

567—65.203 (459A) Construction. For purposes of these rules:

65.203(1) Construction of an animal truck wash facility begins or an animal truck wash facility is constructed when any of the following occur:

- a.* Excavation commences for a proposed animal truck wash facility or proposed expansion of an existing animal truck wash facility structure.
- b.* Installation of forms for concrete for a proposed animal truck wash facility or the proposed expansion of an existing animal truck wash facility.
- c.* Installation of piping for movement of animal truck wash effluent within or between animal truck wash facilities as proposed or proposed to be expanded.

65.203(2) Construction does not begin upon occurrence of any of the following:

- a.* Removal of trees, brush, or other vegetative growth.
- b.* Construction of driveways or roads.
- c.* General earth moving for leveling at the site.
- d.* Installation of temporary utility services.

65.203(3) Separation distances for the construction or expansion of an animal truck wash effluent structure.

- a.* An animal truck wash effluent structure shall not be constructed or expanded within 1,250 feet from a residence not owned by the titleholder of the animal truck wash facility, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area.
- b.* An animal truck wash effluent structure shall not be constructed or expanded within 100 feet from a public thoroughfare.
- c.* Any separation distance required for a confinement feeding operation structure and a location or object specified in Table 6 for “Water Wells” and “Other Distances” at the end of this chapter shall also apply to the animal truck wash effluent structure and that same location or object.
- d.* An animal truck wash effluent structure shall not be constructed or expanded on land that is part of a one hundred year floodplain.

65.203(4) Exemptions to separation distances for the construction or expansion of an animal truck wash effluent structure.

- a.* Paragraph 65.203(3) “*a*” does not apply if a residence, educational institution, a bona fide religious institution, or commercial enterprise was constructed or expanded, or if the boundaries of a public use area were expanded, after the date that the animal truck wash facility was established. The date the animal truck wash facility was established is the date on which the animal truck wash facility commenced operating. A change in ownership or expansion of an animal truck wash facility shall not change the date of operation.
- b.* Paragraphs 65.203(3) “*a*” and “*b*” do not apply if the titleholder of the land benefiting from the separation distance requirement, including a person authorized by the titleholder, executes a written waiver with the owner of the animal truck wash effluent structure. The structure shall be constructed or expanded under such terms and conditions that the parties negotiate. The state or a political subdivision constructing or maintaining the public thoroughfare benefiting from the separation distance requirement may execute a written waiver with the titleholder of the land where the structure is located. The structure shall be constructed or expanded under such terms and conditions that the parties negotiate. The waiver shall be specific to the construction or expansion project for which it is submitted. The waiver may include specific language to include future projects or expansions.
- c.* Paragraphs 65.203(3) “*a*” and “*b*” shall not apply to small animal truck wash facilities.
- d.* Exemptions to separation distance requirements from water sources, major water sources, known sinkholes, agricultural drainage wells and designated wetlands and secondary containment.

As specified in Iowa Code section 459.310(3), the separation distance required from surface intakes, wellheads or cisterns of agricultural drainage wells, known sinkholes, water sources, major water sources

and designated wetlands, specified in Iowa Code section 459.310 and summarized in Tables 6 to 6d at the end of this chapter, shall not apply to a farm pond or privately owned lake as defined in Iowa Code section 462A.2 or to an animal truck wash effluent structure constructed with a secondary containment barrier according to subrule 65.15(17). To qualify for this separation distance exemption, the design of the secondary containment barrier shall be filed in accordance with subrule 65.9(8) prior to beginning construction of the animal truck wash facility.

e. Paragraphs 65.203(3) “*c*” and “*d*” shall not apply to the replacement of an unformed animal truck wash effluent structure constructed prior to April 28, 2003, with a formed animal truck wash effluent structure. The capacity of a replacement animal truck wash effluent structure shall not exceed the amount required to store animal truck wash effluent for any 18-month period.

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