



Iowa Environmental Council

# DNR'S PROPOSED ANIMAL FEEDING OPERATION (AFO) RULES FACT SHEET

September 2022

Iowa DNR released updated draft rules in August, 2022, regulating animal feeding operations (AFOs) in Iowa. IEC compares the updated rules with existing rules and proposed changes IEC suggested in petitions to the DNR.

- **Karst terrain:** is vulnerable to manure leaks that lead to drinking water pollution. IEC petitioned DNR to increase vertical separation between manure structures and karst from 5 feet to 25 feet. DNR's proposed rules require a 15-foot separation, including five feet of non-porous soil/rock or a two-foot compacted clay liner.
- **DNR review:** Existing rules allow the DNR director to evaluate a facility and impose special permit conditions or prohibit the facility if it would cause water pollution. IEC petitioned to strengthen this, but DNR proposes to delete it entirely.
- **Over-application of manure:** Manure is a major source of nitrate pollution to groundwater and streams. Existing rules allow manure at rates higher than crops can use and do not account for other fertilizers. DNR did not propose to fix this.
- **Floodplains:** The legislature directed DNR to adopt a floodplain map in 2002, but it has not done so. The proposed rules would adopt the map, as requested by IEC.
- **LLC Loophole:** AFO owners may create separate businesses for adjacent AFOs to avoid being regulated as a single large facility. Under existing rules, both confinements and open lots were subject to the same evaluation of "common ownership." The proposed rules do not require submitting ownership documentation to DNR and limit the common ownership test to confinements.
- **Paper plans:** The proposed rules let Manure Management Plans remain paper files rather than electronic. These plans define how much manure can be applied on individual fields. DNR must manually compare new plans to check for overlap with other plans. Paper files are harder to review, access, and enforce.
- **Anaerobic digesters:** DNR is proposing to expand the definition of anaerobic manure digesters, but not the regulations accompanying them. This expansion without further regulation creates additional risk to water quality from leaks.
- **Monitoring:** The proposed rules do not add monitoring requirements for earthen basins, which can leak nitrate and other contaminants into groundwater. The proposed rules reduce the frequency and scope of water quality monitoring for some types of treatment systems.