

CHAPTER 1124
ANAEROBIC LAGOONS
S.F. 2243

AN ACT to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.12, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. a. Commission rules establishing maximum permissible sulfate content shall not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.

Sec. 2. Section 455B.13, subsection 3, paragraph e, subparagraph (1), Code 1981, is amended to read as follows:

(1) Notwithstanding any other provision of division II of this chapter, the following siting requirements shall apply to anaerobic lagoons:

PARAGRAPH DIVIDED. Anaerobic lagoons which are used in connection with animal feeding operations containing less than six hundred twenty-five thousand pounds or less live animal weight capacity of animal species other than beef cattle or containing less than one million six hundred thousand pounds or less live animal weight capacity of beef cattle, shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. Anaerobic lagoons, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or more live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or more live animal weight capacity of beef cattle, shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. For the purpose of this paragraph the determination of live animal weight capacity shall be based on the average animal weight capacity during a production cycle and the maximum animal capacity of the animal feeding operation. These separation distances shall apply to the construction of new facilities and the expansion of existing facilities.

Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is one hundred thousand gallons per day or less shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is greater than one hundred thousand gallons per day shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. These separation distances apply to the construction of new facilities and the expansion of existing facilities.

Sec. 3. Section 455B.13, subsection 3, paragraph e, subparagraph (2), Code 1981, is amended to read as follows:

(2) A person may build or expand an anaerobic lagoon closer to a residence not owned by the owner of the feeding operation anaerobic lagoon or to a public use area than is otherwise permitted by subparagraph (1) of this paragraph, if the affected landowners enter into a written agreement with the anaerobic lagoon owner to waive the separation distances under such terms as the parties may negotiate. The written agreement shall ~~become~~ becomes effective only upon recording in the office of the recorder of deeds of the county in which the residence is located.

Approved April 16, 1982

CHAPTER 1125

CONTRACT FOR STORAGE IN THE SAYLORVILLE RESERVOIR

S.F. 2235

AN ACT to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the saylorville reservoir, effective upon publication.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Notwithstanding section 455A.17, the Iowa natural resources council may enter into a binding contract on behalf of this state with the federal government for the acquisition of storage in Saylorville reservoir for municipal and industrial water supply if the council also enters into binding contracts on behalf of this state with the local water users who will benefit from the storage so that all costs incurred by this state in its contract with the federal government are borne by those local water users.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Chariton Leader, a newspaper published in Chariton, Iowa, and in The Sun-Hawkeye-Record-Herald, a newspaper published in Mount Vernon, Iowa.

Approved April 21, 1982

I hereby certify that the foregoing Act, Senate File 2235 was published in The Chariton Leader, Chariton, Iowa on April 27, 1982 and in The Sun, Mount Vernon, Iowa on April 29, 1982.

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1979, there being no newspaper by the name of The Sun-Hawkeye-Record-Herald, published in Mount Vernon, Iowa, I hereby designate The Sun, published in Mount Vernon, Iowa to publish the foregoing Act, Senate File 2235.

MARY JANE ODELL, *Secretary of State*