping device designed to  
7 move a liquid.

8 c. The constituent molecules of the digester feedstock or  
9 digestate do not flow freely among themselves but may show a  
10 tendency to separate under stress.

11 3. A digestate processing structure is limited to processing  
12 manure as its primary source. The digestate processing structure  
13 may also process any of the following:

14 a. A quantity of digester feedstock as its secondary source.

15 b. An ancillary quantity of an inorganic material, including  
16 a catalyst, used to best effectuate the digestion process.

17 The department shall adopt rules listing allowable materials  
18 by name and, if necessary, the maximum allowed quantity. The  
19 department may also approve the allowable materials and quantity  
20 upon request of the owner or manager of the anaerobic digester  
21 system. The allowed inorganic material allowed over time must be  
22 nonhazardous to the public and environment.

23 4. a. Except as provided in paragraph "b", a digestate shall  
24 not be regulated as manure.

25 b. If a digestate is removed from a digestate processing  
26 structure and at any time is combined with manure, the digestate  
27 shall be regulated as manure under this chapter, chapter 459A,  
28 and chapter 459B, as applicable.

29 **Sec. 11. NEW SECTION. 459.711 Digester structures —**  
30 **construction permits.**

31 1. a. Except as provided in paragraph "b", a construction  
32 permit must be issued prior to the construction of a digester  
33 structure, as provided by rules adopted by the department  
34 pursuant to this subchapter.

35 b. A person is not required to be issued a permit to

1 construct a digester structure if the anaerobic digester system  
2 is owned by a research college conducting research activities as  
3 provided in section 459.318 or 459A.105.

4 2. The department's decision to approve a permit for the  
5 construction of a digester structure shall be based on whether  
6 the application is submitted according to procedures required by  
7 the department and the application meets standards established by  
8 this subchapter and rules adopted by the department.

9 3. Construction of a digester structure shall not begin  
10 until the department first approves the application and issues a  
11 construction permit.

12 4. The applicant for a construction permit must be the owner  
13 of the anaerobic digester system and the person responsible for  
14 the construction and operation of the anaerobic digester system.

15 5. The department shall approve a valid application for  
16 a construction permit regardless of whether the applicant is  
17 required to be issued a construction permit.

18 6. Prior to submitting an application for a construction  
19 permit, the applicant may submit a conceptual design and site  
20 investigation report to the department for review and comment.

21 7. An application for a construction permit must include all  
22 of the following information:

23 a. The name and contact information of the owner and manager  
24 of the anaerobic digester system identified with an animal  
25 feeding operation under section 459.705 and the owner and manager  
26 of the identified animal feeding operation.

27 b. Whether the anaerobic digester system is identified  
28 with an animal feeding operation pursuant to section 459.705,  
29 subsection 1.

30 c. Whether the digester structure is formed or unformed.

31 d. Information including but not limited to maps, drawings,  
32 and aerial photos that clearly show the location of all of the  
33 following:

34 (1) The location of the proposed or existing anaerobic  
35 digester system, and any other proposed or existing digester

1 structures or digester stockpiles.

2 (2) The location of any proposed or existing animal feeding  
3 operation structure that is part of the identified animal feeding  
4 operation.

5 (3) A public water supply system as defined in section  
6 455B.171 or a drinking water well which is located within a  
7 distance from the proposed digester structure as prescribed by  
8 rules adopted by the department.

9 e. An engineering report, construction plans, and  
10 specifications prepared by a professional engineer or the natural  
11 resources conservation service of the United States department  
12 of agriculture. The professional engineer must certify that  
13 the construction of the digester structure complies with the  
14 construction design standards required in this subchapter.

15 Sec. 12. NEW SECTION. **459.712 Digester feedstock storage**  
16 **structure — required storage.**

17 1. A person processing a digester feedstock must store  
18 the liquid digester feedstock in a permitted covered digester  
19 feedstock storage structure if the digester feedstock is any of  
20 the following:

21 a. Nonfarm digester feedstock.

22 b. On-farm digester feedstock that is derived from a  
23 decomposing plant.

24 2. A person may store dry digester feedstock in a dry  
25 digester feedstock stockpile.

26 3. A person may store digester feedstock in a permitted  
27 covered manure storage structure according to rules adopted by  
28 the department.

29 Sec. 13. NEW SECTION. **459.713 Digester feedstock storage**  
30 **structure — construction permit.**

31 1. In addition to the applicable requirements in section  
32 459.711, an application for a permit to construct a digester  
33 feedstock storage structure must include all of the following  
34 information:

35 a. A description of the type and amount of digester feedstock

1 to be stored in the digester feedstock storage structure.

2 b. A description of the digestate processing structure used  
3 to process the received digester feedstock and the amount of  
4 digester feedstock that may be stored.

5 c. Any other information determined relevant by the  
6 department as provided by rules adopted by the department.

7 2. The applicant must submit a construction permit  
8 application fee as part of the application. The fee shall  
9 not exceed two hundred fifty dollars. Moneys collected by the  
10 department from the payment of fees under this section shall be  
11 deposited in the general fund of the state.

12 Sec. 14. NEW SECTION. **459.714 Digestate processing**  
13 **structure — construction permit.**

14 1. In addition to the applicable requirements in section  
15 459.711, an application for a permit to construct a digestate  
16 processing structure must include a written operation plan  
17 containing all of the following:

18 a. Unless an animal feeding operation and anaerobic  
19 digester system are under both common ownership and management  
20 as described in section 459.705, a description of the  
21 responsibilities of each of the following:

22 (1) For an animal feeding operation with which the anaerobic  
23 digester system is identified under section 459.705, the terms of  
24 an agreement to deliver manure to the anaerobic digester system.

25 (2) For an anaerobic digester system, the terms of an  
26 agreement to receive manure from the animal feeding operation  
27 with which the anaerobic digester system is identified under  
28 section 459.705.

29 b. (1) If digestate is to be applied to land subject to  
30 a manure management plan, a copy of the plan and digestate  
31 management supplement.

32 (2) If digestate is to be applied to land subject to a  
33 nutrient management plan, a copy of the plan and digestate  
34 management supplement.

35 c. Any other information determined relevant by the

1 department as provided by rules adopted by the department.

2 2. The application must include a plan for maintaining  
3 records regarding all of the following as provided by rules  
4 adopted by the department:

5 a. (1) The manure, digester feedstock, and inorganic  
6 materials subject to processing.

7 (2) The digestate and biogas processed.

8 b. Procedures for the departmental inspection of the records.

9 3. The applicant must submit a construction permit  
10 application fee as part of the application. The fee shall  
11 not exceed two hundred fifty dollars. Moneys collected by the  
12 department from the payment of fees under this section shall be  
13 deposited in the general fund of the state.

14 Sec. 15. NEW SECTION. **459.715 Construction design standards**  
15 **— formed digester structures.**

16 1. The department shall adopt rules establishing construction  
17 design standards for a formed digester structure, including a  
18 formed digester feedstock storage structure, a formed digestate  
19 processing structure, or a formed liquid digestate storage  
20 structure. The department may adopt rules providing separate  
21 regulations for each type of formed digester structure.

22 2. The construction design standards shall be based, to  
23 every extent possible, upon uniform standards such as available  
24 standards promulgated by ASTM (American society for testing and  
25 materials) international.

26 3. The construction design standards for concrete must  
27 provide for all of the following:

28 a. The concrete's minimum compressive strength calculated on  
29 a pounds-per-square-inch basis.

30 b. The use of reinforcement, including but not limited to  
31 the grade, amount, and location of steel rebar, fiberglass, or  
32 similar materials set in the concrete, or the use of exterior  
33 braces to support joints.

34 c. The depth of footings.

35 d. The thickness of the footings, the floor, and walls.

1 4. The department shall adopt rules providing for upgraded  
2 construction design standards for a formed digester structure  
3 constructed on karst terrain or an area that drains into a  
4 known sinkhole as is necessary to ensure that a formed digester  
5 structure does not pollute groundwater sources.

6 Sec. 16. NEW SECTION. **459.716 Construction design standards**  
7 **— unformed digester structures — inspections.**

8 1. The department shall adopt rules establishing construction  
9 design standards for an unformed digester structure, including  
10 an unformed digester feedstock storage structure, an unformed  
11 digestate processing structure, or an unformed liquid digestate  
12 storage structure. The department may adopt rules providing  
13 separate regulations for each type of digester structure.

14 2. The construction design standards for an unformed digester  
15 structure, established by rules adopted by the department,  
16 must account for special design characteristics applicable to  
17 an unformed digester feedstock storage structure, an unformed  
18 digestate processing structure, or an unformed liquid digestate  
19 storage structure. The construction design standard must account  
20 for all of the following:

21 a. The lining of the unformed digester structure must be  
22 constructed with materials deemed suitable by rules adopted by  
23 the department in order to minimize seepage loss through the  
24 lining's seal.

25 b. The structure must be constructed with materials deemed  
26 suitable by rules adopted by the department in order to control  
27 erosion on the unformed digester structure's berm, side slopes,  
28 and base.

29 c. The unformed digester structure must be constructed to  
30 minimize seepage into near-surface water sources.

31 d. The top of the floor of the unformed digester structure's  
32 liner must be above the groundwater table as determined by  
33 the department. If the groundwater table is less than two  
34 feet below the top of the liner's floor, the unformed digester  
35 structure shall be installed with a synthetic liner. If the

1 department allows an unformed digester structure to be located  
2 at a site by permanently lowering the groundwater table, the  
3 department shall confirm that the proposed system meets standards  
4 necessary to ensure that the unformed digester structure does not  
5 pollute groundwater sources. If the department allows drain tile  
6 installed to lower a groundwater table to remain where located,  
7 the department shall require that a device be installed to allow  
8 monitoring of the water in the drain tile line. The department  
9 shall also require the installation of a device to allow shutoff  
10 of the drain tile lines, if the drain tile lines do not have a  
11 surface outlet accessible on the property where the structure is  
12 located.

13 3. a. The department shall conduct a routine inspection of  
14 each unformed digester structure at least once each year. A  
15 routine inspection conducted pursuant to this paragraph shall be  
16 limited to a visual inspection of the site where the unformed  
17 digester structure is located. The department shall inspect the  
18 site at a reasonable time after providing at least twenty-four  
19 hours' notice to the person owning or managing the anaerobic  
20 digester system. The visual inspection must include but is not  
21 limited to determining whether any of the following exist:

22 (1) An adequate freeboard level.

23 (2) The seepage of a liquid from the unformed digester  
24 structure.

25 (3) Erosion.

26 (4) Inadequate cover.

27 (5) The presence of an opening allowing liquid to drain from  
28 the unformed digester structure.

29 b. Paragraph "a" does not restrict the department from  
30 conducting an inspection of an anaerobic digester system which is  
31 not routine.

32 Sec. 17. NEW SECTION. **459.717 Special construction**  
33 **restrictions — unformed digester structures.**

34 1. a. Except as provided in paragraph "b", a person shall  
35 not construct an unformed digester structure on karst terrain.

1     b. A person may construct an unformed digester structure on  
2 karst terrain if there is a twenty-five-foot vertical separation  
3 distance between the bottom of the unformed digester structure  
4 and underlying limestone, dolomite, or other soluble rock.

5     2. A person shall not construct an unformed digester  
6 structure in an area that drains into a known sinkhole.

7     3. A person shall not construct or expand an unformed manure  
8 storage structure within an agricultural drainage well area as  
9 provided in section 460.205.

10     Sec. 18. NEW SECTION.   **459.718 Distance requirements for**  
11 **digester structures — air quality.**

12     A separation distance requirement applies between a digester  
13 structure that is part of the anaerobic digester system and an  
14 object or location described in section 459.202 as follows:

15     1. The anaerobic digester system and its identified  
16 confinement feeding operation as provided in section 459.705  
17 shall be deemed to be a single confinement feeding operation, and  
18 the digester structure shall be deemed to be a manure storage  
19 structure that is part of the identified confinement feeding  
20 operation.

21     2. The separation distance shall be determined according  
22 to the date that the digester structure was constructed or  
23 expanded according to the relevant table in section 459.202,  
24 subsections 1 through 5, subject to section 459.202, subsection  
25 6, and subject to provisions allowing the expansion of prior  
26 constructed confinement feeding operations under section 459.203  
27 and exceptions to separation distance requirements in section  
28 459.205.

29     Sec. 19. NEW SECTION.   **459.719 Distance requirements for**  
30 **digester structures — water quality.**

31     The same separation distance requirements and exceptions  
32 to those separation distance requirements that apply to a  
33 confinement feeding operation structure and an object or location  
34 for which separation is required in section 459.310 apply to a  
35 digester structure and that same object or location.

1     Sec. 20. NEW SECTION.   **459.721 Digestate management.**

2     If digestate is applied on land subject to a manure management  
3 plan pursuant to section 459.312 or a nutrient management plan  
4 pursuant to section 459A.208, the manure management plan or  
5 nutrient management plan must be attached with a digestate  
6 management supplement. The digestate application supplement must  
7 include all of the following:

8     1. Calculations necessary to determine the land area required  
9 for the application of the digestate and manure from a  
10 confinement feeding operation or effluent from an open feedlot  
11 operation.

12    2. The nutrient concentrations of the digestate.

13     Sec. 21. NEW SECTION.   **459.722 Stockpiling dry digester**  
14 **feedstock or dry digestate.**

15    1. A person may stockpile dry digester feedstocks or dry  
16 digestate subject to this section.

17    2. a. Except as provided in paragraph "b", the person shall  
18 not stockpile dry digester feedstock or dry digestate within one  
19 thousand two hundred fifty feet from a residence not owned by  
20 the titleholder of the land, a commercial enterprise, a bona fide  
21 religious institution, an educational institution, or a public  
22 use area.

23    b. The person may stockpile dry digester feedstock or dry  
24 digestate within a separation distance required between the  
25 stockpiled dry digestate and an object or location for which  
26 separation is required under paragraph "a", if the titleholder  
27 of the land benefiting from the separation distance requirement  
28 executes a written waiver with the titleholder of the land where  
29 the dry digester feedstock or dry digestate is stockpiled.

30     Sec. 22. NEW SECTION.   **459.723 Stockpiling dry digestate.**

31    A person may stockpile dry digestate subject to this section.

32    1. The person stockpiling dry digestate shall comply with  
33 applicable requirements of the national pollutant discharge  
34 elimination system pursuant to the federal Water Pollution  
35 Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122

1 and 412.

2 2. a. The person shall not stockpile the dry digestate  
3 within the following distances to a designated area unless the  
4 dry digestate is maintained in a manner that will not allow  
5 precipitation-induced runoff to drain from the dry digestate to  
6 the designated area:

7 (1) Four hundred feet from a designated area other than a  
8 high-quality water resource.

9 (2) Eight hundred feet from a high-quality water resource.

10 b. The person shall not stockpile dry digestate within two  
11 hundred feet from a terrace tile inlet or surface tile inlet  
12 unless the dry digestate is maintained in a manner that will  
13 not allow precipitation-induced runoff to drain from the dry  
14 digestate to the terrace tile inlet or surface tile inlet.

15 c. The person shall not stockpile dry digestate in a grassed  
16 waterway, where water pools on the soil surface, or in any  
17 location where surface water will enter the stockpiled dry  
18 digestate.

19 d. The person shall not stockpile dry digestate on land  
20 having a slope of more than three percent unless methods,  
21 structures, or practices are implemented to contain the  
22 stockpiled dry digestate, including but not limited to using hay  
23 bales, silt fences, temporary earthen berms, or other effective  
24 measures, and to prevent or diminish precipitation-induced runoff  
25 from the stockpiled dry digestate.

26 3. A person shall remove stockpiled dry digestate and apply  
27 it in the same manner as manure under subchapter III, including  
28 but not limited to section 459.311, within six months after the  
29 dry digestate is stockpiled.

30 Sec. 23. NEW SECTION. **459.724 Stockpiling dry digestate —**  
31 **special requirements.**

32 A person may stockpile dry digestate on karst terrain or in an  
33 alluvial aquifer in compliance with the following:

34 1. The person must stockpile the dry digestate at a location  
35 where there is a vertical separation distance of at least five

1 feet between the bottom of the stockpiled dry digestate and the  
2 underlying limestone, dolomite, or other soluble rock in karst  
3 terrain or the underlying sand and gravel aquifer in an alluvial  
4 aquifer area.

5 2. The dry digestate must be stockpiled on reinforced  
6 concrete at least five inches thick.

7 Sec. 24. NEW SECTION. **459.725 Applying dry digestate on**  
8 **snow-covered or frozen ground.**

9 A person may apply digestate on snow-covered or frozen  
10 ground, except to the extent otherwise provided by applicable  
11 requirements for manure in this chapter, including section  
12 459.313A, or the national pollutant discharge elimination system  
13 pursuant to the federal Water Pollution Control Act, 33  
14 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

15 Sec. 25. NEW SECTION. **459A.209 Digestate application**  
16 **supplement to nutrient management plan.**

17 If digestate is applied on land subject to a nutrient  
18 management plan pursuant to section 459A.208, the nutrient  
19 management plan must be attached with a digestate management  
20 supplement as provided in section 459.721.

21 Sec. 26. CODE EDITOR DIRECTIVE.

22 1. The Code editor is directed to create new parts in new  
23 subchapter VII of chapter 459 as follows:

24 a. Part 1 shall include sections 459.701 through 459.710.

25 b. Part 2 shall include sections 459.711 through 459.720.

26 c. Part 3 shall include sections 459.721 through 459.725.

27 2. The Code editor is directed to correct internal references  
28 in the Code and in any enacted legislation as necessary due to  
29 enactment of this section.

30 Sec. 27. EFFECTIVE DATE. This Act, being deemed of immediate  
31 importance, takes effect upon enactment.

32 Sec. 28. CONTINUED APPLICABILITY OF REGULATORY PRACTICE.

33 1. Notwithstanding the provisions of this Act, the department  
34 of natural resources shall regulate activities related to the  
35 construction, expansion, and operation of anaerobic digester

1 systems, including the storage and use of materials in the  
2 digestion process, the processing of digestates, and the storage  
3 and application of digestates, in substantially the same manner  
4 as the department regulated those activities on March 1, 2025.

5 2. This section is repealed on the publication date of the  
6 edition of the Iowa administrative bulletin that includes a  
7 statement by the director of the department of natural resources  
8 that all rules required to effectively administer and enforce the  
9 provisions of this Act have been adopted. The department shall  
10 forward a copy of the statement to the Iowa Code editor prior to  
11 its publication in the Iowa administrative bulletin.

12 EXPLANATION

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

15 GENERAL. This bill provides for the regulation of animal  
16 feeding operations by the department of natural resources (DNR),  
17 including the storage and application of manure originating from  
18 such operations (Code chapter 459). An animal feeding operation  
19 is an area or building in which agricultural animals (cattle,  
20 swine, horses, sheep, chickens, turkeys, or fish) are confined  
21 for 45 days or more in any 12-month period, and all associated  
22 structures used for the storage of manure. A confinement feeding  
23 operation is an animal feeding operation in which animals are  
24 confined to areas which are totally roofed. Another form of  
25 animal feeding operation is an open feedlot operation which  
26 confines animals without a roof or a partial roof regulated by  
27 DNR (Code chapter 459A) and a dry bedded confinement feeding  
28 operation which confines animals in so-called hooped buildings  
29 (Code chapter 459B).

30 BACKGROUND — REGULATORY REQUIREMENTS. Regulatory requirements  
31 that apply to an animal feeding operation include a number  
32 of requirements governing associated structures including a  
33 confinement building housing agricultural animals, and various  
34 types of structures storing manure which may be made of  
35 material like concrete (formed) or that are primarily earthen

1 (unformed) and which may or may not be covered. The regulations  
2 apply to manure in both a solid and liquid state. The  
3 regulations also apply to certain manure storage structures  
4 that are anaerobic in which liquid manure is stored in a  
5 manner that utilizes bacteria to break down organic matter in  
6 the absence of oxygen. This process creates a biogas which  
7 is a type of renewable fuel as well as a digestate which  
8 is a rich source of nutrients for application on cropland.  
9 Code chapter 459 includes a number of subchapters, including  
10 those that regulate air quality and water quality. In both  
11 cases, the regulations require separation distance requirements  
12 between an animal feeding operation structure, including a  
13 manure storage structure, and certain objects and locations.  
14 For purposes of air quality regulations, these objects or  
15 locations include a residence, commercial enterprise, a bona  
16 fide religious institution, an educational institution, or public  
17 road. Air quality regulations also impose greater separation  
18 distance requirements based on the date of initial construction  
19 and size of the confinement feeding operation. Water quality  
20 regulations include requirements for the issuance of construction  
21 permits, and construction design standards for manure storage  
22 structures. Water quality requirements also impose separation  
23 distances between animal feeding operation structures or dry  
24 manure stockpiles and certain water sources. A person applying  
25 manure originating from an animal feeding operation must file a  
26 plan with DNR that demonstrates how manure is to be applied in  
27 a manner that preserves water quality. For confinement feeding  
28 operations, the plan is referred to as a manure management plan  
29 (MMP) and for open feedlots the plan is referred to as a nutrient  
30 management plan (NMP).

31 BACKGROUND — CIVIL PENALTIES. A person who violates an air  
32 quality regulation or water quality regulation is subject to a  
33 civil penalty based on a schedule established by DNR rule. The  
34 civil penalty cannot exceed \$10,000 per violation. The civil  
35 penalty for a water quality violation may also be subject to a

1 judicial civil penalty not to exceed \$5,000 for each day of such  
2 violation.

3 BILL'S PROVISIONS — GENERAL. The bill provides for the  
4 regulation of an anaerobic digester system which must include a  
5 digestate processing structure that primarily processes manure  
6 but may also process other organic feedstocks, referred to as  
7 digester feedstock. The structure is used to produce a biogas  
8 which is a source of renewable fuel and a digestate which is a  
9 nutrient-rich material that may be applied to cropland in a dry  
10 or liquid state.

11 BILL'S PROVISIONS — ANAEROBIC DIGESTER SYSTEM. An anaerobic  
12 digester system is comprised of three steps. The first step  
13 involves the storing of organic material (manure and other  
14 organic feedstock) in a dry or liquid state awaiting digestion.  
15 Manure is stored in a manure storage structure unless it is dry  
16 and temporarily stored as a stockpile. Liquid digester feedstock  
17 is stored in a digester feedstock storage structure. All nonfarm  
18 digester feedstock must be stored in a digester feedstock storage  
19 structure. The second step involves digesting the organic  
20 material in a structure designed for that purpose. The third  
21 step involves storing and applying the processed organic material  
22 referred to as digestate. Dry digestate may be stockpiled  
23 and liquid digestate must be contained in a liquid digestate  
24 storage structure. The scope of the bill is limited to the  
25 on-farm construction, including expansion, of these structures,  
26 the on-farm use of stockpiles, and the on-farm application of  
27 digestates.

28 BILL'S PROVISIONS — TERMINOLOGY. The bill provides that an  
29 anaerobic digester system must be identified with an animal  
30 feeding operation. Identification occurs only if the anaerobic  
31 digester system and the animal feeding operation are either  
32 (1) under common ownership or management or (2) adjacent.  
33 In order for an enforcement action to proceed against the  
34 anaerobic digester system and its identified animal feeding  
35 operation for the same violation, the anaerobic digester system

1 and the identified animal feeding operation must be under common  
2 ownership or management and be adjacent. Any reference in the  
3 bill to a digester structure means a covered digester feedstock  
4 storage structure, a covered digestate processing structure, or  
5 a covered liquid digestate storage structure. Any reference  
6 to a digester stockpile refers to a dry digester feedstock  
7 stockpile or a dry digestate stockpile. Any reference to manure  
8 includes manure stored and discharged from a confinement feeding  
9 operation and effluent stored and discharged from an open feeding  
10 operation structure. A digester feedstock or digestate is  
11 classified as dry only if digester feedstock or digestate does  
12 not flow perceptibly under pressure, is not capable of being  
13 transported through a mechanical pumping device designed to move  
14 a liquid, and consists of molecules that do not flow freely among  
15 themselves. A digestate processing structure must process manure  
16 as its primary source. A digestate is not to be regulated as  
17 manure, unless it is combined with manure.

18 BILL'S PROVISIONS — CONSTRUCTION OF STRUCTURES. The bill  
19 provides that a construction permit must be issued by DNR prior  
20 to the construction of a digester structure. The requirements  
21 are based on construction permit requirements for manure storage  
22 structures. The application must include an engineering  
23 report, construction plans, and specifications prepared by a  
24 professional engineer or the natural resources conservation  
25 service of the United States department of agriculture. An  
26 application for a digester feedstock storage structure must  
27 include information regarding the digester feedstock to be stored  
28 and the digestate processing structure. An application for the  
29 digestate processing structure must include information regarding  
30 the ownership or management of its identified animal feeding  
31 operation, and the legal relationship between the two entities.  
32 It must also include information regarding how digestate is to be  
33 applied, and how records are to be maintained for DNR inspection.  
34 The bill also provides for construction design standards for a  
35 formed or unformed digester structure. The construction design

1 standards must be based on uniform standards such as available  
2 standards promulgated by ASTM (American society for testing and  
3 materials) international. The design standards for unformed  
4 digester feedstock storage structures must account for the use of  
5 linings and erosion controls.

6 BILL'S PROVISIONS — AIR QUALITY — SEPARATION DISTANCE  
7 REQUIREMENTS. The bill provides separation distance requirements  
8 as part of air quality and water quality standards. For air  
9 quality standards, the separation distance requirements assume  
10 the anaerobic digester system and the identified confinement  
11 feeding operation are part of a single confinement feeding  
12 operation. The separation distance is determined according to  
13 the date that the digester structure was constructed or expanded  
14 subject to provisions allowing the expansion of prior constructed  
15 confinement feeding operations and exceptions to those separation  
16 distance requirements.

17 BILL'S PROVISIONS — WATER QUALITY — MANURE MANAGEMENT. The  
18 bill provides that if digestate is applied on land subject to an  
19 MMP or NMP, such plan must be attached with a second document  
20 referred to as a digestate management supplement. The digestate  
21 management supplement must include information necessary to  
22 determine the land area required for the application of the  
23 digestate and the nutrient concentrations of the digestate.

24 BILL'S PROVISIONS — WATER QUALITY — SEPARATION DISTANCE  
25 REQUIREMENTS. The bill provides that the separation distance  
26 requirements and exceptions to those separation distance  
27 requirements that apply to a confinement feeding operation  
28 structure and an object or location also apply to a digester  
29 structure and that same object or location. The bill allows  
30 a person to stockpile dry digester feedstocks or dry digestate  
31 in the same manner as manure, subject to the same separation  
32 distance requirements as manure. The bill requires that a person  
33 must remove stockpiled dry digestate and apply it in the same  
34 manner as manure.

35 BILL'S PROVISIONS — WATER QUALITY — SPECIAL

1 REQUIREMENTS. The bill includes special requirements for  
2 stockpiling dry digestate on certain karst terrain that are  
3 the same as requirements for stockpiling dry manure. The bill  
4 also provides for applying dry digestate on snow-covered or  
5 frozen ground in compliance with state and federal water quality  
6 standards.

7 BILL'S PROVISIONS — EFFECTIVE DATE. The bill takes effect  
8 upon enactment.

9 BILL'S PROVISIONS — APPLICABILITY OF REGULATORY PRACTICE. The  
10 bill requires DNR to regulate activities related to the  
11 construction, expansion, and operation of anaerobic digester  
12 systems in substantially the same manner DNR regulated those  
13 activities on March 1, 2025, until the director of DNR publishes  
14 a statement in the Iowa administrative bulletin stating that  
15 all rules required to effectively administer and enforce the  
16 provisions of the bill have been adopted.