

**459.312A Election to be a small animal feeding operation.**

1. A person otherwise required to submit an updated manure management plan as required in [section 459.312](#) and pay an annual compliance fee as required in [section 459.400](#) may make a small animal feeding operation election as provided in [this section](#).

2. Upon the effective date of the election, the confinement feeding operation covered by the updated manure management plan shall be considered a small animal feeding operation only for purposes of submitting the updated manure management plan and paying the annual compliance fee, during the period of the election.

3. A person is eligible to make an election only if all of the following apply:

a. The confinement feeding operation has a capacity of five hundred or fewer animal units which shall be calculated by determining all of the following:

(1) The number of animal units housed at the confinement feeding operation at any one time during the period of election.

(2) The animal unit capacity of each confinement feeding operation building that is used to store manure during the period of the election. However, this subparagraph (2) does not apply if a confinement feeding operation building stores manure pursuant to a temporary approval issued by the department. The department shall not issue a temporary approval unless the manure is stored on an emergency basis for a limited period. The department shall establish terms and conditions for a temporary approval. The department may issue one or more extensions to a temporary approval if necessary.

b. The department is notified of the election in a manner required by the department. The department may require that a person submit a notice of election as part of an updated manure management plan form or as a separate document.

4. The department shall provide for the period of election, including its effective and expiration dates. However, the period of election shall be at least for the same period covered by the updated manure management plan. An election automatically terminates when more than five hundred animal units are housed at the confinement feeding operation at any one time.

5. [This section](#) does not affect any of the following:

a. A condition associated with a construction permit as provided in [this subchapter](#), including but not limited to a master matrix as provided in [section 459.305](#).

b. A requirement unrelated to filing an updated manure management plan or paying an annual compliance fee, including but not limited to the filing of a construction design statement as provided in [section 459.306](#), the application of manure as provided in [section 459.313A](#), or the certification of a person as a confinement site manure applicator as provided in [section 459.315](#).

[2013 Acts, ch 106, §2](#)

Referred to in [§459.301](#)