

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 truck wash effluent” means a combination of manure, washwater-induced runoff, or other runoff derived from an animal truck wash facility, which may include solids.
5. “Animal truck wash effluent structure” means an impoundment which is part of an animal truck wash facility, if the primary function of the impoundment is to collect and store animal truck wash effluent.
6. “Animal truck wash facility” means an operation engaged in washing single-unit trucks, truck-tractors, semitrailers, or trailers used to transport animals.
7. “Animal unit” means the same as defined in [section 459.102](#).
8. “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.
9. “ASTM international” means the American society for testing and materials international.
10. “Commission” means the environmental protection commission created pursuant to [section 455A.6](#).
11. “Concentrated animal feeding operation” means the same as defined in [40 C.F.R. §122.23](#).
12. “Confinement feeding operation” means the same as defined in [section 459.102](#).
13. “Department” means the department of natural resources.
14. “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.
15. “Designated wetland” means the same as defined in [section 459.102](#).
16. “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](#).
17. “Effluent” means open feedlot effluent or animal truck wash effluent.
18. “Federal Water Pollution Control Act” means the federal Water Pollution Control Act of 1972, 33 U.S.C. ch. 26, as amended, and [40 C.F.R. pts. 122 and 412](#).
19. “Formed animal truck wash effluent structure” means a covered or uncovered impoundment used to store effluent from an animal truck wash facility, which has walls and a floor constructed of concrete, concrete block, wood, steel, or similar materials.
20. “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.
21. “High-quality water resource” means the same as defined in [section 459.102](#).
22. “Karst terrain” means the same as defined in [section 459.102](#).
23. “Manure storage structure” means the same as defined in [section 459.102](#).
24. “NPDES permit” means a permit issued by the department under the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act of 1972, 33 U.S.C. ch. 26, as amended, and [40 C.F.R. pts. 122 and 412](#).
25. “Nutrient management plan” or “plan” means a plan which provides for the management of open feedlot effluent, or animal truck wash effluent, including the application of effluent as provided in [section 459A.208](#).
26. “Open feedlot” means a lot, yard, corral, building, or other area used to house animals in conjunction with an open feedlot operation.
27. “Open feedlot effluent” means a combination of manure, precipitation-induced runoff, or other runoff from an open feedlot before its settleable solids have been removed.

28. “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.

29. “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](#).

30. “Owner” means a person who holds legal or equitable title to any of the following:

- a. The property where an open feedlot operation or animal truck wash facility is located.
- b. An open feedlot operation structure which is part of an open feedlot operation or an animal truck wash effluent structure which is part of an animal truck wash facility.

31. “Professional engineer” means the same as defined in [section 459.102](#).

32. “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.

33. “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.

34. “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.

35. “Small animal feeding operation” means the same as defined in [section 459.102](#).

36. “Small animal truck wash facility” means an animal truck wash facility, if all of the following apply:

- a. The animal truck wash facility and all single-unit trucks, truck-tractors, semitrailers, or trailers that are washed at the facility are owned by the same person.
- b. The average total per day volume of washwater used by the animal truck wash facility does not exceed two thousand gallons as calculated on a monthly basis.

37. a. “Solids” means that portion of effluent that meets all of the following requirements:

- (1) Does not flow perceptibly under pressure.
- (2) Is not capable of being transported through a mechanical pumping device designed to move a liquid.
- (3) The constituent molecules do not flow freely among themselves but do show the tendency to separate under stress.

b. “Solids” includes settleable solids and scraped solids.

38. “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.

39. “Stockpile” means to store solids from any of the following:

- a. An open feedlot operation outside of an open feedlot operation structure, or outside of an area that drains to an open feedlot operation structure.
- b. An animal truck wash facility, outside an animal truck wash facility, or outside an area that drains to an animal truck wash facility.

40. “Structure” means any of the following:

- a. An open feedlot operation structure.
- b. An animal truck wash effluent structure.

41. “Unformed animal truck wash effluent structure” means a covered or uncovered impoundment used to store animal truck wash effluent, other than a formed animal truck wash effluent structure.

42. “Water of the state” means the same as defined in [section 455B.171](#).

43. “Water source” means the same as defined in [section 459.102](#).

44. “*Waters of the United States*” means the same as defined in [40 C.F.R. §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](#); [2014 Acts, ch 1092, §180](#); [2015 Acts, ch 92, §2 – 4](#)

Referred to in [§202.1](#), [§459.102](#), [§459B.102](#), [§579B.1](#)

Section amended and internally renumbered