

Summary of Regulation for Building or Expanding Open Lot and Confined Beef and Dairy Operations with less than 1,000 Animal Units

Iowa law requires that all manure from an animal feeding operation be handled, stored and land applied so that it does not cause surface or groundwater pollution. Confinement feeding operations must retain all manure between periods of land application. Open feedlots that have not been designated as a Concentrated Animal Feeding Operation (CAFO) must remove settleable solids from effluent prior to discharge into a water of the state. Even if settleable solids have been removed, when open feedlot effluent reaches a water of the state it must not cause sludge, floating debris, toxic conditions or objectionable odor or color (general water quality criteria). Reference: Iowa Administrative Code (IAC) [567] Chapter 61 and 65.

Multiple Feeding Operations on Your Farm

State law says animal feeding operations that are under the same ownership or management, and are adjacent or use the same area or system for disposal of manure or open feedlot effluent will be considered one operation. Therefore, it is crucial to determine if multiple building sites in your operation meet this determination and subsequently require you to have the appropriate manure or nutrient management plan and meet the appropriate construction permit requirements.

Although this fact sheet is written to address issues for facilities smaller than 1,000 animal units, recent legislative changes may affect your operation and how to determine the size of your facility and in particular whether

or not your operation is defined as a CAFO.

Effective December 31, 2008, all animals of the same category, as defined by federal law, are counted together, regardless of housing type, to determine if the animal feeding operation meets the definition of a CAFO. If the operation is determined to be a CAFO, it could potentially need to have an NPDES permit. This permit would need to be applied for on or by December 31, 2008.

In the past Iowa law did not combine animals of one species across housing types. For example, when determining facility size, confined animals were not counted with open lot animals. This is still true for Iowa's regulatory requirements such as construction permits and manure management plans. However, EPA rules and as of December 31, 2008, state law (for the purpose of determining CAFO status as part of the federal NPDES Permit program) combine open feedlot and confinement facilities housing the same category of livestock. To determine "categories" of livestock as defined federally please see <http://cfpub.epa.gov/npdes/afo/compliance.cfm>. If you have more than one animal type on your farm, you count all animals of each type separately. However, if one type of animal meets the CAFO definition on your farm, but the other animal types do not, all the manure, effluent and process wastewater from all animal types on the farm will be regulated under the CAFO NPDES permit.

Contributors

- Natural Resource Conservation Service
- Agribusiness Assoc. of Iowa
- Iowa Farm Bureau Federation
- Iowa Poultry Association
- Iowa Turkey Federation
- Iowa Pork Industry Center
- Iowa Beef Center
- Iowa Pork Producers Assoc.
- Iowa Department of Natural Resources
- Iowa Cattlemen's Association
- Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship
- Iowa State Dairy Association
- Iowa Commercial Nutrient Applicators Association
- Coalition to Support Iowa's Farmers
- Iowa Corn Growers Association
- Iowa Soybean Association
- Iowa State University, University Extension
- Iowa State University, College of Agriculture

| Regulation | Confinement Feeding Operation | Open Lots |
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| <p>Definition</p> | <p>A confinement feeding operation confines animals to areas that are totally roofed. Confinement feeding operations in Iowa are not allowed to discharge manure to a water of the state.</p> | <p>An open feedlot is unroofed or partially roofed with no vegetation or residue ground cover while the animals are confined. Open feedlots in Iowa are required to remove all settleable solids from open feedlot effluent before discharge into water of the state. Even if the settleable solids are removed Iowa law prohibits discharges which violate Iowa's water quality standards. See 567 IAC 61.3. http://www.legis.state.ia.us/ACO/IAChtml/567.htm#rule_567_61_3</p> |
| <p>Manure or Nutrient Management Plan</p> | <p>Yes, Manure Management Plan if more than 500 animal units http://www.iowadnr.gov/afo/mmp.html</p> <p>Yes, if applying for a low interest loan – the manure management plan can be developed with funds from the loan. For more information on low interest loans see: http://www.iowaagriculture.gov/FieldServices/localWaterProtection.asp</p> | <p>No, unless designated by DNR as a CAFO. If a CAFO and required to have NPDES Permit see: http://www.iowadnr.gov/afo/nmp_producer.html</p> <p>Yes, if applying for a low interest loan – the manure management plan can be developed with funds from the loan. For more information on low interest loans see: http://www.iowaagriculture.gov/FieldServices/localWaterProtection.asp</p> |
| <p>Manure Applicator Certification Required</p> | <p>Yes, if more than 500 animal units http://www.iowadnr.gov/afo/appcert.html</p> | <p>No. Not required of the producer. If using commercial applicators, the commercial applicator must be certified. http://www.iowadnr.gov/afo/appcert.html</p> |
| <p>Separation Distanced for Land Application of Manure</p> | <p>Yes, see Tables 1, 2 and 3 (if more than 500 animal unit capacity) or Tables 2 and 3 (if under 500 animal units capacity) of DNR 113. http://www.iowadnr.gov/afo/files/sepdstb4.pdf</p> <p>DNR Form 117 High Quality Water Resources http://www.iowadnr.gov/afo/files/hqwr2.pdf</p> <p>Required to Report Manure Spills to (515) 281-8694</p> | <p>Yes, see Table 2 of DNR 113 http://www.iowadnr.gov/afo/files/sepdstb4.pdf</p> <p>DNR Form 117 High Quality Water Resources http://www.iowadnr.gov/afo/files/hqwr2.pdf</p> <p>Required to Report Manure Spills to (515) 281-8694</p> |

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| Stockpiling Manure | <p>No. All manure must be retained between periods of manure disposal.</p> <p>See 567 (IAC) 65.2</p> <p>http://www.legis.state.ia.us/ACO/IAChtml/567.htm#rule_567_65_2</p> <p>Exceptions apply to manure sold under Iowa Code Chapter 200A</p> | <p>Yes, but subject to requirements in Iowa Code 459A.403</p> <p>http://nxtsearch.legis.state.ia.us/NXT/gateway.dll?f=templates&fn=default.htm</p> |
| Separation Distances for Construction or Expansion | <p>Yes.</p> <p>http://www.iowadnr.gov/afo/files/distreq.doc</p> | <p>Yes.</p> <p>All feedlots, runoff control basins and settling basins built or expanded after March 20, 1996 are required to meet minimum separation distances from wells. See 567 Iowa Administrative Code (IAC) 65.108</p> <p>http://www.legis.state.ia.us/ACO/IAChtml/567.htm#rule_567_65_108</p> |
| Master Matrix | <p>Required if the site needs a construction permit and the county where the site is located requires the Master Matrix. See Construction Requirements for Confined Animals.</p> <p>http://www.iowadnr.gov/afo/matrix.html</p> | <p>No.</p> |
| Storm Water Discharge Permit | <p>Yes, for information see:</p> <p>http://www.iowadnr.gov/water/stormwater/index.html</p> <p>DNR Form 542-1415</p> <p>http://www.iowadnr.gov/afo/forms/5421415.pdf</p> | <p>Yes, for information see:</p> <p>http://www.iowadnr.gov/water/stormwater/index.html</p> <p>DNR Form 542-1415</p> <p>http://www.iowadnr.gov/afo/forms/5421415.pdf</p> |
| Water Use Permits | <p>For information:</p> <p>http://www.iowadnr.gov/water/wse/allocation.html</p> <p>DNR Form 542-3106</p> <p>http://www.iowadnr.gov/afo/forms/5423106.pdf</p> | <p>For information:</p> <p>http://www.iowadnr.gov/water/wse/allocation.html</p> <p>DNR Form 542-3106</p> <p>http://www.iowadnr.gov/afo/forms/5423106.pdf</p> |

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| <p>Construction Requirements</p> | <p>Summary of Preconstruction Requirements prior to building, modifying or expanding a Confinement Feeding Operation. http://www.iowadnr.gov/afo/files/summary.pdf</p> <p>500 animal units or less</p> <p>Unformed storage requires construction permit. http://www.iowadnr.gov/afo/forms/5421428.doc</p> <p>Formed storage does not require a construction permit, but preconstruction requirements must be met. http://www.iowadnr.gov/afo/specreq_small.html</p> <p>501 to 999 animal units – Unformed Storage</p> <p>A construction permit is required prior to building, modifying or expanding all sizes of operations that use unformed storage. http://www.iowadnr.gov/afo/specreq.html http://www.iowadnr.gov/afo/forms/5421428.doc</p> <p>501-999 animal units – Formed Storage</p> <p>A construction permit is not required for building, modifying or expanding a confinement feeding operation with a proposed animal unit capacity from 501 to 999 animal units that uses formed storage. However, pre-construction requirements and design standards must be met before construction begins. http://www.iowadnr.gov/afo/specreq_non.html And an MMP must be submitted to the DNR 30 days prior to the beginning of construction.</p> | <p>If your operation is less than 1,000 animal units, but you have been designated a CAFO see DNR Form 542-1427 Open Feedlot Construction Permit Application Form http://www.iowadnr.gov/afo/forms/5421427.pdf</p> <p>Open Feedlot Construction Permit Manual http://www.iowadnr.gov/afo/files/open_permit-man.pdf</p> <p>For facilities with less than 1,000 animal units (non-CAFO), there are no construction requirements, unless the open feedlot is a designated CAFO. However you are not allowed to discharge open feedlot effluent unless all settleable solids have been removed nor are you allowed to cause a violation of state water quality standards. No direct discharge from an animal feeding operation is allowed to a publicly-owned lake, a sinkhole or an agricultural drainage well.</p> <p>This fact sheet is intended to be a summary and is not inclusive of all regulations that apply to livestock operations. Please contact your local DNR Field Office if you have questions or concerns related to your livestock operation. For assistance in determining the type and size of livestock operations you operate defined by state and federal rules, please see IMMS Vol 1, <i>Introduction to the Iowa Manure Manager Series.</i></p> <p>Written by Angela Rieck-Hinz, Extension Program Specialist, Iowa State University</p> |