

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

- 1 *c.* A liquid digestate storage structure.
- 2 10. "*Digestion process*" means primarily processing manure,
3 and may include processing digester feedstock, by employing
4 environmental conditions including bacteria to break down its
5 organic matter in the absence of oxygen, if used for producing,
6 collecting, and utilizing a biogas and digestate.
- 7 11. "*Dry digestate*" means digestate that meets the dry
8 classification requirements in section 459.707.
- 9 12. "*Dry digestate stockpile*" means dry digestate
10 originating from an anaerobic digester system and stored as
11 part of the anaerobic digester system outside a digester
12 structure or on-farm outside any other structure.
- 13 13. "*Dry digester feedstock*" means a digester feedstock that
14 meets the dry classification requirements in section 459.707.
- 15 14. "*Dry digester feedstock stockpile*" means dry digester
16 feedstock stored outside a digester structure.
- 17 15. "*Dry digester manure*" means digester manure that meets
18 the dry classification requirement in section 459.707.
- 19 16. "*Dry digester manure stockpile*" means dry digester
20 manure that is part of an anaerobic digester system if stored
21 outside a digester structure.
- 22 17. "*Dry digester stockpile*" means any of the following:
23 *a.* A dry digester manure stockpile.
24 *b.* A dry digester feedstock stockpile.
- 25 18. "*Effluent*" means the same as defined in section
26 459A.102.
- 27 19. "*Federal Water Pollution Control Act*" means the federal
28 Water Pollution Control Act of 1972, 33 U.S.C. ch. 26, as
29 amended, and 40 C.F.R. pts. 122 and 412.
- 30 20. "*Liquid digestate*" means digestate other than dry
31 digestate.
- 32 21. "*Liquid digestate storage structure*" means a structure
33 used to store liquid digestate.
- 34 22. "*Liquid digester feedstock*" means digester feedstock
35 other than dry digester feedstock.

1 23. "*Liquid digester feedstock storage structure*" means a
2 structure that is part of an anaerobic digester system if used
3 to store liquid digester feedstock or dry digester feedstock or
4 both before undergoing a digestion process as effectuated by a
5 digester processing structure.

6 24. "*Liquid digester manure*" means digester manure other
7 than dry digester manure.

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

13 26. "*Liquid digester storage structure*" means either of the
14 following:

15 a. A liquid digester manure storage structure.

16 b. A liquid digester feedstock storage structure.

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

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

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

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

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

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

1 2. If there is a conflict between the provisions of this
2 subchapter and another subchapter, the provisions of this
3 subchapter shall prevail.

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

6 Sec. 6. NEW SECTION. **459.703 Administration — departmental**
7 **authority.**

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

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

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

28 Sec. 7. NEW SECTION. **459.704 Minimum requirements for**
29 **manure control — water quality.**

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

34 Sec. 8. NEW SECTION. **459.705 Special terms — anaerobic**
35 **digester systems.**

- 1 1. *a.* An anaerobic digester system must be identified with
2 an animal feeding operation.
- 3 *b.* An anaerobic digester system receiving manure from an
4 animal feeding operation is identified with the animal feeding
5 operation if the anaerobic digester system and the animal
6 feeding operation are any of the following:
 - 7 (1) Adjacent.
 - 8 (2) Under common ownership.
 - 9 (3) Under common management.
- 10 *c.* An anaerobic digester system and an animal feeding
11 operation shall be subject to an enforcement action arising
12 from the facts of a violation only if the anaerobic digester
13 system is identified with the animal feeding operation pursuant
14 to paragraph "b", subparagraphs (1), (2), and (3).
- 15 2. An anaerobic digester system and an animal feeding
16 operation structure are deemed adjacent if the closest
17 digester structure is separated from the closest animal feeding
18 operation structure by less than one thousand two hundred fifty
19 feet.
- 20 3. *a.* An anaerobic digester system and an animal feeding
21 operation are under common ownership if a person holds an
22 interest in the anaerobic digester system and the animal
23 feeding operation as any of the following:
 - 24 (1) A sole proprietor.
 - 25 (2) A joint tenant or tenant in common.
 - 26 (3) A holder of a majority equity interest in a business
27 association as defined in section 202B.102, including but not
28 limited to a shareholder, partner, member, or beneficiary.
- 29 *b.* An interest in the anaerobic digester system and animal
30 feeding operation which is held directly or indirectly by the
31 person's spouse or dependent child shall be attributed to the
32 person.
- 33 4. *a.* An anaerobic digester system and animal feeding
34 operation are under common management if a person has
35 significant control of the management of the day-to-day

1 operations of the community anaerobic digester system and
2 animal feeding operation.

3 *b.* Common management does not include control over a
4 contract livestock facility by a contractor, as those terms are
5 defined in section 202.1.

6 Sec. 9. NEW SECTION. **459.706 Special terms — digester**
7 **structures.**

8 1. A digester structure that is used as a manure storage
9 structure and that is not subject to a digestion process shall
10 be conclusively presumed to be a manure storage structure.

11 2. Any digester structure must be covered. Notwithstanding
12 section 459.102, subsection 19, a cover must include organic or
13 inorganic material placed upon a digester structure as provided
14 by rules adopted by the department.

15 3. A digester structure is constructed when any of the
16 following occur:

17 *a.* Excavation is conducted for a proposed digester structure
18 or proposed expansion of an existing digester structure,
19 including excavation for the footings of the digester
20 structure.

21 *b.* Forms for concrete are installed for a proposed digester
22 structure or the proposed expansion of an existing digester
23 structure.

24 *c.* Piping for the movement of manure is installed between
25 an animal feeding operation structure and a digester structure
26 proposed to be constructed or expanded.

27 4. *a.* This subchapter does not apply to a confinement
28 feeding operation structure regardless of whether manure
29 originating from the confinement feeding operation structure is
30 received by a digester processing structure.

31 *b.* This subchapter does not apply to an open feedlot
32 operation structure regulated under chapter 459A regardless of
33 whether effluent originating from the open feedlot operation
34 structure is received by a digester processing structure.

35 *c.* Placing a cover over a manure storage structure does not

1 constitute construction or expansion of a digester structure.

2 Sec. 10. NEW SECTION. **459.707 Special terms — manure and**
3 **digestates.**

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

5 1. Except as otherwise provided in this subchapter, the term
6 "*manure*" includes effluent if used as part of the digestion
7 process.

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

10 *a.* The digester manure, digester feedstock, or digestate
11 does not flow perceptibly under pressure.

12 *b.* The digester manure, digester feedstock, or digestate is
13 not capable of being transported through a mechanical pumping
14 device designed to move a liquid.

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

18 3. A digester processing structure must process manure as
19 its primary source. The digester processing structure may also
20 process any of the following:

21 *a.* A quantity of digester feedstock as its secondary source.

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

24 The department shall adopt rules listing allowable materials
25 by name and, if necessary, the maximum allowed quantity.

26 The department may also approve the allowable materials and
27 quantity upon request of the owner or manager of the anaerobic
28 digester system. The allowed inorganic material allowed over
29 time must be nonhazardous to the public and environment.

30 4. *a.* Except as provided in paragraph "*b*", digester manure
31 shall not be regulated as manure.

32 *b.* If digester manure and digester feedstock are combined,
33 the digester feedstock shall be regulated as digester manure.

34 5. *a.* Except as provided in paragraph "*b*", a digestate
35 shall not be regulated as manure.

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

5 (2) If a digestate is removed from a digester processing
6 structure and at any time is combined with effluent, the
7 digestate shall be regulated as effluent under chapter 459A.

8 Sec. 11. NEW SECTION. **459.708 Digester manure and digester**
9 **feedstock — required storage.**

10 A person receiving digester manure or digester feedstock at
11 an anaerobic digester system must store the digester manure or
12 digester feedstock as follows:

13 1. Liquid digester manure or liquid digester feedstock must
14 be stored in a liquid digester storage structure.

15 2. Dry digester manure must be stored in any of the
16 following:

17 *a.* A dry digester stockpile.

18 *b.* A liquid digester storage structure.

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

21 *a.* A dry digester stockpile.

22 *b.* A liquid digester storage structure.

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

25 5. A person may move manure or feedstock from outside an
26 anaerobic digester system for direct processing by using a
27 digester processing structure that is part of an anaerobic
28 digester system,

29 6. A person removing digestate from an anaerobic digester
30 system must store the digestate in a manner that complies with
31 section 459.311.

32 Sec. 12. NEW SECTION. **459.709 Digestate — required**
33 **storage.**

34 1. A person processing digester manure or digester
35 feedstock at an anaerobic digester system must store the

1 resulting digestate as follows:

2 *a.* Liquid digestate must be stored in a liquid digestate
3 storage structure.

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

5 (1) A dry digestate feedstock stockpile.

6 (2) A liquid digestate storage structure.

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

10 Sec. 13. NEW SECTION. 459.711 **Digester structures —**
11 **construction permits.**

12 1. *a.* Except as provided in paragraph “*b*”, a construction
13 permit must be issued prior to the construction of a digester
14 structure, including a liquid digester manure storage
15 structure, liquid digester feedstock storage structure,
16 digester processing structure, or liquid digestate storage
17 structure, as provided by rules adopted by the department
18 pursuant to this subchapter.

19 *b.* A person is not required to be issued a permit to
20 construct a digester structure if the anaerobic digester system
21 is owned by a research college as defined in section 459.318
22 conducting research activities.

23 2. The department’s decision to approve a permit for
24 the construction of a digester structure shall be based on
25 whether the application is submitted according to procedures
26 required by the department and the application meets standards
27 established by this subchapter and rules adopted by the
28 department.

29 3. Construction of a digester structure shall not begin
30 until the department first approves the application and issues
31 a construction permit.

32 4. The applicant for a construction permit must be the owner
33 of the anaerobic digester system and the person responsible
34 for the construction and operation of the anaerobic digester
35 system.

1 5. The department shall approve an application for a
2 construction permit regardless of whether the applicant is
3 required to be issued a construction permit.

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

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

9 a. The name and contact information of the owner and manager
10 of the anaerobic digester system identified with an animal
11 feeding operation under section 459.705 and the owner and
12 manager of the identified animal feeding operation.

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

14 c. Information including but not limited to maps, drawings,
15 and aerial photos that clearly show the location of all of the
16 following:

17 (1) The location of the proposed or existing anaerobic
18 digester system, and any other proposed or existing digester
19 structures or digester stockpiles.

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

23 d. An engineering report, construction plans, and
24 specifications prepared by a professional engineer or the
25 natural resources conservation service of the United States
26 department of agriculture. The professional engineer must
27 certify that the construction of the digester structure
28 complies with the construction design standards required in
29 this subchapter.

30 8. The department must approve or disapprove an application
31 for a construction permit within sixty days following the
32 applicant's delivery of the application to the department.
33 However, the applicant may deliver a notice requesting a
34 continuance. Upon receipt of a notice, the time required for
35 the department to act upon the application shall be suspended

1 for the period provided in the notice of continuance, but for
 2 not more than thirty days after the department's receipt of
 3 the notice. The applicant may submit more than one notice.
 4 However, the department may provide that an application is
 5 terminated if no action is required by the department for one
 6 year following delivery of the application to the department.
 7 The department may also provide for a continuance when it
 8 considers the application. The department shall provide notice
 9 to the applicant of the continuance. The time required for
 10 the department to act upon the application shall be suspended
 11 for the period provided in the notice of continuance, but for
 12 not more than thirty days. However, the department shall not
 13 provide for more than one continuance.

14 9. The applicant shall submit a construction permit
 15 application fee as part of the total application form. The fee
 16 shall not exceed two hundred fifty dollars. Moneys collected
 17 by the department from the payment of fees under this section
 18 shall be deposited by the department in the general fund of the
 19 state.

20 Sec. 14. NEW SECTION. **459.712 Liquid digester manure**
 21 **storage structure — construction permit.**

22 In addition to the applicable requirements in section
 23 459.711, an application for a permit to construct a liquid
 24 digester manure storage structure must include all of the
 25 following information:

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

28 2. The storage capacity of the liquid manure storage
 29 structure.

30 3. A description of the digester processing structure
 31 used to process the received digester manure and any digester
 32 feedstock.

33 4. Any other information determined relevant by the
 34 department as provided by rules adopted by the department.

35 Sec. 15. NEW SECTION. **459.713 Liquid digester feedstock**

1 **storage structure — construction permit.**

2 In addition to the applicable requirements in section
3 459.711, an application for a permit to construct a liquid
4 digester feedstock storage structure must include all of the
5 following information:

6 1. A description of the type and amount of any digester
7 feedstock to be stored in the liquid digester feedstock storage
8 structure.

9 2. The storage capacity of the liquid digester feedstock
10 storage.

11 3. A description of the liquid digester processing
12 structure used to process the received manure and digester
13 feedstock.

14 4. Any other information determined relevant by the
15 department as provided by rules adopted by the department.

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

18 1. In addition to the applicable requirements in section
19 459.711, an application for a permit to construct a digester
20 processing structure must include all of the following:

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

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

27 b. The processing capacity of the digester processing
28 structure.

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

33 (1) For an anaerobic digester system, the terms of an
34 agreement to receive manure from the animal feeding operation
35 with which the anaerobic digester system is identified under

1 section 459.705.

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

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

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

12 e. Any other information determined relevant by the
13 department as provided by rules adopted by the department.

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

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

19 (2) The digestate and biogas processed.

20 b. Procedures for the departmental inspection of the
21 records.

22 Sec. 17. NEW SECTION. **459.715 Liquid digestate storage**
23 **structure — construction permit.**

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

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

30 2. The storage capacity of the liquid digestate storage
31 structure.

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

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

1 1. The department shall adopt rules establishing
2 construction design standards for a formed digester structure,
3 including a formed liquid digester manure storage structure,
4 formed liquid digester feedstock storage structure, formed
5 digester processing structure, or formed liquid digestate
6 storage structure. The department may adopt rules providing
7 separate regulations for each type of formed digester
8 structure.

9 2. The construction design standards shall be based, to
10 every extent possible, upon uniform standards such as available
11 standards promulgated by ASTM (American society for testing and
12 materials) international.

13 3. The construction design standards for concrete must
14 provide for all of the following:

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

17 b. The use of reinforcement, including but not limited to
18 the grade, amount, and location of steel rebar, fiberglass, or
19 similar materials set in the concrete, or the use of exterior
20 braces to support joints.

21 c. The depth of footings.

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

23 Sec. 19. NEW SECTION. **459.718 Special construction**
24 **restrictions — formed digester structures.**

25 The department shall adopt rules providing for upgraded
26 construction design standards for a formed digester structure
27 constructed on karst terrain or an area that drains into a
28 known sinkhole as is necessary to ensure that a formed digester
29 structure does not pollute groundwater sources.

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

32 1. The department shall adopt rules establishing
33 construction design standards for an unformed digester
34 structure, including an unformed liquid digester manure
35 storage structure, unformed liquid digester feedstock storage

1 structure, unformed digester processing structure, or unformed
2 liquid digestate storage structure. The department may adopt
3 rules providing separate regulations for each type of digester
4 structure.

5 2. The construction design standards for an unformed
6 digester structure, established by rules adopted by the
7 department, must account for special design characteristics
8 applicable to an unformed liquid digester manure storage
9 structure, unformed liquid digester feedstock storage
10 structure, unformed digester processing structure, or unformed
11 liquid digestate storage structure. The construction design
12 standard must account for all of the following:

13 a. The lining of the unformed digester structure must be
14 constructed with materials deemed suitable by rules adopted by
15 the department in order to minimize seepage loss through the
16 lining's seal.

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

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

23 d. The top of the floor of the unformed digester structure's
24 liner must be above the groundwater table as determined by
25 the department. If the groundwater table is less than two
26 feet below the top of the liner's floor, the unformed digester
27 structure shall be installed with a synthetic liner. If
28 the department allows an unformed digester structure to be
29 located at a site by permanently lowering the groundwater
30 table, the department shall confirm that the proposed system
31 meets standards necessary to ensure that the unformed digester
32 structure does not pollute groundwater sources. If the
33 department allows drain tile installed to lower a groundwater
34 table to remain where located, the department shall require
35 that a device be installed to allow monitoring of the water in

1 the drain tile line. The department shall also require the
2 installation of a device to allow shutoff of the drain tile
3 lines, if the drain tile lines do not have a surface outlet
4 accessible on the property where the digester structure is
5 located.

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

16 (1) An adequate freeboard level.

17 (2) The seepage of a liquid from the unformed digester
18 structure.

19 (3) Erosion.

20 (4) Inadequate cover.

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

23 b. Paragraph "a" does not restrict the department from
24 conducting an inspection of an anaerobic digester system which
25 is not routine.

26 Sec. 21. NEW SECTION. 459.720 Special construction
27 restrictions — unformed digester structures.

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

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

35 2. A person shall not construct an unformed digester

1 structure in an area that drains into a known sinkhole.

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

5 Sec. 22. NEW SECTION. 459.721 Duty of removal.

6 The owner of a digester structure that is part of an
7 anaerobic digester system that discontinues use shall remove
8 all digester manure, digester feedstock, and digestate from the
9 digester structure within six months following the date that
10 the anaerobic digester system is discontinued.

11 Sec. 23. NEW SECTION. 459.731 Distance requirements for
12 digester structures — air quality.

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

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

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

30 3. For purposes of this section, a digester structure
31 that is part of an anaerobic digester system identified with
32 an open feedlot operation shall be deemed to be part of an
33 anaerobic digester system identified with a confinement feeding
34 operation.

35 Sec. 24. NEW SECTION. 459.732 Distance requirements for

1 **digester structures — water quality.**

2 1. The same separation distance requirements and
3 exceptions to those separation distance requirements that apply
4 to a confinement feeding operation structure and an object or
5 location for which separation is required in section 459.310
6 apply to a digester structure and that same object or location.

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

12 **Sec. 25. NEW SECTION. 459.733 Digestate management — water**
13 **quality.**

14 If digestate is applied on land subject to a manure
15 management plan or a nutrient management plan, the manure
16 management plan or nutrient management plan must be attached
17 with a digestate management supplement. The digestate
18 management supplement must include all of the following:

19 1. Calculations necessary to determine the land area
20 required for the application of the digestate and manure from a
21 confinement feeding operation or effluent from an open feedlot
22 operation.

23 2. The nutrient concentrations of the digestate.

24 **Sec. 26. NEW SECTION. 459.734 Stockpiling dry digester**
25 **feedstock or dry digestate — air quality.**

26 1. A person may stockpile dry digester feedstock or dry
27 digestate subject to this section.

28 2. *a.* Except as provided in paragraph “*b*”, the person shall
29 not stockpile dry digester feedstock or dry digestate within
30 one thousand two hundred fifty feet from a residence not owned
31 by the titleholder of the land, a commercial enterprise, a bona
32 fide religious institution, an educational institution, or a
33 public use area.

34 *b.* The person may stockpile dry digester feedstock or
35 dry digestate within a separation distance required between

1 the stockpiled dry digestate and an object or location for
2 which separation is required under paragraph "a", if the
3 titleholder of the land benefiting from the separation distance
4 requirement executes a written waiver with the titleholder of
5 the land where the dry digester feedstock or dry digestate is
6 stockpiled.

7 Sec. 27. NEW SECTION. **459.735 Stockpiling dry digestate**
8 **— water quality.**

9 A person may stockpile dry digestate subject to this
10 section.

11 1. The person stockpiling dry digestate shall comply with
12 applicable requirements of the national pollutant discharge
13 elimination system pursuant to the federal Water Pollution
14 Control Act.

15 2. *a.* The person shall not stockpile dry digestate within
16 the following distances to a designated area unless the
17 dry digestate is maintained in a manner that will not allow
18 precipitation-induced runoff to drain from the dry digestate
19 to the designated area:

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

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

23 *b.* The person shall not stockpile dry digestate within two
24 hundred feet from a terrace tile inlet or surface tile inlet
25 unless the dry digestate is maintained in a manner that will
26 not allow precipitation-induced runoff to drain from the dry
27 digestate to the terrace tile inlet or surface tile inlet.

28 *c.* The person shall not stockpile dry digestate in a grassed
29 waterway, where water pools on the soil surface, or in any
30 location where surface water will enter the stockpiled dry
31 digestate.

32 *d.* The person shall not stockpile dry digestate on land
33 having a slope of more than three percent unless methods,
34 structures, or practices are implemented to contain the
35 stockpiled dry digestate, including but not limited to

1 using hay bales, silt fences, temporary earthen berms,
2 or other effective measures, and to prevent or diminish
3 precipitation-induced runoff from the stockpiled dry digestate.

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

8 Sec. 28. NEW SECTION. 459.736 Stockpiling dry digestate —
9 special requirements — water quality.

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

12 1. The person must stockpile the dry digestate at a location
13 where there is a vertical separation distance of at least five
14 feet between the bottom of the stockpiled dry digestate and
15 the underlying limestone, dolomite, or other soluble rock in
16 karst terrain or the underlying sand and gravel aquifer in an
17 alluvial aquifer area.

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

20 Sec. 29. NEW SECTION. 459.737 Applying liquid digestate
21 — air quality.

22 1. Except as provided in subsection 2, the separation
23 distance required between the application of liquid manure
24 on land and a residence not owned by the titleholder of the
25 land or a designated object or location as provided in section
26 459.204 shall be the same separation distance required between
27 the application of liquid digestate on land and a residence not
28 owned by the titleholder of the land or designated object or
29 location.

30 2. The same exceptions that allow a person to apply liquid
31 manure on land within the separation distance required in
32 section 459.204 as provided in section 459.205, subsection
33 4, apply to allow a person to apply liquid digestate on land
34 within that separation distance.

35 Sec. 30. NEW SECTION. 459.738 Applying digestate on

1 snow-covered or frozen ground — water quality.

2 A person may apply digestate on snow-covered or frozen
3 ground, except to the extent otherwise provided by applicable
4 requirements for manure in this chapter, including section
5 459.313A, or the national pollutant discharge elimination
6 system pursuant to the federal Water Pollution Control Act.

7 Sec. 31. NEW SECTION. **459.811 Anaerobic digester systems**
8 **— violations.**

9 A person who violates section 459.731 or 459.734 shall be
10 subject to the same penalty as provided in section 459.602, and
11 a person who violates any other provision of subchapter VII
12 shall be subject to the same penalty as provided in section
13 459.603. Any civil penalty and interest on a civil penalty
14 collected under this section shall be credited to the Iowa
15 nutrient research fund created in section 466B.46.

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

18 If digestate is applied on land subject to a nutrient
19 management plan pursuant to section 459A.208, the nutrient
20 management plan must be attached with a digestate management
21 supplement as provided in section 459.733.

22 Sec. 33. **CODE EDITOR DIRECTIVES.**

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

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

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

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

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

30 a. Section 459.601 to section 459.801.

31 b. Section 459.602 to section 459.802.

32 c. Section 459.603 to section 459.803.

33 d. Section 459.604 to section 459.804.

34 e. Section 459.605 to section 459.805.

35 3. The Code editor is directed to correct internal

1 references in the Code and in any enacted legislation as
2 necessary due to enactment of this section.

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

5 Sec. 35. CONTINUED APPLICABILITY OF REGULATORY PRACTICE.

6 1. Notwithstanding the provisions of this Act, on and
7 after the effective date of this Act the department of
8 natural resources shall regulate activities related to the
9 construction, expansion, and operation of anaerobic digester
10 systems, including the storage and use of materials including
11 manure and digester feedstock in the digestion process, the
12 processing of digestates, and the storage and application of
13 digestates, in substantially the same manner as the department
14 regulated those activities on March 1, 2025.

15 2. This section is repealed on the publication date of
16 the edition of the Iowa administrative bulletin that includes
17 a statement by the director of the department of natural
18 resources that all rules required to effectively administer
19 and enforce the provisions of this Act have been adopted. The
20 department shall forward a copy of the statement to the Iowa
21 Code editor prior to its publication in the Iowa administrative
22 bulletin.