

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 459.103 and 459.302, the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code.

The purpose of the proposed rule amendment is to allow for the submittal of manure management plan updates and associated fees electronically through the Department of Natural Resource’s web application system. Under the current rules, those who are required to submit manure management plan updates and associated fees must submit the documents and fees either through the mail or in person to the various field offices around the state. The manure management plan update must also have a county receipt signature, which requires the person filing the manure management plan update to receive a signature from each county where the animal feeding operation is located and each county where manure is applied. With the proposed rule amendment, the manure management plan updates and associated fees will be able to be submitted electronically and impacted counties will receive the submittals electronically. This will allow those who are required to submit manure plan updates and associated fees to save in postage, time, plan preparation and transportation costs.

Anyone may make written suggestions or comments on the proposed amendment on or before September 6, 2017. Please direct written comments to Gene Tinker, Department of Natural Resources, 502 E 9th Street, Des Moines, Iowa 50319, or by E-mail to gene.tinker@dnr.iowa.gov.

A public hearing will be held on September 5, 2017 at 1:30 PM in the Wallace State Office Building Auditorium, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. All comments must be received no later than 4:30 p.m. on September 6, 2017.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact Gene Tinker at (515)210-1593, or by E-mail at gene.tinker@dnr.iowa.gov to advise of any specific needs.

Jobs Impact Statement

After analysis and review, the Commission has determined that the proposed amendment may have a positive impact on private sector jobs due to savings in postage, time, plan preparation and transportation costs. The complete jobs impact statement is available from the Department upon request.

This proposed amendment is intended to implement Iowa Code sections 459.103 and 459.302.

The following amendment is proposed.

ITEM 1. Amend paragraph **65.16(3) “b”** as follows:

b. The owner of a confinement feeding operation who is required to submit a manure management plan under this rule shall submit an updated manure management plan on an annual basis to the department. The updated manure management plan may be submitted by hard copy

or by electronic submittal. The updated plan must reflect all amendments made during the period of time since the previous manure management plan submission.

(1) If the plan is submitted by hard copy, the submittal process shall be as follows: The owner of the animal feeding operation shall also submit the updated manure management plan on an annual basis to the board of supervisors of each county where the confinement feeding operation is located and to the board of supervisors of each county where manure from the confinement feeding operation is land-applied. If the owner of the animal feeding operation has not previously submitted a manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied, the owner must submit a complete manure management plan to each required county. The county auditor or other county official or employee designated by the county board of supervisors may accept the updated plan on behalf of the board. The updated plan shall include documentation that the county board of supervisors or other designated county official or employee received the manure management plan update.

(2) If the plan is submitted electronically, the submittal process shall be as follows: The owner of the animal feeding operation shall submit the updated manure management plan to the department through the department's electronic web application. Once the submittal has been completed, the department shall provide electronic access of the updated manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied.

The department will stagger the dates by which the updated manure management plans are due and will notify each confinement feeding operation owner of the date on which the

updated manure management plan is due. To satisfy the requirements of an updated manure management plan, an owner of a confinement feeding operation must submit one of the following:

- (1) A complete manure management plan;
- (2) A department-approved document stating that the manure management plan submitted in the prior year has not changed; or
- (3) A department-approved document listing all the changes made since the previous manure management plan was submitted and approved.

Date

Chuck Gipp, Director