

567—65.11(455B) Confinement feeding operation separation distance requirements. All animal feeding operation structures shall be separated from locations and objects as specified in this rule regardless of whether a construction permit is required. Exceptions are allowed to the extent provided in 567—65.12(455B).

65.11(1) Separation from residences, businesses, churches, schools, public use areas, and thoroughfares shall be as specified in Iowa Code section 455B.162 and summarized in Table 6 at the end of this chapter. The residence, business, church, school, public use area or thoroughfare must exist at the time an applicant submits an application for a construction permit to the department or at the time a manure management plan is submitted if a construction permit is not required, or at the time construction of the animal feeding operation structure begins if a construction permit or manure management plan is not required.

65.11(2) Separation from surface intakes, wellheads or cisterns of agricultural drainage wells, known sinkholes, water sources and major water sources shall be as specified in Iowa Code section 459.310 and summarized in Table 6 at the end of this chapter. For the required separation distance to a major water source to apply, the major water source must be included in Table 1 at the end of this chapter at the time an applicant submits an application for a construction permit to the department or at the time a manure management plan is submitted if a construction permit is not required, or at the time construction of the animal feeding operation structure begins (as defined in 65.8(1)) if a construction permit or manure management plan is not required.

65.11(3) A confinement feeding operation structure shall not be constructed closer than 2,500 feet away from a “designated wetland” as defined and referenced in rule 567—65.1(455B). This requirement shall not apply to a confinement feeding operation structure if any of the following occur before the wetland is included in “Designated Wetlands in Iowa,” effective August 23, 2006:

a. The confinement feeding operation structure already exists. This exemption also applies to additional confinement feeding operation structures constructed at the site of such an existing confinement feeding operation structure after a wetland is included in “Designated Wetlands in Iowa,” effective August 23, 2006.

b. Construction of a confinement feeding operation structure has begun as provided in subrule 65.8(1).

c. An application for a permit to construct a confinement feeding operation structure has been submitted to the department.

d. A manure management plan concerning a proposed confinement feeding operation structure for which a construction permit is not required has been submitted to the department.

65.11(4) For structures constructed after March 20, 1996, the separation to wells shall be as specified in Table 6 at the end of this chapter.

65.11(5) Unformed manure storage structures shall not be constructed or expanded in an agricultural drainage well area as specified in Iowa Code section 455I.5.

65.11(6) The distance between animal feeding operation structures and locations or objects from which separation is required shall be measured horizontally by standard survey methods between the closest point of the location or object (not a property line) and the closest point of the animal feeding operation structure.

a. Measurement to an anaerobic lagoon or earthen manure storage basin shall be to the point of maximum allowable level of manure pursuant to paragraph 65.2(3) “*b.*”

b. Measurement to a public use area shall be to the facilities which attract the public to congregate and remain in the area for significant periods of time, not to the property line.

c. Measurement to a major water source or watercourse shall be to the top of the bank of the stream channel of a river or stream or the ordinary high water mark of a lake or reservoir.

d. Measurement to a thoroughfare shall be to the closest point of the right-of-way.

e. The separation distance for an animal feeding operation structure qualifying for the exemption to separation distances under 65.12(3) “*b*”(1) shall be measured from the closest point of the animal feeding operation structure which is constructed or expanded after December 31, 1998.