

**567—65.6(455B,459,459A,459B) Construction.** For purposes of these rules:

**65.6(1)** Construction of an AFO structure, open feedlot operation structure, or animal truck effluent structure begins or an AFO structure, open feedlot operation structure, or animal truck wash effluent structure is constructed when any of the following occurs:

*a.* Excavation for a proposed AFO structure, open feedlot operation structure, or animal truck wash effluent structure; excavation for footings; or filling or compacting of the soil or soil amendments for a proposed AFO structure, open feedlot operation structure, or animal truck wash effluent structure.

*b.* Installation of forms for concrete for an AFO structure, open feedlot operation structure, or animal truck wash effluent structure.

*c.* Installation of piping for movement of manure within, from or between AFO structures, open feedlot operation structures, or animal truck wash effluent structures.

**65.6(2)** Construction does not begin upon occurrence of any of the following:

*a.* Removal of trees, brush, or other vegetative growth.

*b.* Construction of driveways or roads.

*c.* General earth moving for leveling at the site.

*d.* Installation of temporary utility services.

*e.* Installation of temporary or permanent groundwater lowering tiles.

**65.6(3)** Prohibition on construction for confinement feeding operations.

*a.* A person shall not construct or expand an AFO structure that is part of a confinement feeding operation, if the person is either of the following:

(1) A party to a pending action for a violation of this chapter concerning a confinement feeding operation in which the person has a controlling interest and the action is commenced in district court by the attorney general.

(2) A habitual violator.

*b.* A person shall not construct or expand a confinement feeding operation structure for five years after the date of the last violation committed by a person or a confinement feeding operation in which the person holds a controlling interest during which the person or operation was classified as a habitual violator under Iowa Code sections 459.317 and 459.604.

*c.* Paragraphs 65.6(3)“*a*” and “*b*” shall not prohibit a person from completing the construction or expansion of an AFO structure, if either of the following applies:

(1) The person has an unexpired permit for the construction or expansion of the AFO structure.

(2) The person is not required to obtain a permit for the construction or expansion of the AFO structure.

*d.* A person shall not construct or expand an unformed manure storage structure within an agricultural drainage well area as specified in Iowa Code sections 459.310 and 460.205.

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