

**567—23.5(455B) Anaerobic lagoons.**

**23.5(1)** Applications for construction permits for animal feeding operations using anaerobic lagoons shall meet the requirements of rules 567—65.9(455B) and 567—65.15(455B) to 567—65.17(455B).

**23.5(2)** Criteria for approval of industrial anaerobic lagoons constructed or expanded on or after July 1, 1982.

*a.* Lagoons designed to treat 100,000 gallons per day (gpd) or less shall be located at least 1,250 feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road.

*b.* Lagoons designed to treat more than 100,000 gallons per day (gpd) shall be located at least 1,875 feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road.

*c.* The criteria in subrule 23.5(2) shall apply except in situations in which Iowa Code section 455B.134(3) “e”(2) is successfully invoked.

*d.* Compliance with the requirements of subrule 23.5(2) shall not constitute an exemption from compliance with any other applicable environmental regulations. In particular, compliance with these requirements shall not absolve any person from compliance with the requirements set forth in 567—Chapter 64 that are applicable to industrial anaerobic lagoons.

This rule is intended to implement Iowa Code section 455B.133.

[ARC 5051C, IAB 6/17/20, effective 7/22/20]