

459A.205 Permit requirements — settled open feedlot effluent basins and alternative technology systems, and animal truck wash effluent structures.

1. *a.* The department shall approve or disapprove applications for permits for the construction, including the expansion, of the following structures:

(1) Settled open feedlot effluent basins and alternative technology systems, which are part of open feedlot operations as provided in [this chapter](#).

(2) Animal truck wash effluent structures which are part of animal truck wash facilities as provided in [this chapter](#).

b. The department's decision to approve or disapprove a permit for the construction of a structure described in paragraph "a" shall be based on whether the application is submitted according to procedures and standards required by [this chapter](#). A person shall not begin construction of such a structure under [this section](#), unless the department first approves the person's application and issues to the person a construction permit.

2. The department shall issue a construction permit upon approval of an application. The department shall approve the application regardless of whether the applicant is required to be issued a construction permit.

3. An application for a construction permit shall include all of the following:

a. A nutrient management plan as provided in [section 459A.208](#).

b. An engineering report, construction plans, and specifications prepared by a professional engineer or the natural resources conservation service of the United States department of agriculture.

(1) For an open feedlot operation, the professional engineer must certify that the construction of the settled open feedlot effluent basin or alternative technology system complies with the construction design standards required in [this chapter](#).

(2) For an animal truck wash facility, the professional engineer must certify that the construction of the animal truck wash effluent structure complies with the construction design standards required in [this chapter](#). However, an animal truck wash facility electing to use a formed animal truck wash effluent structure, in lieu of an engineering report, may submit a construction design statement that meets the requirements of sections [459.306](#) and [459.307](#).

4. For an open feedlot operation, a construction permit must be issued prior to any of the following:

a. The construction, including expansion, of a settled open feedlot effluent basin or alternative technology system if the open feedlot operation is required to be issued an NPDES permit.

b. When the department has previously issued the open feedlot operation a construction permit and any of the following applies:

(1) The animal unit capacity of the open feedlot operation will be increased to more than the animal unit capacity approved by the department in the previous construction permit.

(2) The volume of open feedlot effluent stored at the open feedlot operation would be more than the volume approved by the department in the previous construction permit.

(3) The open feedlot operation was discontinued for twenty-four months or more and the animal unit capacity would be one thousand animal units or more.

5. For an animal truck wash facility, a construction permit must be issued prior to any of the following:

a. The construction, including expansion, of an animal truck wash effluent structure.

b. When the department has previously issued the animal truck wash facility a construction permit and the volume of the animal truck wash effluent would be more than the volume approved by the department in the previous construction permit.

c. When the animal truck wash facility is part of a confinement feeding operation, and all of the following apply:

(1) The department has issued a construction permit under [section 459.303](#) or a letter approving a construction design statement in lieu of a construction permit as provided by rules adopted by the commission under [section 459.103](#).

(2) The animal truck wash effluent will be added to an existing manure storage structure

resulting in a total stored volume greater than that approved in the construction permit or the construction design statement approval letter.

d. When the animal truck wash facility is part of an open feedlot operation, and all of the following apply:

(1) The department has issued a construction permit under [this section](#) or an NPDES permit under [section 459A.401](#).

(2) The animal truck wash effluent will be added to an existing settled open feedlot effluent basin resulting in a total stored volume greater than that approved in the construction permit or NPDES permit.

e. When the animal truck wash facility is constructed or expanded as part of a small animal feeding operation that includes a manure storage structure, and the animal truck wash effluent will be added to the manure storage structure. However, a construction permit is not required under [this section](#) for a small animal truck wash facility or for a small animal truck wash facility that is part of a small animal feeding operation.

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

7. For an open feedlot operation, the application for a construction permit shall include all of the following:

a. The name of the owner of the open feedlot operation and the name of the open feedlot operation, including a mailing address and telephone number for the owner and the operation.

b. The name of the contact person for the open feedlot operation, including the person's mailing address and telephone number.

c. The location of the open feedlot operation.

d. A statement providing that the application is for any of the following:

(1) The construction or expansion of a settled open feedlot effluent basin or alternative technology system for an existing open feedlot operation which is not expanding.

(2) The construction or expansion of a settled open feedlot effluent basin or alternative technology system for an existing open feedlot operation which is expanding.

(3) The construction of a settled open feedlot effluent basin or alternative technology system for a proposed new open feedlot operation.

e. The animal unit capacity for each animal species in the open feedlot operation before and after the proposed construction.

f. An engineering report, construction plans, and specifications prepared by a professional engineer or by the United States natural resources conservation service, for the settled open feedlot operation effluent basin or alternative technology system.

g. A soils and hydrogeologic report of the site, as required in [section 459A.206](#).

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

(1) The open feedlot operation and all existing and proposed settled open feedlot effluent basins or alternative technology systems, clean water diversions, and other pertinent features or structures.

(2) Any other open feedlot operation under common ownership or common management and located within one thousand two hundred fifty feet of the open feedlot operation.

(3) A public water supply system as defined in [section 455B.171](#) or a drinking water well which is located within a distance from the open feedlot operation as prescribed by rules adopted by the commission.

i. For an open feedlot operation implementing an alternative technology system as provided in [section 459A.303](#), the applicant shall submit all of the following:

(1) Information showing that the proposed open feedlot operation meets criteria for siting as established by rules adopted by the commission. However, if the site does not meet the criteria, the information shall show substantially equivalent alternatives to meeting such criteria.

(2) The results of predictive computer modeling for the proposed alternative technology system to determine suitability of the proposed site for the system and to predict performance

of the alternative technology system as compared to the use of a settled open feedlot effluent basin.

(3) A conceptual design of the proposed alternative technology system, as developed by a professional engineer.

8. For an animal truck wash facility, the application for the construction permit shall include all of the following:

a. The name of the owner of the animal truck wash facility and the name of the animal truck wash facility, including a mailing address and telephone number for the owner and the animal truck wash facility.

b. The name of the contact person for the animal truck wash facility, including the person's mailing address and telephone number.

c. The location of the animal truck wash facility.

d. A statement providing that the application is for any of the following:

(1) The construction or expansion of an animal truck wash effluent structure for an existing animal truck wash facility which is not expanding.

(2) The construction or expansion of an animal truck wash effluent structure for an existing animal truck wash facility which is expanding.

(3) The construction of an animal truck wash effluent structure for a proposed new animal truck wash facility.

e. An engineering report, construction plans, and specifications prepared by a professional engineer or by the United States natural resources conservation service, for the animal truck effluent structure.

(1) The engineering report must demonstrate that the storage capacity of its animal truck wash effluent structure is equal to or greater than the amount of effluent to be stored for any six-month period, in addition to two feet of freeboard.

(2) If an animal truck wash effluent structure is to be constructed on karst terrain, the engineering report must establish that the construction complies with the requirements of [section 459A.404](#).

f. A soils and hydrogeologic report of the site, as required in [section 459A.206](#).

g. Information, including but not limited to maps, drawings, and aerial photos that clearly show the location of the animal truck wash facility and all animal truck wash effluent structures.

9. a. Except as provided in paragraph "b", a construction permit for an open feedlot operation or animal truck wash facility expires as follows:

(1) If construction does not begin within one year after the date the construction permit is issued.

(2) If construction is not completed within three years after the date the construction permit is issued.

b. If requested, the department may grant an extension of time to begin or complete construction upon a showing of just cause by the construction permit applicant.

10. The department may suspend or revoke a construction permit, modify the terms or conditions of a construction permit, or disapprove a request to extend the time to begin or complete construction as provided in [this section](#), if it determines that the operation of the open feedlot operation or animal truck wash facility constitutes a clear, present, and impending danger to public health or the environment.

11. [This section](#) does not require a person to be issued a permit to construct a settled open feedlot effluent basin or alternative technology system if the basin or system is part of an open feedlot operation which is owned by a research college conducting research activities as provided in [section 459A.105](#).

[2005 Acts, ch 136, §7; 2006 Acts, ch 1088, §3, 6; 2015 Acts, ch 92, §12 – 24](#)

Referred to in [§459A.102, §459A.105, §459A.201, §459A.206, §459A.207, §459A.208, §459A.301, §459A.302, §459A.404](#)

Section amended and internally renumbered