



# ANIMAL AGRICULTURAL WORK PLAN AND COMPLIANCE

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## BACKGROUND

The Iowa DNR and the U.S. Environmental Protection Agency (EPA) Region VII signed a Work Plan Agreement in September 2013 to strengthen how Iowa DNR implements the federal National Pollutant Discharge Elimination System (NPDES) program. The two agencies negotiated the agreement following a Petition for Withdrawal of the Iowa NPDES program authorization in 2007. Petitioners claimed Iowa's NPDES program for concentrated animal feeding operations (CAFOs\*) did not meet requirements of the federal Clean Water Act.

Briefly, the five-year work plan calls for Iowa to correct five deficiencies noted in the petition. DNR completed three of seven objectives in the work plan in SFY14 and SFY15: adopting federal rules by reference, revising state rules on setbacks and separation distances, and revising construction permit applications and other forms.

DNR made significant progress toward completing the other four objectives: desk-top assessments and on-site inspections, issuing timely NPDES permits, enforcement and reporting on progress. The bulk of this work will occur over the next four years as DNR works to identify and conduct comprehensive surveys of all large CAFOs and medium-sized animal feeding operations in Iowa that do not have NPDES permits. DNR staff is to determine if CAFOs discharge to waters of the U.S. and thus, need an NPDES permit.

Of the 8,582 facilities identified in 2013, the DNR agreed to complete assessments on all of them by September of 2018. An additional \$700,000 appropriation in 2013 (Senate File 435) allowed DNR to hire seven additional full-time staff starting in SFY 2014. In the first 18 months of the work plan agreement, DNR revised inspection forms, developed standard operating procedures and a comprehensive training curriculum, trained AFO/CAFO inspectors and supervisors, and began assessments. Standardizing forms, procedures and training helped ensure results will be uniform across the state.

## ASSESSMENTS

**DESKTOP:** First, DNR evaluates facilities by looking at existing records, including maps and aerial photos, to determine likelihood of a discharge to a water of the U.S. Inspectors look for distance to water, type of housing and manure storage, compliance with record keeping and facility size. DNR completed 1,654 assessments, about 19 percent of the facilities, by Dec. 31, 2014.

**ON-SITE:** Second, the DNR inspects all large CAFOs, those identified as likely to discharge and those with past spills or compliance issues. DNR inspected 1,019 facilities on-site.

**FINDINGS:** Unlike federal law, Iowa law distinguishes between two main types of animal feeding operations: open lots and confinements (which are totally roofed). By state law, confinements cannot discharge manure. They must maintain all manure produced between periods of manure application. About 77 percent of the assessed



*Open Lot by Iowa definition. Iowa DNR is evaluating open lots and confinements to determine if they meet federal definition of a CAFO and require an NPDES permit.*

## QUICK DEFINITIONS

**\* CAFO:** A Concentrated Animal Feeding Operation is a federally defined term for an animal feeding operation that confines animals for more than 45 days in a growing season in an area that does not produce vegetation and meets certain size thresholds. See 40 Code of Federal Regulations 122.23.

**OPEN LOT:** An Open Lot is one of two ways Iowa law defines animal feeding operations and refers to animals that are housed in unroofed or partially roofed areas.

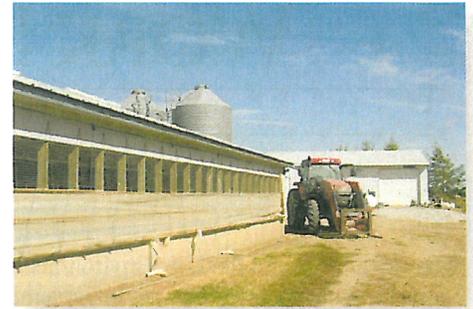
**CONFINEMENT:** Iowa law defines confinements as animal feeding operations that are totally roofed. Confinements are required by state law to retain all manure produced between periods of manure application.





facilities are confinements, and inspectors found no issues with discharges at these facilities.

Inspectors are finding practices that could result in a discharge at open lots, where both animals and manure storage are uncovered or only partially covered. The most common problems are related to maintenance or inadequate manure controls. Some issues have relatively easy and inexpensive solutions, such as diverting rainwater to reduce runoff in contact with manure. Other solutions include scraping lots more frequently and maintaining solids settling facilities to reduce the likelihood of discharges. Assessment and inspection results show that some mid-size open lots need additional technical assistance. DNR inspectors are working with producers to solve problems and connect them with resources — helping them achieve compliance. A few facilities were advised to find technical solutions that eliminate potential discharges, or apply for an NPDES permit.

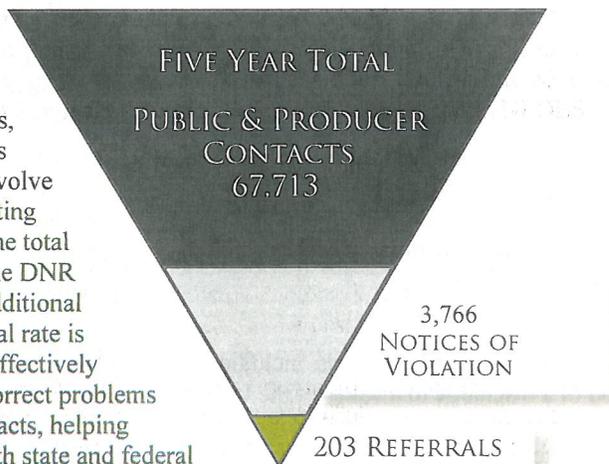


Confinement or totally roofed animal feeding operation.

### COMPLIANCE ASSISTANCE

The DNR uses three funding sources for all of its animal feeding operation efforts. DNR provides technical and compliance assistance to thousands of Iowans and Iowa animal producers each year. For example, during the past five fiscal years, from FY2010 to FY2014, DNR field staff contacts and work activities related to animal feeding operations totaled 67,713. These activities included: the new desktop assessments and on-site inspections for NPDES permits; on-site review of nutrient and manure management plans; training, field days, presentations; facility inspections, including earthen basins; site surveys at constructions sites; manure spill and release investigations; complaint investigations; issuance of construction and NPDES permits; and a considerable number of general information inquiries. The primary focus of Iowa DNR's field offices has been, and will remain, compliance assistance.

Also during the last five years, the DNR issued 3,766 notices of violation (which do not involve fines or penalties) – representing approximately 6 percent of the total 67,713 producer contacts. The DNR referred 203 violations for additional enforcement. This low referral rate is a direct result of DNR staff effectively working with producers to correct problems that have environmental impacts, helping them achieve compliance with state and federal regulations — valuable assistance to the animal agricultural community and to the people of Iowa.



### NEW CONSTRUCTION AND EXPANSIONS

