

House File 989 - Reprinted

HOUSE FILE 989
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 323)

(As Amended and Passed by the House April 17, 2025)

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:

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. (1) "Anaerobic digester system" means a digester
17 processing structure used to effectuate the digestion process.

18 (2) "Anaerobic digester system" may also include any of the
19 following:

20 (a) A liquid digester storage structure, including a liquid
21 digester manure storage structure and a liquid digester feedstock
22 storage structure.

23 (b) A dry digester manure stockpile.

24 (c) A dry digester feedstock stockpile.

25 (d) A liquid digestate storage structure.

26 (e) A dry digestate stockpile.

27 b. "Anaerobic digester system" includes other related
28 structures, pipes, and equipment used in the digestion process.

29 2. "Covered" means organic or inorganic material placed upon
30 a digester structure used to store any of the following:

31 a. Digester manure.

32 b. Digester feedstock.

33 c. Digestate.

34 3. "Designated object or location" means any of the
35 following:

- 1 a. A commercial enterprise.
- 2 b. A bona fide religious institution.
- 3 c. An educational institution.
- 4 d. A public use area.
- 5 4. "Digestate" means the dry or liquid nutrient-rich material
- 6 that remains after the digestion process is effectuated.
- 7 5. a. "Digester feedstock" means organic material, other
- 8 than digester manure, originating either on-farm or off-farm,
- 9 that is used to effectuate the digestion process as part of an
- 10 anaerobic digester system.
- 11 b. "Digester feedstock" includes either or both of the
- 12 following:
 - 13 (1) Dry digester feedstock.
 - 14 (2) Liquid digester feedstock.
- 15 6. a. "Digester manure" means manure originating on-farm
- 16 that is stored as part of the anaerobic digester system if used
- 17 to effectuate the digestion process by a digester processing
- 18 structure.
- 19 b. "Digester manure" includes either or both of the
- 20 following:
 - 21 (1) Dry digester manure.
 - 22 (2) Liquid digester manure.
- 23 7. "Digester processing structure" means a structure that is
- 24 part of an anaerobic digester system if used to effectuate the
- 25 digestion process by a digester processing structure.
- 26 8. "Digester stockpile" means any of the following:
 - 27 a. A dry digester manure stockpile.
 - 28 b. A dry digester feedstock stockpile.
 - 29 c. A dry digestate stockpile.
- 30 9. "Digester structure" means any of the following:
 - 31 a. A liquid digester storage structure, including a liquid
 - 32 digester manure storage structure and a liquid digester feedstock
 - 33 storage structure.
 - 34 b. A digester processing structure.
 - 35 c. A liquid digestate storage structure.

1 10. "*Digestion process*" means primarily processing manure,
2 and may include processing digester feedstock, by employing
3 environmental conditions including bacteria to break down its
4 organic matter in the absence of oxygen, if used for producing,
5 collecting, and utilizing a biogas and digestate.

6 11. "*Dry digestate*" means digestate that meets the dry
7 classification requirements in section 459.707.

8 12. "*Dry digestate stockpile*" means dry digestate originating
9 from an anaerobic digester system and stored as part of the
10 anaerobic digester system outside a digester structure or on-farm
11 outside any other structure.

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

14 14. "*Dry digester feedstock stockpile*" means dry digester
15 feedstock stored outside a digester structure.

16 15. "*Dry digester manure*" means digester manure that meets
17 the dry classification requirement in section 459.707.

18 16. "*Dry digester manure stockpile*" means dry digester manure
19 that is part of an anaerobic digester system if stored outside a
20 digester structure.

21 17. "*Dry digester stockpile*" means any of the following:

22 a. A dry digester manure stockpile.

23 b. A dry digester feedstock stockpile.

24 18. "*Effluent*" means the same as defined in section 459A.102.

25 19. "*Federal Water Pollution Control Act*" means the federal
26 Water Pollution Control Act of 1972, 33 U.S.C. ch. 26, as
27 amended, and 40 C.F.R. pts. 122 and 412.

28 20. "*Liquid digestate*" means digestate other than dry
29 digestate.

30 21. "*Liquid digestate storage structure*" means a structure
31 used to store liquid digestate.

32 22. "*Liquid digester feedstock*" means digester feedstock
33 other than dry digester feedstock.

34 23. "*Liquid digester feedstock storage structure*" means a
35 structure that is part of an anaerobic digester system if used

1 to store liquid digester feedstock or dry digester feedstock or
2 both before undergoing a digestion process as effectuated by a
3 digester processing structure.

4 24. "*Liquid digester manure*" means digester manure other than
5 dry digester manure.

6 25. "*Liquid digester manure storage structure*" means a
7 structure that is part of an anaerobic digester system if
8 used to store liquid digester manure or dry digester manure or
9 both before undergoing a digestion process as effectuated by a
10 digester processing structure.

11 26. "*Liquid digester storage structure*" means either of the
12 following:

13 a. A liquid digester manure storage structure.

14 b. A liquid digester feedstock storage structure.

15 27. "*Manure management plan*" means a manure management plan,
16 including an updated manure management plan, as provided in
17 section 459.312.

18 28. "*Nutrient management plan*" means a nutrient management
19 plan or an updated nutrient management plan as provided in
20 section 459A.208.

21 29. "*Off-farm*" means real property that is not on-farm.

22 30. "*On-farm*" means real property used to produce raw
23 agricultural commodities, including agricultural animals; crops
24 such as corn, grain sorghum, oats, soybeans, or wheat; hay or
25 straw; milk; or wool.

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

27 1. This subchapter is limited to the regulation of on-farm
28 construction, including expansion, or management of, structures
29 used for the on-farm storage of digester manure, digester
30 feedstock, or digestate; the on-farm stockpiling of dry digester
31 manure, dry digester feedstock, or dry digestate; and the on-farm
32 application of digestate originating from an anaerobic digester
33 system.

34 2. If there is a conflict between the provisions of this
35 subchapter and another subchapter, the provisions of this

1 subchapter shall prevail.

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

4 Sec. 6. NEW SECTION. **459.703 Administration — departmental**
5 **authority.**

6 1. The department shall establish by rule adopted pursuant to
7 chapter 17A requirements relating to the construction, including
8 expansion, or management of, structures used for the on-farm
9 storage of digester manure, digester feedstock, or digestate;
10 the on-farm stockpiling of dry digester manure, dry digester
11 feedstock, or dry digestate; and the on-farm application of
12 digestate originating from an anaerobic digester system.

13 2. The department shall adopt and promulgate forms required
14 to be completed in order to comply with this subchapter including
15 forms for documents that the department shall make available on
16 the internet.

17 3. The department may provide separate applications for
18 constructing each type of digester structure regulated under
19 this subchapter, including a liquid digester manure storage
20 structure, liquid digester feedstock storage structure, digester
21 processing structure, and liquid digestate storage structure.
22 For administrative efficiency, the department shall provide a
23 single application form that combines all applications together
24 into a total application form.

25 Sec. 7. NEW SECTION. **459.704 Minimum requirements for**
26 **manure control — water quality.**

27 The delivery of manure by an animal feeding operation
28 for processing by an anaerobic digester system in a manner
29 that complies with this subchapter constitutes manure disposal
30 satisfying the requirements of section 459.311.

31 Sec. 8. NEW SECTION. **459.705 Special terms — anaerobic**
32 **digester systems.**

33 1. a. An anaerobic digester system must be identified with
34 an animal feeding operation.

35 b. An anaerobic digester system receiving manure from an

1 animal feeding operation is identified with the animal feeding
2 operation if the anaerobic digester system and the animal feeding
3 operation are any of the following:

- 4 (1) Adjacent.
- 5 (2) Under common ownership.
- 6 (3) Under common management.

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

12 2. An anaerobic digester system and an animal feeding
13 operation structure are deemed adjacent if the closest digester
14 structure is separated from the closest animal feeding operation
15 structure by less than one thousand two hundred fifty feet.

16 3. a. An anaerobic digester system and an animal feeding
17 operation are under common ownership if a person holds an
18 interest in the anaerobic digester system and the animal feeding
19 operation as any of the following:

- 20 (1) A sole proprietor.
- 21 (2) A joint tenant or tenant in common.
- 22 (3) A holder of a majority equity interest in a business
23 association as defined in section 202B.102, including but not
24 limited to a shareholder, partner, member, or beneficiary.

25 b. An interest in the anaerobic digester system and animal
26 feeding operation which is held directly or indirectly by the
27 person's spouse or dependent child shall be attributed to the
28 person.

29 4. a. An anaerobic digester system and animal feeding
30 operation are under common management if a person has significant
31 control of the management of the day-to-day operations of the
32 community anaerobic digester system and animal feeding operation.

33 b. Common management does not include control over a contract
34 livestock facility by a contractor, as those terms are defined in
35 section 202.1.

1 Sec. 9. NEW SECTION. **459.706 Special terms — digester**
2 **structures.**

3 1. A digester structure that is used as a manure storage
4 structure and that is not subject to a digestion process shall
5 be conclusively presumed to be a manure storage structure.

6 2. Any digester structure must be covered. Notwithstanding
7 section 459.102, subsection 19, a cover must include organic or
8 inorganic material placed upon a digester structure as provided
9 by rules adopted by the department.

10 3. A digester structure is constructed when any of the
11 following occur:

12 a. Excavation is conducted for a proposed digester structure
13 or proposed expansion of an existing digester structure,
14 including excavation for the footings of the digester structure.

15 b. Forms for concrete are installed for a proposed digester
16 structure or the proposed expansion of an existing digester
17 structure.

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

21 4. a. This subchapter does not apply to a confinement
22 feeding operation structure regardless of whether manure
23 originating from the confinement feeding operation structure is
24 received by a digester processing structure.

25 b. This subchapter does not apply to an open feedlot
26 operation structure regulated under chapter 459A regardless of
27 whether effluent originating from the open feedlot operation
28 structure is received by a digester processing structure.

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

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. Except as otherwise provided in this subchapter, the term
35 "manure" includes effluent if used as part of the digestion

1 process.

2 2. Digester manure, digester feedstock, or digestate is
3 classified as dry only if all of the following apply:

4 a. The digester manure, digester feedstock, or digestate does
5 not flow perceptibly under pressure.

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

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

12 3. A digester processing structure must process manure as
13 its primary source. The digester processing structure may also
14 process any of the following:

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

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

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

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

26 b. If digester manure and digester feedstock are combined,
27 the digester feedstock shall be regulated as digester manure.

28 5. a. Except as provided in paragraph "b", a digestate shall
29 not be regulated as manure.

30 b. (1) If digestate is removed from a digester processing
31 structure and at any time is combined with manure, the digestate
32 shall be regulated as manure under this chapter and chapter 459B,
33 as applicable.

34 (2) If a digestate is removed from a digester processing
35 structure and at any time is combined with effluent, the

1 digestate shall be regulated as effluent under chapter 459A.

2 Sec. 11. NEW SECTION. **459.708 Digester manure and digester**
3 **feedstock — required storage.**

4 A person receiving digester manure or digester feedstock at
5 an anaerobic digester system must store the digester manure or
6 digester feedstock as follows:

7 1. Liquid digester manure or liquid digester feedstock must
8 be stored in a liquid digester storage structure.

9 2. Dry digester manure must be stored in any of the
10 following:

11 a. A dry digester stockpile.

12 b. A liquid digester storage structure.

13 3. Dry digester feedstock originating on-farm must be stored
14 in any of the following:

15 a. A dry digester stockpile.

16 b. A liquid digester storage structure.

17 4. Dry digester feedstock originating off-farm must be stored
18 in a liquid digester storage structure.

19 5. A person may move manure or feedstock from outside an
20 anaerobic digester system for direct processing by using a
21 digester processing structure that is part of an anaerobic
22 digester system,

23 6. A person removing digestate from an anaerobic digester
24 system must store the digestate in a manner that complies with
25 section 459.311.

26 Sec. 12. NEW SECTION. **459.709 Digestate — required**
27 **storage.**

28 1. A person processing digester manure or digester feedstock
29 at an anaerobic digester system must store the resulting
30 digestate as follows:

31 a. Liquid digestate must be stored in a liquid digestate
32 storage structure.

33 b. Dry digestate must be stored in any of the following:

34 (1) A dry digestate feedstock stockpile.

35 (2) A liquid digestate storage structure.

1 2. A person removing digestate from an anaerobic digester
2 system must store the digestate in a manner that complies with
3 section 459.311.

4 Sec. 13. NEW SECTION. **459.711 Digester structures —**
5 **construction permits.**

6 1. a. Except as provided in paragraph "b", a construction
7 permit must be issued prior to the construction of a digester
8 structure, including a liquid digester manure storage structure,
9 liquid digester feedstock storage structure, digester processing
10 structure, or liquid digestate storage structure, as provided by
11 rules adopted by the department pursuant to this subchapter.

12 b. A person is not required to be issued a permit to
13 construct a digester structure if the anaerobic digester system
14 is owned by a research college as defined in section 459.318
15 conducting research activities.

16 2. The department's decision to approve a permit for the
17 construction of a digester structure shall be based on whether
18 the application is submitted according to procedures required by
19 the department and the application meets standards established by
20 this subchapter and rules adopted by the department.

21 3. Construction of a digester structure shall not begin
22 until the department first approves the application and issues a
23 construction permit.

24 4. The applicant for a construction permit must be the owner
25 of the anaerobic digester system and the person responsible for
26 the construction and operation of the anaerobic digester system.

27 5. The department shall approve an application for a
28 construction permit regardless of whether the applicant is
29 required to be issued a construction permit.

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

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

35 a. The name and contact information of the owner and manager

1 of the anaerobic digester system identified with an animal
2 feeding operation under section 459.705 and the owner and manager
3 of the identified animal feeding operation.

4 b. Whether the digester structure is formed or unformed.

5 c. Information including but not limited to maps, drawings,
6 and aerial photos that clearly show the location of all of the
7 following:

8 (1) The location of the proposed or existing anaerobic
9 digester system, and any other proposed or existing digester
10 structures or digester stockpiles.

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

14 d. An engineering report, construction plans, and
15 specifications prepared by a professional engineer or the natural
16 resources conservation service of the United States department
17 of agriculture. The professional engineer must certify that
18 the construction of the digester structure complies with the
19 construction design standards required in this subchapter.

20 8. The department must approve or disapprove an application
21 for a construction permit within sixty days following the
22 applicant's delivery of the application to the department.
23 However, the applicant may deliver a notice requesting a
24 continuance. Upon receipt of a notice, the time required for
25 the department to act upon the application shall be suspended
26 for the period provided in the notice of continuance, but for
27 not more than thirty days after the department's receipt of
28 the notice. The applicant may submit more than one notice.
29 However, the department may provide that an application is
30 terminated if no action is required by the department for one
31 year following delivery of the application to the department.
32 The department may also provide for a continuance when it
33 considers the application. The department shall provide notice
34 to the applicant of the continuance. The time required for the
35 department to act upon the application shall be suspended for the

1 period provided in the notice of continuance, but for not more
2 than thirty days. However, the department shall not provide for
3 more than one continuance.

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

9 Sec. 14. NEW SECTION. **459.712 Liquid digester manure**
10 **storage structure — construction permit.**

11 In addition to the applicable requirements in section 459.711,
12 an application for a permit to construct a liquid digester manure
13 storage structure must include all of the following information:

14 1. A description of the type and amount of digester manure to
15 be stored in the digester feedstock storage structure.

16 2. The storage capacity of the liquid manure storage
17 structure.

18 3. A description of the digester processing structure used to
19 process the received digester manure and any digester feedstock.

20 4. Any other information determined relevant by the
21 department as provided by rules adopted by the department.

22 Sec. 15. NEW SECTION. **459.713 Liquid digester feedstock**
23 **storage structure — construction permit.**

24 In addition to the applicable requirements in section 459.711,
25 an application for a permit to construct a liquid digester
26 feedstock storage structure must include all of the following
27 information:

28 1. A description of the type and amount of any digester
29 feedstock to be stored in the liquid digester feedstock storage
30 structure.

31 2. The storage capacity of the liquid digester feedstock
32 storage.

33 3. A description of the liquid digester processing structure
34 used to process the received manure and digester feedstock.

35 4. Any other information determined relevant by the

1 department as provided by rules adopted by the department.

2 Sec. 16. NEW SECTION. **459.714 Digester processing structure**
3 **— construction permit.**

4 1. In addition to the applicable requirements in section
5 459.711, an application for a permit to construct a digester
6 processing structure must include all of the following:

7 a. (1) A description of the type and amount of digester
8 manure that is capable of being processed in the digester
9 processing structure at any one time.

10 (2) A description of the type and amount of digester
11 feedstock that is capable of being processed in the digester
12 processing structure at any one time.

13 b. The processing capacity of the digester processing
14 structure.

15 c. Unless an anaerobic digester system and animal feeding
16 operation are under common ownership or management, or both,
17 as described in section 459.705, a description of the
18 responsibilities of each of the following:

19 (1) For an anaerobic digester system, the terms of an
20 agreement to receive manure from the animal feeding operation
21 with which the anaerobic digester system is identified under
22 section 459.705.

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

26 d. (1) If digestate is to be applied to land subject to
27 a manure management plan, a copy of the plan and digestate
28 management supplement as required in section 459.733.

29 (2) If digestate is to be applied to land subject to a
30 nutrient management plan, a copy of the plan and digestate
31 management supplement as required in section 459.733.

32 e. Any other information determined relevant by the
33 department as provided by rules adopted by the department.

34 2. The application must include a plan for maintaining
35 records regarding all of the following as provided by rules

1 adopted by the department:

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

4 (2) The digestate and biogas processed.

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

6 Sec. 17. NEW SECTION. **459.715 Liquid digestate storage**
7 **structure — construction permit.**

8 In addition to the applicable requirements in section 459.711,
9 an application for a permit to construct a liquid digestate
10 storage structure must include all of the following information:

11 1. A description of the type and amount of digestate to be
12 stored in the liquid digestate storage structure.

13 2. The storage capacity of the liquid digestate storage
14 structure.

15 3. Any other information determined relevant by the
16 department as provided by rules adopted by the department.

17 Sec. 18. NEW SECTION. **459.717 General construction design**
18 **standards — formed digester structures.**

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

26 2. The construction design standards shall be based, to
27 every extent possible, upon uniform standards such as available
28 standards promulgated by ASTM (American society for testing and
29 materials) international.

30 3. The construction design standards for concrete must
31 provide for all of the following:

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

34 b. The use of reinforcement, including but not limited to
35 the grade, amount, and location of steel rebar, fiberglass, or

1 similar materials set in the concrete, or the use of exterior
2 braces to support joints.

3 c. The depth of footings.

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

5 Sec. 19. NEW SECTION. **459.718 Special construction**
6 **restrictions — formed digester structures.**

7 The department shall adopt rules providing for upgraded
8 construction design standards for a formed digester structure
9 constructed on karst terrain or an area that drains into a
10 known sinkhole as is necessary to ensure that a formed digester
11 structure does not pollute groundwater sources.

12 Sec. 20. NEW SECTION. **459.719 General construction design**
13 **standards — unformed digester structures — inspections.**

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

21 2. The construction design standards for an unformed digester
22 structure, established by rules adopted by the department,
23 must account for special design characteristics applicable to
24 an unformed liquid digester manure storage structure, unformed
25 liquid digester feedstock storage structure, unformed digester
26 processing structure, or unformed liquid digestate storage
27 structure. The construction design standard must account for all
28 of the following:

29 a. The lining of the unformed digester structure must be
30 constructed with materials deemed suitable by rules adopted by
31 the department in order to minimize seepage loss through the
32 lining's seal.

33 b. The unformed digester structure must be constructed with
34 materials deemed suitable by rules adopted by the department in
35 order to control erosion on the unformed digester structure's

1 berm, side slopes, and base.

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

4 d. The top of the floor of the unformed digester structure's
5 liner must be above the groundwater table as determined by
6 the department. If the groundwater table is less than two
7 feet below the top of the liner's floor, the unformed digester
8 structure shall be installed with a synthetic liner. If the
9 department allows an unformed digester structure to be located
10 at a site by permanently lowering the groundwater table, the
11 department shall confirm that the proposed system meets standards
12 necessary to ensure that the unformed digester structure does not
13 pollute groundwater sources. If the department allows drain tile
14 installed to lower a groundwater table to remain where located,
15 the department shall require that a device be installed to allow
16 monitoring of the water in the drain tile line. The department
17 shall also require the installation of a device to allow shutoff
18 of the drain tile lines, if the drain tile lines do not have
19 a surface outlet accessible on the property where the digester
20 structure is located.

21 3. a. The department shall conduct a routine inspection of
22 each unformed digester structure at least once each year. A
23 routine inspection conducted pursuant to this paragraph shall be
24 limited to a visual inspection of the site where the unformed
25 digester structure is located. The department shall inspect the
26 site at a reasonable time after providing at least twenty-four
27 hours' notice to the person owning or managing the anaerobic
28 digester system. The visual inspection must include but is not
29 limited to determining whether any of the following exist:

30 (1) An adequate freeboard level.

31 (2) The seepage of a liquid from the unformed digester
32 structure.

33 (3) Erosion.

34 (4) Inadequate cover.

35 (5) The presence of an opening allowing liquid to drain from

1 the unformed digester structure.

2 b. Paragraph "a" does not restrict the department from
3 conducting an inspection of an anaerobic digester system which is
4 not routine.

5 Sec. 21. NEW SECTION. **459.720 Special construction**
6 **restrictions — unformed digester structures.**

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

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

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

15 3. A person shall not construct or expand an unformed
16 digester structure within an agricultural drainage well area as
17 provided in section 460.205.

18 Sec. 22. NEW SECTION. **459.721 Duty of removal.**

19 The owner of a digester structure that is part of an anaerobic
20 digester system that discontinues use shall remove all digester
21 manure, digester feedstock, and digestate from the digester
22 structure within six months following the date that the anaerobic
23 digester system is discontinued.

24 Sec. 23. NEW SECTION. **459.731 Distance requirements for**
25 **digester structures — air quality.**

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

29 1. The anaerobic digester system and its identified
30 confinement feeding operation as provided in section 459.705
31 shall be deemed to be a single confinement feeding operation, and
32 the digester structure shall be deemed to be a manure storage
33 structure that is part of the identified confinement feeding
34 operation.

35 2. The separation distance shall be determined according

1 to the date that the digester structure was constructed or
2 expanded according to the relevant table in section 459.202,
3 subsections 1 through 5, subject to section 459.202, subsection
4 6, and subject to provisions allowing the expansion of prior
5 constructed confinement feeding operations under section 459.203
6 and exceptions to separation distance requirements in section
7 459.205.

8 3. For purposes of this section, a digester structure that
9 is part of an anaerobic digester system identified with an open
10 feedlot operation shall be deemed to be part of an anaerobic
11 digester system identified with a confinement feeding operation.

12 Sec. 24. NEW SECTION. **459.732 Distance requirements for**
13 **digester structures — water quality.**

14 1. The same separation distance requirements and exceptions
15 to those separation distance requirements that apply to a
16 confinement feeding operation structure and an object or location
17 for which separation is required in section 459.310 apply to a
18 digester structure and that same object or location.

19 2. For purposes of this section, a digester structure that
20 is part of an anaerobic digester system identified with an open
21 feedlot operation shall be deemed to be part of an anaerobic
22 digester system identified with a confinement feeding operation.

23 Sec. 25. NEW SECTION. **459.733 Digestate management — water**
24 **quality.**

25 If digestate is applied on land subject to a manure management
26 plan or a nutrient management plan, the manure management plan
27 or nutrient management plan must be attached with a digestate
28 management supplement. The digestate management supplement must
29 include all of the following:

30 1. Calculations necessary to determine the land area required
31 for the application of the digestate and manure from a
32 confinement feeding operation or effluent from an open feedlot
33 operation.

34 2. The nutrient concentrations of the digestate.

35 Sec. 26. NEW SECTION. **459.734 Stockpiling dry digester**

1 **feedstock or dry digestate — air quality.**

2 1. A person may stockpile dry digester feedstock or dry
3 digestate subject to this section.

4 2. a. Except as provided in paragraph "b", the person shall
5 not stockpile dry digester feedstock or dry digestate within one
6 thousand two hundred fifty feet from a residence not owned by
7 the titleholder of the land, a commercial enterprise, a bona fide
8 religious institution, an educational institution, or a public
9 use area.

10 b. The person may stockpile dry digester feedstock or dry
11 digestate within a separation distance required between the
12 stockpiled dry digestate and an object or location for which
13 separation is required under paragraph "a", if the titleholder
14 of the land benefiting from the separation distance requirement
15 executes a written waiver with the titleholder of the land where
16 the dry digester feedstock or dry digestate is stockpiled.

17 Sec. 27. NEW SECTION. **459.735 Stockpiling dry digestate —**
18 **water quality.**

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

20 1. The person stockpiling dry digestate shall comply with
21 applicable requirements of the national pollutant discharge
22 elimination system pursuant to the federal Water Pollution
23 Control Act.

24 2. a. The person shall not stockpile dry digestate within
25 the following distances to a designated area unless the dry
26 digestate is maintained in a manner that will not allow
27 precipitation-induced runoff to drain from the dry digestate to
28 the designated area:

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

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

32 b. The person shall not stockpile dry digestate within two
33 hundred feet from a terrace tile inlet or surface tile inlet
34 unless the dry digestate is maintained in a manner that will
35 not allow precipitation-induced runoff to drain from the dry

1 digestate to the terrace tile inlet or surface tile inlet.

2 c. The person shall not stockpile dry digestate in a grassed
3 waterway, where water pools on the soil surface, or in any
4 location where surface water will enter the stockpiled dry
5 digestate.

6 d. The person shall not stockpile dry digestate on land
7 having a slope of more than three percent unless methods,
8 structures, or practices are implemented to contain the
9 stockpiled dry digestate, including but not limited to using hay
10 bales, silt fences, temporary earthen berms, or other effective
11 measures, and to prevent or diminish precipitation-induced runoff
12 from the stockpiled dry digestate.

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

17 Sec. 28. NEW SECTION. **459.736 Stockpiling dry digestate —**
18 **special requirements — water quality.**

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

21 1. The person must stockpile the dry digestate at a location
22 where there is a vertical separation distance of at least five
23 feet between the bottom of the stockpiled dry digestate and the
24 underlying limestone, dolomite, or other soluble rock in karst
25 terrain or the underlying sand and gravel aquifer in an alluvial
26 aquifer area.

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

29 Sec. 29. NEW SECTION. **459.737 Applying liquid digestate —**
30 **air quality.**

31 1. Except as provided in subsection 2, the separation
32 distance required between the application of liquid manure on
33 land and a residence not owned by the titleholder of the land or
34 a designated object or location as provided in section 459.204
35 shall be the same separation distance required between the

1 application of liquid digestate on land and a residence not owned
2 by the titleholder of the land or designated object or location.

3 2. The same exceptions that allow a person to apply liquid
4 manure on land within the separation distance required in section
5 459.204 as provided in section 459.205, subsection 4, apply to
6 allow a person to apply liquid digestate on land within that
7 separation distance.

8 Sec. 30. NEW SECTION. **459.738 Applying digestate on**
9 **snow-covered or frozen ground — water quality.**

10 A person may apply digestate on snow-covered or frozen
11 ground, except to the extent otherwise provided by applicable
12 requirements for manure in this chapter, including section
13 459.313A, or the national pollutant discharge elimination system
14 pursuant to the federal Water Pollution Control Act.

15 Sec. 31. NEW SECTION. **459.811 Anaerobic digester systems —**
16 **violations.**

17 A person who violates section 459.731 or 459.734 shall be
18 subject to the same penalty as provided in section 459.602, and
19 a person who violates any other provision of subchapter VII shall
20 be subject to the same penalty as provided in section 459.603.
21 Any civil penalty and interest on a civil penalty collected under
22 this section shall be credited to the Iowa nutrient research fund
23 created in section 466B.46.

24 Sec. 32. NEW SECTION. **459A.209 Digestate application**
25 **supplement to nutrient management plan.**

26 If digestate is applied on land subject to a nutrient
27 management plan pursuant to section 459A.208, the nutrient
28 management plan must be attached with a digestate management
29 supplement as provided in section 459.733.

30 Sec. 33. CODE EDITOR DIRECTIVES.

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

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

34 b. Part 2 shall include sections 459.711 through 459.730.

35 c. Part 3 shall include sections 459.731 through 459.738.

1 2. The Code editor is directed to make the following
2 transfers to new subchapter VIII of chapter 459:

- 3 a. Section 459.601 to section 459.801.
- 4 b. Section 459.602 to section 459.802.
- 5 c. Section 459.603 to section 459.803.
- 6 d. Section 459.604 to section 459.804.
- 7 e. Section 459.605 to section 459.805.

8 3. The Code editor is directed to correct internal references
9 in the Code and in any enacted legislation as necessary due to
10 enactment of this section.

11 Sec. 34. EFFECTIVE DATE. This Act, being deemed of immediate
12 importance, takes effect upon enactment.

13 Sec. 35. CONTINUED APPLICABILITY OF REGULATORY PRACTICE.

14 1. Notwithstanding the provisions of this Act, on and after
15 the effective date of this Act the department of natural
16 resources shall regulate activities related to the construction,
17 expansion, and operation of anaerobic digester systems, including
18 the storage and use of materials including manure and digester
19 feedstock in the digestion process, the processing of digestates,
20 and the storage and application of digestates, in substantially
21 the same manner as the department regulated those activities on
22 March 1, 2025.

23 2. This section is repealed on the publication date of the
24 edition of the Iowa administrative bulletin that includes a
25 statement by the director of the department of natural resources
26 that all rules required to effectively administer and enforce the
27 provisions of this Act have been adopted. The department shall
28 forward a copy of the statement to the Iowa Code editor prior to
29 its publication in the Iowa administrative bulletin.