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HOUSE REPUBLICAN STAFF ANALYSIS

Bill: Senate File 321/House File 464
Committee: House Environmental Protection
Date: March 21, 2011
Staff: Lew Olson (1-3096)
Ranking Member: Representative Klein

DNR Permitting of On-Farm Micro-Processor Wastewater Disposal

Senate File 321/House File 464 proposes to establish Department of Natural Resources (DNR) rules that will apply to small on-farm processing of food commodities. This legislation is instigated because of DNR insistence that some small goat cheese producers and small wineries install industrial waste water treatment systems even though the scale of these operations is very small, 10-goats in one instance. The bill provides standards that on-farm processing operations that manufacture products from commodities originating from that farm or another farm, such as dairies, wineries, distilleries, or canneries may dispose of wastewater used to clean such products or processing equipment or dilute waste water by-product via land application if the daily amount of wastewater is less than 1,500 gallons. Such land application would have to be performed by a person licensed by DNR to land apply septage wastewater, and cumulative annual application does not exceed 30,000 gallons per acre. Alternatively, a person may haul such wastewater to a local publically owned treatment or wastewater treatment system with the consent of the owner of that system, or utilize a NPDES (National Pollutant Discharge Elimination system) permitted system. However, a subsurface absorption system may only be used if it is in conformance with applicable regulations of the United State Environmental Protection Agency.

Additionally, the bill directs DNR to adopt rule standards that permit a disposal system that is constructed in conformance with a permit issued by DNR that utilizes a permitted septage lagoon or septage drying bed. This legislation is intended to lessen the regulatory burden on so-called on-farm microprocessors that springing up across the country-side and are producing high quality niche foods that add value and jobs to local economies and provide another means for Iowans to stay in our rural communities. The bill was considered and passed (as House File 295 which became HF 464) by the House Environmental Protection Committee Thursday, February 24, 2011, by a unanimous 21-aye vote. A Senate companion bill (Senate Study Bill 321 passed the Senate on Monday, 7, 2011, by a unanimous 50-aye vote.

Summary of Action

The House Environmental Protection Committee **PASSED** HF 464 on February 24, 2010 by a 21-0 vote.
The Senate **PASSED** Senate File 321 on March 7, 2011, by a unanimous 50-aye vote.

Section by Section Analysis

Sections 1 – New Definitions “Food Commodity” and “On Farm Processing Operation “in DNR Water Quality Division of the Code

Section 2—DNR Directed to Devise Rules for Disposal of on-Farm Processing Wastewater: This section provides for DNR devise administrative rules for on-farm processing operations that address the following—(1) may dispose of wastewater if the daily amount of wastewater is less than 1,500 gallons; (2) such land application would have to be performed by a person licensed by DNR to land apply septage wastewater, and cumulative annual application does not exceed 30,000 gallons per acre, (3) alternatively, a person may haul such wastewater to a local publically owned treatment or wastewater treatment system with the consent of the owner of that system, or utilize a NPDES (National Pollutant Discharge Elimination system) permitted system and (4) a subsurface absorption system may only be used if it is in conformance with applicable regulations of the United State Environmental Protection Agency.

Amendments

H-1237, by Klein, widens the scope of the bill to include bakery and meat or poultry processing’ both to the definition of ‘food commodity” and “on-farm processing operation”, and swaps the term ‘prepared’ for ‘changed’.

H-1242, by Klein, widens the scope of the bill to include bakery and meat or poultry processing’ both to the definition of ‘food commodity” and “on-farm processing operation.” It further strikes and replaces the definition of “on-farm processing operation” in the bill with verbiage that additionally adds ‘bakery, and meat or poultry processing’ to the definition in the bill, and swaps the term ‘prepared’ for ‘changed’ and deletes the last sentence in the bill as drafted that specifies that—“...*change to the food commodity may include cleaning, cooling, pasteurizing, purifying, or preserving the food commodity.*”

H-1221, by Isenhardt, proposes to add an additional requirement that must be followed when land applying under 1,500 gallons of production of micro-processor wastewater that it not be applied on the same area for five days following an application.