

**567—65.16(459,459B) Manure management plan requirements.**

**65.16(1)** In accordance with Iowa Code section 459.312, the following persons are required to submit manure management plans to the department, including an original manure management plan and an updated manure management plan, as required by this rule:

*a.* An applicant for a construction permit for a confinement feeding operation. However, a manure management plan shall not be required of an applicant for an egg washwater storage structure or for a small animal feeding operation.

*b.* The owner of a confinement feeding operation, other than a small animal feeding operation, if one of the following applies:

(1) The confinement feeding operation was constructed or expanded after May 31, 1985, regardless of whether the confinement feeding operation structure was required to have a construction permit.

(2) The owner constructs a manure storage structure, regardless of whether the person is required to be issued a permit for the construction pursuant to Iowa Code section 459.303, or whether the person has submitted a prior manure management plan.

*c.* A person who applies manure in Iowa that was produced in a confinement feeding operation, other than a small operation, located outside of Iowa.

*d.* A new owner of a confinement feeding operation may apply manure under the most recent owner's manure management plan until the new owner develops and submits an original manure management plan. The new owner must develop and submit an original manure management plan within 60 days after acquiring the operation.

*e.* A research college is exempt from this subrule and the manure management plan requirements of rule 567—65.17(459,459B) for research activities and experiments performed under the authority of the research college and related to confinement feeding operations.

*f.* An animal feeding operation otherwise required to submit an updated manure management plan and pay an annual compliance fee may make an election to be considered a small animal feeding operation for purposes of filing updated manure management plans and annual compliance fees if the confinement feeding operation maintains an animal unit capacity of 500 or fewer animal units. The election shall automatically terminate when more than 500 animal units are housed at the confinement feeding operation at any one time. If the confinement feeding operation exceeds more than 500 animal units, a manure management plan shall be submitted.

**65.16(2)** The owner of a proposed confinement feeding operation who is not required to obtain a construction permit pursuant to subrule 65.7(1) but who is required to file a manure management plan pursuant to paragraph 65.16(1) "b" shall file a construction design statement and provide the information required in subrule 65.9(3), including the confinement feeding operation's manure management plan, to the department at least 30 days before the construction of an animal feeding operation structure begins, as defined in subrules 65.8(1) and 65.8(2).

**65.16(3)** Scope of manure management plan; updated plans; annual compliance fee.

*a.* Each confinement feeding operation required to submit a manure management plan shall be covered by a separate manure management plan.

*b.* The owner of a confinement feeding operation who is required to submit a manure management plan under this rule shall submit an updated manure management plan on an annual basis to the department. The updated manure management plan may be submitted by hard copy or by electronic submittal. The updated plan must reflect all amendments made during the period of time since the previous manure management plan submission.

(1) If the plan is submitted by hard copy, the submittal process shall be as follows: The owner of the animal feeding operation shall also submit the updated manure management plan on an annual basis to the board of supervisors of each county where the confinement feeding operation is located and to the board of supervisors of each county where manure from the confinement feeding operation is land-applied. If the owner of the animal feeding operation has not previously submitted a manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied, the owner must submit a complete manure management plan to each required county. The county auditor or other county official or employee

designated by the county board of supervisors may accept the updated plan on behalf of the board. The updated plan shall include documentation that the county board of supervisors or other designated county official or employee received the manure management plan update.

(2) If the plan is submitted electronically, the submittal process shall be as follows: The owner of the animal feeding operation shall submit the updated manure management plan to the department through the department's electronic Web application. Once the submittal has been completed, the department shall provide electronic access of the updated manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied.

(3) The department will stagger the dates by which the updated manure management plans are due and will notify each confinement feeding operation owner of the date on which the updated manure management plan is due. To satisfy the requirements of an updated manure management plan, an owner of a confinement feeding operation must submit one of the following:

1. A complete manure management plan;
2. A department-approved document stating that the manure management plan submitted in the prior year has not changed; or
3. A department-approved document listing all the changes made since the previous manure management plan was submitted and approved.

c. An annual compliance fee of \$0.15 per animal unit at the animal feeding operation shall accompany an annual manure management plan update submitted to the department for approval. The annual compliance fee is based on the animal unit capacity of the confinement feeding operation stated in the updated annual manure management plan submission. If the person submitting the manure management plan is a contract producer, as provided in Iowa Code chapter 202, the active contractor shall pay the annual compliance fee.

**65.16(4)** The department shall review and approve or disapprove all complete manure management plans within 60 days of the date they are received.

**65.16(5)** Manure shall not be removed from a manure storage structure which is part of a confinement feeding operation required to submit a manure management plan until the department has approved the plan. Manure shall be applied in compliance with rule 567—65.2(459,459B).

**65.16(6)** Manure storage indemnity fee. All persons required to submit a manure management plan to the department shall also pay to the department an indemnity fee as required in Iowa Code section 459.503 except those operations constructed prior to May 31, 1995, which were not required to obtain a construction permit.

**65.16(7)** Filing fee. Any person submitting an original manure management plan must also pay to the department a manure management plan filing fee of \$250. This fee shall be included with each original manure management plan being submitted. If the confinement feeding operation is required to obtain a construction permit and to submit an original manure management plan as part of the construction permit requirements, the applicant must pay the manure management plan filing fee together with the construction permit application fee, which total \$500.

[**ARC 8998B**, IAB 8/11/10, effective 9/15/10; **ARC 2798C**, IAB 11/9/16, effective 12/14/16; **ARC 3388C**, IAB 10/11/17, effective 11/15/17]