

**567—65.200 (459,459A) Definitions and incorporation by reference.** In addition to the definitions in Iowa Code sections 455B.101, 455B.171 and 459A.102, the following definitions shall apply to Division III of this chapter.

**65.200(1) Definitions.**

*“Animal feeding operation”* or *“AFO”* means a lot, yard, corral, building, or other area in which animals are confined and fed and maintained for 45 days or more in any 12-month period, and all structures used for the storage of manure from animals in the operation. Except as required for an NPDES permit required pursuant to the Act, an animal feeding operation does not include a livestock market.

*“Animal truck wash effluent”* means a combination of manure, washwater-induced runoff, or other runoff derived from an animal truck wash facility, which may include solids. Animal truck wash effluent shall not exceed the following metal concentrations: aluminum 10 mg/L, copper 0.4 mg/L, and iron 10 mg/L.

*“Animal truck wash effluent structure”* means an impoundment which is part of an animal truck wash facility, if the primary function of the impoundment is to collect and store animal truck wash effluent.

*“Animal truck wash facility”* means an operation engaged solely in washing single-unit trucks, truck-tractors, semitrailers, or trailers used to transport animals. An animal truck wash facility is considered to be part of an animal feeding operation if the animal truck wash facility and the animal feeding operation are under common ownership or management and the animal truck wash facility is located within 1,250 feet of the animal feeding operation.

*“Common management”* means significant control by an individual of the management of the day-to-day operations of two or more animal truck wash facilities or an animal truck wash facility and an animal feeding operation. “Common management” does not include control over a contract livestock facility by a contractor as defined in Iowa Code section 202.1.

*“Formed animal truck wash effluent structure”* means a covered or uncovered impoundment used to store effluent from an animal truck wash facility, which has walls and a floor constructed of concrete, concrete block, wood, steel, or similar materials.

*“Karst terrain”* means land having karst formations that exhibit surface and subterranean features of a type produced by the dissolution of limestone, dolomite, or other soluble rock and characterized by closed depressions, sinkholes, losing streams, or caves. If a 25-foot vertical separation distance can be maintained between the bottom of an animal truck wash facility and limestone, dolomite, or other soluble rock, then the structure is not considered to be in karst terrain.

*“Manure”* means animal excreta or other commonly associated wastes of animals including, but not limited to, bedding, compost, litter, feed losses, raw materials or other materials commingled with manure or set aside for disposal. If a manure storage structure or animal truck wash effluent structure contains both manure from a confinement feeding operation and animal truck wash effluent from an animal truck wash facility, the effluent shall be deemed to be manure.

*“Manure storage structure”* means a formed manure storage structure, an unformed manure storage structure or a dry bedded manure storage structure. A manure storage structure does not include an egg washwater storage structure. An animal truck wash facility may be part of a confinement feeding operation. An animal truck wash effluent structure may be the same as a manure storage structure that is part of the confinement feeding operation, so long as the primary function of such impoundment is to collect and store both effluent from the animal truck wash facility and manure from the confinement feeding operation.

“*Nutrient management plan*” or “*NMP*” means a plan which provides for the management of animal truck wash effluent, including the application of effluent, as provided in 567—65.208(459A).

“*Open feedlot effluent*” means a combination of manure, precipitation-induced runoff, or other runoff from an open feedlot before its settleable solids have been removed. If an open feedlot operation structure or animal truck wash effluent structure contains effluent from both an open feedlot operation and an animal truck wash facility, the animal truck wash effluent shall be deemed to be open feedlot effluent.

“*Owner*” means the person who has title to the property where the animal truck wash facility is located or the person who has title to the animal truck wash effluent structure which is part of an animal truck wash facility. “*Owner*” does not include a person who has a lease to use the land where the animal truck wash facility is located or to use the animal truck wash effluent structure which is part of an animal truck wash facility.

“*Release*” means an actual, imminent or probable discharge of process wastewater, manure, animal truck wash effluent, or settleable solids from an animal truck wash facility to surface water, groundwater, or an actual, imminent or probable discharge directly to a drainage tile line or intake resulting from storing, handling, transporting or land-applying process wastewater, manure, animal truck wash effluent or settleable solids.

“*Settleable solids,*” “*scraped solids,*” or “*solids*” mean that portion of animal truck wash effluent that meets all the following requirements:

1. The solids do not flow perceptibly under pressure.
2. The solids are not capable of being transported through a mechanical pumping device designed to move a liquid.
3. The constituent molecules of the solids do not flow freely among themselves but do show the tendency to separate under stress.

“*Settled open feedlot effluent basin*” or “*runoff control basin*” means a covered or uncovered impoundment which is part of an open feedlot operation, if the primary function of the impoundment is to collect and store settled open feedlot effluent. An animal truck wash facility may be part of an open feedlot operation. An animal truck wash effluent structure may be the same as a settled open feedlot effluent basin that is part of the open feedlot operation, so long as the primary function of such impoundment is to collect and store effluent from both the animal truck wash facility and the open feedlot operation.

“*Small animal truck wash facility*” means an animal truck wash facility, if all of the following apply:

1. The animal truck wash facility and all single-unit trucks, truck-tractors, semitrailers, or trailers that are washed at the facility are owned by the same person; and
2. The average total per-day volume of washwater used by the animal truck wash facility does not exceed 2,000 gallons as calculated on a monthly basis.

“*Stockpile*” means any accumulation of manure, scraped solids, settleable solids or combination of manure and solids located outside of the animal truck wash facility or outside of an area that drains to an animal truck wash facility, where the scraped manure or solids are stored for less than six months.

“*Unformed animal truck wash effluent structure*” means a covered or uncovered impoundment used to store animal truck wash effluent, other than a formed animal truck wash effluent structure.

“*Water of the state*” means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

**65.200(2)** *Incorporation by reference.* The text of the following incorporated materials is not included in Division III of this chapter. The materials listed below are hereby made a part of Division III of this chapter. For material subject to change, only the specific version specified in this subrule is incorporated. Any amendment or revision to a reference document is not incorporated until this subrule has been amended to specify the new version.

*a.* “*Act*” means the federal Water Pollution Control Act as amended through January 1, 2015, 33 U.S.C. Chapter 26;

*b.* “*AFO Siting Atlas*” means a tool to assist in determining potential building sites that meet regulatory requirements. The AFO Siting Atlas is located on the department’s Web site;

*c.* “*CFR*” or “*Code of Federal Regulations*” means the federal administrative rules adopted by the United States in effect as of January 1, 2015;

*d.* Designated Wetlands in Iowa – effective date August 23, 2006, located on the department’s Web site; and

*e.* Spill line telephone number is (515)725-8694.