

Senate File 2261 - Introduced

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A BILL FOR

1 An Act relating to confinement feeding operations by requiring
2 the installation and operation of pollution monitoring
3 systems, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 459.311, subsection 4, Code 2026, is
2 amended to read as follows:

3 4. a. The department may require ~~that~~ the owner of a
4 confinement feeding operation to install and operate a water
5 pollution monitoring system as part of an unformed manure storage
6 structure.

7 b. The owner or operator of a confinement feeding operation,
8 other than a small animal feeding operation, shall install
9 and operate a water pollution monitoring system as part of
10 the confinement feeding operation. The monitoring system
11 shall collect and record data regarding the type and quantity
12 of pollutant originating from a confinement feeding operation
13 that is discharged to the groundwater or a surface water
14 source. The owner or operator of the confinement feeding
15 operation shall report the data to the department every ninety
16 days. The department shall publish the data on its internet
17 site, and regularly report such data to the United States
18 environmental protection agency office of enforcement compliance
19 assurance, which may be part of any compliance information
20 system administered by the United States environmental protection
21 agency.

22 EXPLANATION

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

25 BACKGROUND — GENERAL. Confinement feeding operations are
26 regulated by the department of natural resources (DNR) under
27 the "Animal Agriculture Compliance Act" (Code chapter 459).
28 A confinement feeding operation is a type of animal feeding
29 operation in which agricultural animals are maintained for at
30 least 45 days in any 12-month period. A confinement feeding
31 operation is an animal feeding operation in which animals are
32 kept in a structure (building) that is totally roofed, and
33 includes any associated manure storage structure (Code section
34 459.102). Generally, a confinement feeding operation must retain
35 manure that is produced at the location until the manure is

1 transported and used according to water quality requirements
2 (e.g., via application on farmland) (see Code section 459.311).
3 Regulations governing confinement feeding operations vary based
4 on the size of the operation measured by its animal unit
5 capacity (AUC). AUC refers to a measurement used to determine
6 the maximum number of animal units that may be maintained
7 as part of a confinement feeding operation at any one time.
8 In calculating AUC, a special equivalency factor is assigned
9 for each classification of confined agricultural animal. A
10 confinement feeding operation with 500 or fewer animal units
11 (e.g., 1,250 finishing swine) are not subject to the same level
12 of regulation (e.g., the owner or operator is not required to
13 file a manure management plan under Code section 459.312).

14 BILL'S PROVISIONS. This bill amends a provision (Code section
15 459.311) in Code chapter 459, subchapter III, which regulates
16 water quality. Under the bill, the owner or operator of
17 a confinement feeding operation, other than a small animal
18 feeding operation, must install and operate a water pollution
19 monitoring system as part of the operation that measures
20 pollutants originating from a confinement feeding operation that
21 are discharged to the groundwater or a surface water source. The
22 owner or operator must report the data to DNR every 90 days. DNR
23 must publish the data on its internet site, and regularly report
24 such data to the United States environmental protection agency.

25 APPLICABLE PENALTIES. A person who violates Code chapter 459,
26 subchapter III, is subject to the administrative assessment of
27 a civil penalty of up to \$10,000 for each day of a violation
28 (Code section 459.603 referring to Code section 455B.109) or
29 the judicial assessment of a civil penalty of up to \$5,000 for
30 each day of a violation (Code section 459.603 referring to Code
31 section 455B.191).