

459A.102 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Alternative technology system*” or “*alternative system*” means a system for open feedlot effluent control as provided in section 459A.303.
2. “*Animal*” means the same as defined in section 459.102.
3. “*Animal feeding operation*” means the same as defined in section 459.102.
4. “*Animal unit*” means the same as defined in section 459.102.
5. “*Animal unit capacity*” means a measurement used to determine the maximum number of animal units that may be maintained as part of an open feedlot operation.
6. “*ASTM international*” means the American society for testing and materials international.
7. “*Commission*” means the environmental protection commission created pursuant to section 455A.6.
8. “*Department*” means the department of natural resources.
9. “*Designated area*” means a known sinkhole, a cistern, an abandoned well, an unplugged agricultural drainage well, an agricultural drainage well surface inlet, a drinking water well, a designated wetland, or a water source. However, “*designated area*” does not include a terrace tile inlet or surface tile inlet other than an agricultural drainage well surface tile inlet.
10. “*Designated wetland*” means the same as defined in section 459.102.
11. “*Document*” means any form required to be processed by the department under this chapter, including but not limited to applications for permits or related materials as provided in section 459A.205, soils and hydrogeologic reports as provided in section 459A.206, construction certifications as provided in section 459A.207, nutrient management plans as provided in section 459A.208, and notices required under this chapter.
12. “*Grassed waterway*” means a natural or constructed channel that is shaped or graded and established with suitable vegetation for the stable conveyance of surface water runoff.
13. “*High-quality water resource*” means the same as defined in section 459.102.
14. “*Nutrient management plan*” or “*plan*” means a plan which provides for the management of open feedlot effluent, including the application of effluent as provided in section 459A.208.
15. “*Open feedlot*” means a lot, yard, corral, building, or other area used to house animals in conjunction with an open feedlot operation.
16. “*Open feedlot effluent*” or “*effluent*” means a combination of manure, precipitation-induced runoff, or other runoff from an open feedlot before its settleable solids have been removed.
17. “*Open feedlot operation*” or “*operation*” means an unroofed or partially roofed animal feeding operation if crop, vegetation, or forage growth or residue cover is not maintained as part of the animal feeding operation during the period that animals are confined in the animal feeding operation.
18. “*Open feedlot operation structure*” means an open feedlot, settled open feedlot effluent basin, a solids settling facility, or an alternative technology system. “*Open feedlot operation structure*” does not include a manure storage structure as defined in section 459.102.
19. “*Operating permit*” means a permit which regulates the operation of an open feedlot operation as issued by the department or the United States environmental protection agency, including as provided in state law or pursuant to the federal Water Pollution Control Act, Tit. 33, U.S.C. ch. 26, as amended, and 40 C.F.R. pt. 122.
20. “*Research college*” means an accredited public or private college or university, including but not limited to a university under the control of the state board of regents as provided in chapter 262, or a community college under the jurisdiction of a board of directors for a merged area as provided in chapter 260C, if the college or university performs research or experimental activities regarding animal agriculture or agronomy.
21. “*Settleable solids*” or “*solids*” means that portion of open feedlot effluent that meets all of the following requirements:
 - a. The solids do not flow perceptibly under pressure.

b. The solids are not capable of being transported through a mechanical pumping device designed to move a liquid.

c. The constituent molecules of the solids do not flow freely among themselves but do show the tendency to separate under stress.

22. “*Settled open feedlot effluent*” or “*settled effluent*” means a combination of manure, precipitation-induced runoff, or other runoff originating from an open feedlot after its settleable solids have been removed.

23. “*Settled open feedlot effluent basin*” or “*basin*” means an impoundment which is part of an open feedlot operation, if the primary function of the impoundment is to collect and store settled open feedlot effluent.

24. “*Solids settling facility*” means a basin, terrace, diversion, or other structure or solids removal method which is part of an open feedlot operation and which is designed and operated to remove settleable solids from open feedlot effluent. A “*solids settling facility*” does not include a basin, terrace, diversion, or other structure or solids removal method which retains the liquid portion of open feedlot effluent for more than seven consecutive days following a precipitation event.

25. “*Stockpile*” means to store solids from an open feedlot operation outside of an open feedlot operation structure or outside of an area that drains to an open feedlot operation structure.

26. “*Water of the state*” means the same as defined in section 455B.171.

27. “*Water source*” means the same as defined in section 459.102.

28. “*Waters of the United States*” means the same as defined in 40 C.F.R. pt. 122, § 2, as that section exists on July 1, 2005.

2005 Acts, ch 136, §2; 2006 Acts, ch 1010, §120; 2006 Acts, ch 1088, §1, 6; 2010 Acts, ch 1061, §180

Federal Act reference updated pursuant to Code editor directive