

567—65.208 (459A) Nutrient management plan requirements.

65.208(1) The owner of an animal truck wash facility, other than a small animal truck wash facility, which has an animal truck wash effluent structure shall develop and implement a nutrient management plan meeting the requirements of this rule. However, an animal truck wash facility which is part of a confinement feeding operation, in lieu of submitting a nutrient management plan, may submit an original manure management plan and an updated manure management plan to the department.

65.208(2) A person shall not remove animal truck wash effluent from an animal truck wash facility for which a nutrient management plan is required under this rule, unless the department approves a nutrient management plan as required in this rule.

65.208(3) The department shall not approve an application for a permit to construct an animal truck wash effluent structure unless the owner of the animal truck wash facility applying for approval submits a nutrient management plan together with the application for the construction permit as provided in rule 567—65.202(459A).

65.208(4) If a construction permit is required as provided in rule 567—65.202(459A), the department shall approve or disapprove the nutrient management plan as part of the construction permit application. If a construction permit is not required, the department shall approve or disapprove the nutrient management plan within 60 days from the date that the department receives the nutrient management plan.

65.208(5) A nutrient management plan shall include all of the following:

a. Restrictions on the application of animal truck wash effluent based on all of the following:

(1) A phosphorus index of each field in the nutrient management plan, as required in 65.17(17), including the factors used in the calculation. A copy of the NRCS phosphorus index detailed report shall satisfy the requirement to include the factors used in the calculation. In addition, total phosphorus (as P2O5) available to be applied from the animal truck wash facility shall be included.

(2) Calculations necessary to determine the land area required for the application of animal truck wash effluent from an animal truck wash facility based on nitrogen or phosphorus use levels (as determined by the phosphorus index) in order to obtain optimum crop yields according to a crop schedule specified in the nutrient management plan, and according to requirements specified in subrule 65.17(4).

b. Information relating to the application of the animal truck wash effluent, including all of the following:

(1) Nutrient concentration of the animal truck wash effluent. Animal truck wash facilities shall provide yearly animal truck wash effluent test analysis for aluminum, copper, and iron.

(2) Application methods, the timing of the application, and the location of the land where the application occurs.

c. If the application is on land other than land owned or rented for crop production by the owner of the animal truck wash facility, the plan shall include a copy of each written agreement executed by the owner and the landowner or the person renting the land for crop production where the animal truck wash effluent may be applied. The written agreement shall indicate the number of acres on which the animal truck wash effluent may be applied and the length of the agreement.

d. An estimate of the animal truck wash effluent volume or weight produced by the animal truck wash facility.

e. Information which shows all of the following:

(1) There is adequate storage for animal truck wash effluent, including procedures to ensure proper operation and maintenance of the storage structures.

(2) Surface drainage is diverted from the animal truck wash facility.

(3) Chemicals or other contaminants handled on site are not disposed of in an animal truck wash facility that is not specifically designed to store such chemicals or contaminants.

- (4) Equipment used for the land application of animal truck wash effluent must be periodically inspected for leaks.
- (5) Appropriate site-specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the United States.
- (6) Protocols for appropriate testing of animal truck wash effluent and soil.
- (7) Protocols to land-apply animal truck wash effluent in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the animal truck wash effluent.
- (8) Identification of specific records that will be maintained to document the implementation and management of the requirements in this subrule.

65.208(6) Current nutrient management plan, record keeping and inspections.

a. Current nutrient management plan. The owner of an animal truck wash facility who is required to submit a nutrient management plan shall maintain a current nutrient management plan at the site of the animal truck wash facility and shall make the current nutrient management plan available to the department upon request. If nutrient management practices change, a person required to submit a nutrient management plan shall make appropriate changes consistent with this rule. If values other than the standard table values are used for nutrient management plan calculations, the source of the values used shall be identified.

b. Record keeping. Records shall be maintained by the owner of an animal truck wash facility who is required to submit a nutrient management plan. This recorded information shall be maintained for five years following the year of application or for the length of the crop rotation, whichever is greater. Records shall be maintained at the site of the animal truck wash facility and shall be made available to the department upon request. Records to demonstrate compliance with the nutrient management plan shall include the following:

- (1) Factors used to calculate the animal truck wash effluent application rate:
 - 1. Optimum yield for the planned crop.
 - 2. Types of nitrogen credits and amounts.
 - 3. Remaining crop nitrogen needed.
 - 4. Nitrogen content and first-year nitrogen availability of the animal truck wash effluent.
 - 5. Phosphorus content of the animal truck wash effluent as required in 65.17(3) "i"(1) and (2). If an actual sample is used, documentation shall be provided.
 - 6. For animal truck wash facilities, the soil test analysis must include phosphorus, aluminum, copper and iron. The yearly effluent analysis for animal truck wash facilities shall include metals testing.
- (2) If phosphorus-based application rates are used, the following shall be included:
 - 1. Crop rotation.
 - 2. Phosphorus removed by crop harvest of that crop rotation.
- (3) Maximum allowable animal truck wash effluent application rate.
- (4) Actual animal truck wash effluent application information:
 - 1. Method(s) of application when animal truck wash effluent from the animal truck wash facility was applied.
 - 2. Date(s) when the animal truck wash effluent from the animal truck wash facility was applied.
 - 3. Weather conditions at the time of application and for 24 hours prior to and following the application.

4. Location of the field where the animal truck effluent from the animal truck wash facility was applied, including the number of acres.
5. The animal truck wash effluent application rate.
6. Dates when application equipment was inspected.

(5) Date(s) and application rate(s) of commercial nitrogen and phosphorus on fields that received animal truck wash effluent. However, if the date and application rate information is for fields which are not owned for crop production or which are not rented or leased for crop production by the person required to keep records pursuant to this subrule, an enforcement action for noncompliance with a nutrient management plan or the requirements of this subrule shall not be pursued against the person required to keep records pursuant to this subrule or against any other person who relied on the date and application rate in records required to be kept pursuant to this subrule, unless that person knew or should have known that nitrogen or phosphorus would be applied in excess of maximum levels set forth in paragraph 65.17(1)“a.” If nutrients are applied to fields not owned, rented or leased for crop production by the person required to keep records pursuant to this subrule, that person shall obtain from the person who owns, rents or leases those fields a statement specifying the planned commercial nitrogen and phosphorus fertilizer rates to be applied to each field receiving the nutrients.

- (6) A copy of the current soil test laboratory results for each field in the nutrient management plan.
- (7) All applicable records identified in 65.208(5)“e.”

c. Record inspection. The department may inspect an animal truck wash facility at any time during normal working hours and may inspect the nutrient management plan and any records required to be maintained.