

459A.404 Animal truck wash facility — construction regulations.

1. *a.* An animal truck wash effluent structure shall not be constructed, including expanded, within one thousand two hundred fifty feet from a residence not owned by the titleholder of the animal truck wash facility, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area, as those terms are defined in [section 459.102](#), and as provided in rules adopted by the commission pursuant to [section 459.103](#), and as provided in rules adopted by the commission pursuant to [section 459A.104](#).

b. An animal truck wash effluent structure shall not be constructed or expanded within one hundred feet from a public thoroughfare as defined in [section 459.102](#).

c. Paragraph “*a*” does not apply if a residence, educational institution, commercial enterprise, or bona fide religious institution was constructed or expanded, or if the boundaries of the public use area were expanded, after the date that the animal truck wash facility was established. The date the animal truck wash facility was established is the date on which the animal truck wash facility commenced operating. A change in ownership or expansion of the animal truck wash facility shall not change the established date of operation.

d. Paragraph “*a*” or “*b*” does not apply if the titleholder of the land benefiting from the separation distance requirement, including a person so authorized by the titleholder, executes a written waiver with the titleholder of the land where the animal truck wash effluent structure is located. The structure shall be constructed or expanded under such terms and conditions that the parties negotiate. The state or a political subdivision constructing or maintaining the public thoroughfare benefiting from the separation distance requirement may execute a written waiver with the titleholder of the land where the structure is located. The animal truck wash effluent structure shall be constructed or expanded under such terms and conditions that the parties negotiate.

e. Paragraph “*a*” or “*b*” does not apply to a small animal truck wash facility.

f. An unformed animal truck wash effluent structure shall not be constructed or expanded within the following minimum separation distances from any of the following:

- (1) One thousand feet from a public shallow well.
- (2) Four hundred feet from a public deep well.
- (3) Four hundred feet from a private well.

2. *a.* Any separation distance required for a confinement feeding operation structure and a location or object specified in [section 459.310, subsection 1](#), shall also apply to an animal truck wash effluent structure and that same location or object.

b. Any requirement, qualification, or exception that applies to a separation distance required for a confinement feeding operation structure and a location or object specified in [section 459.310, subsections 1 and 3](#), shall also apply to the separation distance required for an animal truck wash effluent structure and that same location or object. A separation distance requirement shall not apply to any of the following:

(1) An animal truck wash effluent structure and a farm pond or privately owned lake, as defined in [section 462A.2](#).

(2) An animal truck wash effluent structure constructed with a secondary containment barrier in accordance with rules adopted by the commission. The rules shall correspond to rules adopted pursuant to [section 459.310, subsection 3](#).

3. *a.* An animal truck wash effluent structure shall not be constructed, including expanded, on land that is part of a one hundred year floodplain as designated by rules adopted by the commission pursuant to [section 459A.104](#). The rules shall correspond to rules adopted pursuant to [section 459.310, subsections 2 and 4](#).

b. For purposes of [section 459.310, subsection 4](#), the provisions relating to an unformed manure storage structure shall apply to an unformed animal truck wash effluent structure and the provisions relating to a formed manure storage structure shall apply to a formed animal truck wash effluent structure. However, the requirement in [section 459.310, subsection 4](#), paragraph “*a*”, relating to animal weight capacity or animal unit capacity shall not apply to the replacement of an unformed animal truck wash effluent structure with a formed animal truck wash effluent structure. In addition, the capacity of a replacement animal truck wash

effluent structure shall not exceed the amount required to store animal truck wash effluent for any eighteen-month period.

4. A person shall not construct or expand an unformed animal truck wash effluent structure within an agricultural drainage well area as provided in [section 460.205](#).

5. A person shall not construct an unformed animal truck wash effluent structure on karst terrain or on an area that drains into a known sinkhole. However, a person may construct an animal truck wash effluent structure if there is a twenty-five foot vertical separation distance between the bottom of the structure and underlying limestone, dolomite, or other soluble rock as documented in the engineering report submitted to the department pursuant to [section 459A.205](#).

[2015 Acts, ch 92, §41; 2015 Acts, ch 138, §44, 69, 161, 162](#)

Referred to in [§459A.105, §459A.205](#)

NEW section