

**567—65.2 (459,459B) Minimum manure control requirements and reporting of releases.** Confinement feeding operations shall be constructed, managed and maintained to meet the minimum manure control requirements stated in subrules 65.2(1) to 65.2(8) of this rule. A release shall be reported to the department as provided in subrule 65.2(9) of this rule. Dry manure stockpiling requirements are stated in subrule 65.2(10). Dry bedded manure stockpiling requirements are stated in 65.2(11).

**65.2(1)** Rescinded IAB 9/14/05, effective 9/14/05.

**65.2(2)** Rescinded IAB 9/14/05, effective 9/14/05.

**65.2(3)** The minimum level of manure control for a confinement feeding operation shall be the retention of all manure produced in the confinement enclosures between periods of manure application and as specified in this rule. In no case shall manure from a confinement feeding operation be discharged directly into a water of the state or into a tile line that discharges to waters of the state.

*a.* Control of manure from confinement feeding operations may be accomplished through use of manure storage structures or other manure control methods. Sufficient capacity shall be provided in the manure storage structure to store all manure between periods of manure application. A confinement feeding operation, other than a small animal feeding operation, that is constructed or expanded on or after July 1, 2009, shall not surface-apply liquid manure on frozen or snow-covered ground when there is an emergency, as described in subrule 65.3(4), unless the operation has a minimum of 180 days of manure storage capacity. Additional capacity shall be provided if precipitation, manure or wastes from other sources can enter the manure storage structure.

*b.* Manure shall be removed from the control facilities as necessary to prevent overflow or discharge of manure from the facilities. Manure stored in unformed manure storage structures or unformed egg washwater storage structures shall be removed from the structures as necessary to maintain a minimum of two feet of freeboard in the structure, unless a greater level of freeboard is required to maintain the structural integrity of the structure or prevent manure overflow. Manure stored in unroofed formed manure storage structures or formed egg washwater storage structures shall be removed from the structures as necessary to maintain a minimum of one foot of freeboard in the structure unless a greater level of freeboard is required to maintain the structural integrity of the structure or prevent manure overflow.

*c.* To ensure that adequate capacity exists in the manure storage structure to retain all manure produced during periods when manure application cannot be conducted (due to inclement weather conditions, lack of available land disposal areas, or other factors), the manure shall be removed from the manure storage structure as needed prior to these periods.

*d.* Dry manure or dry bedded manure originating at a confinement feeding operation may be retained as a stockpile so long as the stockpiled dry manure or dry bedded manure meets the following:

(1) Dry manure stockpiling requirements provided in subrule 65.2(10) or dry bedded manure stockpiling requirements provided in subrule 65.2(11).

(2) Applicable NPDES requirements pursuant to the federal Water Pollution Control Act, 33 U.S.C. Ch. 26, and 40 CFR Pts. 122 and 412.

(3) The dry manure or dry bedded manure is removed from the stockpile and applied in accordance with 567—65.3(459,459B) within six months after the dry manure or dry bedded manure is first stockpiled.

(4) Dry manure stockpiles are not required to meet the requirements in subparagraphs (1) to (3) above if the dry manure originates from a confinement feeding operation that was constructed prior to January 1, 2006, unless any of the following apply:

1. The confinement feeding operation is expanded after January 1, 2006.
2. Dry manure is stockpiled in violation of subrule 65.2(3).
3. Precipitation-induced runoff from the stockpile has drained off the property.

**65.2(4)** If site topography, operation procedures, experience, or other factors indicate that a greater or lesser level of manure control than that specified in subrule 65.2(1), 65.2(2), or 65.2(3) is required to provide an adequate level of water pollution control for a specific animal feeding operation, the department may establish different minimum manure control requirements for that operation.

**65.2(5)** In lieu of using the manure control methods specified in subrule 65.2(1), 65.2(2), or 65.2(3), the department may allow the use of manure treatment or other methods of manure control if it determines that an adequate level of manure control will result.

**65.2(6)** No direct discharge shall be allowed from an animal feeding operation into a publicly owned lake, a sinkhole, or an agricultural drainage well.

**65.2(7)** All manure removed from an animal feeding operation or its manure control facilities shall be land-applied in a manner which will not cause surface or groundwater pollution. Application in accordance with the provisions of state law, and the rules and guidelines in this chapter, shall be deemed as compliance with this requirement.

**65.2(8)** As soon as practical but not later than six months after the use of an animal feeding operation is discontinued, all manure shall be removed from the discontinued animal feeding operation and its manure control facilities and be land-applied.

**65.2(9)** A release, as defined in 567—65.1(459,459B), shall be reported to the department as provided in this subrule. This subrule does not apply to land application of manure in compliance with these rules.

*a. Notification.* A person storing, handling, transporting, or land-applying manure from a confinement feeding operation who becomes aware of a release shall notify the department of the occurrence of release as soon as possible but not later than six hours after the onset or discovery of the release by contacting the department at (515)281-8694. The local police department or the office of the sheriff of the affected county shall also be contacted within the same time period if the spill involves a public roadway and public safety could be threatened. Reports made pursuant to this rule shall be confirmed in writing as provided in 65.2(9)“c.”

*b. Verbal report.* The verbal report of such a release should provide information on as many items listed in 65.2(9)“c” as available information will allow.

*c. Written report.* The written report of a release shall be submitted at the request of the department within 30 days after the verbal report of the release and contain at a minimum the following information:

(1) The approximate location of alleged release (including at a minimum the quarter-quarter section, township and county in which the release occurred or was discovered).

(2) The time and date of onset of the alleged release, if known, and the time and date of the discovery of the alleged release.

(3) The time and date of the verbal report to the department of the release.

(4) The name, mailing address and telephone number of the person reporting the release.

(5) The name, mailing address and telephone number of any other person with knowledge of the event who can be contacted for further information.

(6) The source of the manure allegedly released (e.g., formed storage, earthen storage).

(7) The estimated or known volume of manure allegedly released.

(8) The weather conditions at the time of the onset or discovery of the release.

(9) If known, the circumstances under which the alleged release occurred or exists (e.g., overflow, storage structure breach, equipment malfunction or breakdown, land runoff).

(10) The approximate location of the nearest stream or other water body which is or could be impacted by the alleged release, and the approximate location to the alleged release of any known tile intakes or tile lines which could be a direct conveyance to a surface water or groundwater.

(11) A description of any containment or remedial measures taken to minimize the impact of the release.

(12) Any information that may assist the department in evaluating the release.

*d. Reporting of subsequent findings.* All subsequent findings and laboratory results should be reported and submitted in writing to the department as soon as they become available.

*e. Waiver of notification requirement.* A waiver from the notification requirement of paragraph “a” of this subrule may be granted by the department for a release to a specific drainage tile line or intake if sufficient information is provided to demonstrate that the drainage tile line or intake will not result in a discharge to a water of the state.

**65.2(10)** Dry manure stockpiling requirements for a confinement feeding operation.

*a. Requirements for terrain, other than karst terrain.* Dry manure stockpiled on terrain, other than karst terrain, for more than 15 consecutive days shall comply with either of the following:

(1) Dry manure shall be stockpiled using any of the following:

1. A qualified stockpile structure; or

2. A qualified stockpile cover. Long-term stockpiles utilizing a qualified stockpile cover shall be placed on a constructed impervious base that can support the load of the equipment used under all weather conditions. The coefficient of permeability of the impervious base shall be less than  $1 \times 10^{-7}$  cm/sec (0.00028 feet/day). Permeability results shall be submitted to the department prior to use of the stockpile site.

(2) A stockpile inspection statement shall be delivered to the department as follows:

1. The department must receive the statement by the fifteenth day of each month.

2. The stockpile inspection statement shall provide the location of the stockpile and document the results of an inspection conducted during the previous month. The inspection must evaluate whether precipitation-induced runoff is draining away from the stockpile and, if so, describe actions taken to prevent the runoff. If an inspection by the department documents that precipitation-induced runoff is draining away from a stockpile, the dry manure must be immediately removed from the stockpile or comply with all directives of the department to prevent the runoff.

3. The stockpile inspection statement must be in writing and may be on a form prescribed by the department.

*b. Requirements for karst terrain.* Dry manure stockpiled on karst terrain or an area that drains into a known sinkhole shall comply with all of the following:

(1) A minimum 5-foot layer of low permeability soil or rock between the bottom of the stockpile and underlying limestone, dolomite or other soluble rock is required. A professional engineer licensed in Iowa, NRCS qualified staff or a qualified organization shall submit a soil report, based on the results from soil borings or test pits or representative well data, describing the subsurface materials and vertical separation distance from the proposed bottom of the stockpile and the underlying limestone, dolomite or soluble rock. A minimum of two soil borings or test pits at each end of the proposed stockpile site are required if acceptable well data are not available. After soil exploration is complete, each boring or test pit shall be properly plugged with concrete grout, bentonite or similar materials and that action shall be documented in the soil report.

(2) Dry manure stockpiled for more than 15 consecutive days shall use any of the following:

1. A qualified stockpile structure; or

2. A qualified stockpile cover. Long-term stockpiles utilizing a qualified stockpile cover shall be placed on a reinforced concrete slab at least 5 inches thick conforming to the requirements of 65.15(14)“a”(2), numbered paragraphs “1,” “3,” “4,” “6,” “8” and “12.”

*c. Dry manure stockpile siting prohibitions.*

(1) Grassed waterway. A stockpile or stockpile structure shall not be placed in a grassed waterway.

(2) Sloping land. A stockpile or stockpile structure shall not be placed on land having a slope of more than 3 percent, unless the dry manure is stockpiled using methods, structures, or practices that

contain the stockpile, including but not limited to silt fences, temporary earthen berms, or other effective measures, and that prevent or diminish precipitation-induced runoff from the stockpile.

**65.2(11)** Dry bedded manure stockpiling requirements for a dry bedded confinement feeding operation.

*a. Prohibitions and siting restrictions.*

(1) Prohibition in a grassed waterway. A stockpile or stockpile structure shall not be placed in a grassed waterway, where water pools on the soil surface, or in any location where surface water will enter the stockpile.

(2) Siting restrictions. A stockpile or stockpile structure shall not be placed on land having a slope of more than 3 percent, unless the dry manure or dry bedded manure is stockpiled using methods, structures, or practices that contain the stockpile, including but not limited to hay bales, silt fences, temporary earthen berms, or other effective measures that prevent or diminish precipitation-induced runoff from the stockpile.

*b. Requirements for karst terrain or alluvial aquifer areas.* Dry bedded manure stockpiled on karst terrain or an alluvial aquifer area shall comply with all of the following:

(1) A minimum 5-foot layer of low permeability soil or rock between the bottom of the stockpile and underlying limestone, dolomite or other soluble rock in karst terrain or the underlying sand and gravel aquifer in an alluvial aquifer area is required. A professional engineer licensed in Iowa, NRCS qualified staff or a qualified organization shall submit a soil report, based on the results from soil borings or test pits, determining the vertical separation distance from the proposed bottom of the stockpile and the underlying limestone, dolomite or soluble rock. A minimum of two soil borings or test pits at each end of the proposed site are required if acceptable well data are not available. After soil exploration is complete, each boring or test pit shall be properly plugged with concrete grout, bentonite or similar materials and that action shall be documented in the soil report.

(2) Stockpiles shall be placed on a reinforced concrete slab that is a minimum of 5 inches thick conforming to the requirements of 65.15(14) "a"(2), numbered paragraphs "1," "3," "4," "6," "8" and "12."