

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Animals Division

02.04.30 – Rules Governing Environmental and Nutrient Management

Who does this rule apply to?

All dairy farms licensed to sell milk for human consumption, beef cattle feeding operations required to implement a Nutrient Management Plan (NMP), poultry operations required to implement an NMP, certified NMP planners and certified soil samplers.

What is the purpose of this rule?

In order to protect the natural resources and waters of the state, this rule governs the certification process for soil samplers and nutrient management planners and the process for collecting and handling soil samples. In addition, it prescribes the contents of a request to form a CAFO Site Advisory Team, formation of a CAFO Site Advisory Team, development of a site suitability determination and submission of the suitability determination to the appropriate county officials. This rule also governs the management of odor generated on agricultural operations, except beef cattle animal feed operations and large swine and poultry operations and the stockpiling a agricultural waste at agricultural operations to safeguard and protect animals, man, and the environment.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

- [22-110, Idaho Code](#) – Authority and Duties of Director Concerning Agricultural Waste
- [22-4903, Idaho Code](#) – Authority and Duties of Director Concerning Beef Cattle Animal Feed Operations
- [25-3802, Idaho Code](#) – Authority and Duties of Director Concerning Odors from Agricultural Operations
- [25-4012\(20\), Idaho Code](#) – Authority and Duties of Director Concerning Agricultural Waste
- [37-401\(1\), Idaho Code](#) – Sanitary Inspection of Dairy Farms – Nutrient Management Plans Required
- [37-405, Idaho Code](#) – Sanitary Inspection of Dairy Products: Department May Make Rules and Orders
- [37-603\(1\), Idaho Code](#) – Authority and Duties of Director and Agency Coordination of the Dairy Control Act
- [67-6529F\(4\) Idaho Code](#) – Local Land Use Planning: Department Responsibilities – Authority to Adopt Rules and Contract with Other Agencies

Who do I contact for more information on this rule?

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02.04.30 – RULES GOVERNING ENVIRONMENTAL AND NUTRIENT MANAGEMENT

000. LEGAL AUTHORITY.

Sections 22-110, 22-4903, 25-3802, 25-4012(2), 37-401(1), 37-405, 37-603(1), 67-6529F(4), Idaho Code. (7-1-24)

001. SCOPE.

This rule governs the certification process for soil samplers and nutrient management planners, the process for collecting and handling soil samples, the contents of a request to form a CAFO Site Advisory Team, formation of a CAFO Site Advisory Team, development of a site suitability determination, submission of the suitability determination to the appropriate county officials, the management of odor generated on agricultural operations, except beef cattle animal feeding operations and large swine and poultry operations and the stockpiling of agricultural waste at agricultural operations to safeguard and protect animals, man, and the environment. (7-1-24)

002. -- 103. (RESERVED)

SUBCHAPTER A – NUTRIENT MANAGEMENT

104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter A, Sections 104-203 only: (7-1-24)

01. August 1997 University of Idaho, Soil Sampling Bulletin 704 (revised). This document can be viewed online at <https://www.lib.uidaho.edu/digital/uiext/items/uiext23464.html> (7-1-24)

02. Nutrient Management Standard (NMS). (7-1-24)

a. Idaho Nutrient Management Standard 590, June 1999. The 1999 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590 (1999 Idaho Nutrient Management Standard 590). This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf or, (7-1-24)

b. Idaho NRCS Nutrient Management Standard 590, 2007. The 2007 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/10/june_2007_NRCS_590.pdf or, (7-1-24)

c. The Phosphorus Site Index: A Systematic Approach to Assess the Risk of Nonpoint Source Pollution of Idaho Waters by Agricultural Phosphorus, 2023 (Idaho Phosphorous Site Index). This document is available online at <https://agri.idaho.gov/main/animals/environmental-nutrient-management/>. (7-1-24)

03. American Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004. This document is part of a copyrighted publication and is available for viewing at the ISDA offices or a copy may be purchased online at <http://www.asabe.org/>. (7-1-24)

04. Natural Resources Conservation Service (NRCS) Web Soil Survey Database. This document is available online at <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. (7-1-24)

05. Natural Resources Conservation Service (NRCS) Part 630, Hydrology National Engineering Handbook, Chapter 7, (Hydrologic Soil Groups), January 2009. This document is available online at <https://directives.sc.egov.usda.gov/22526.wba>. (7-1-24)

06. Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/10/nrcs_313_Dec_2004.pdf. (7-1-24)

07. Natural Resources Conservation Service Agricultural Waste Management Field Handbook Appendix 10D (Appendix 10D) (March 2008 Edition) (USDA, NRCS). This document can be viewed online at <https://directives.sc.egov.usda.gov/31529.wba>. (7-1-24)

105. -- 109. (RESERVED)

110. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of Subchapter A, Sections 104-203 only:
(7-1-24)

01. Approved Laboratory. A soil testing laboratory with a valid certification from the North American Proficiency Testing Program under the auspices of the Soil Science Society of America. (7-1-24)

02. Certified Soil Sampler. A person who has completed a Department approved soil sampler certification program and has received written certification from the Department. (7-1-24)

03. Nutrient Management Plan. A plan prepared in conformance with the Nutrient Management Standard for managing the amount, source, placement, form, and timing of the land application of nutrients and soil amendments for plant production. (7-1-24)

04. Nutrient Management Standard. Beef cattle animal feeding operations, the Nutrient Management Standard is the 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590 or other standard approved by the Director. For poultry concentrated animal feeding operations, the Nutrient Management Standard is the 2007 publication by the United States Department of Agriculture Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590 or other standard approved by the director. For dairies, the Nutrient Management Standard is (a) the 1999 Idaho NRCS Nutrient Management Standard 590; (b) the Idaho Phosphorus Site Index, or (c) other standard approved by the Director, pursuant to Idaho Code § 37-606(2). (7-1-24)

05. Operation(s). Animal feeding operation(s). (7-1-24)

06. Resource Concerns. Surface water runoff that leaves the operation from normal storm events, rain or snow, frozen ground or irrigation; and ground water concerns on the operation from a high water table, fractured bedrock, cobbles, gravel, coarse textured soils or other environmental considerations such as tile drains or shallow soils that are conducive for the downward movement of water and associated nutrients. (7-1-24)

111. ABBREVIATIONS.

The following abbreviations apply in the interpretation and enforcement of Subchapter A, Sections 104-203 only:
(7-1-24)

01. CNMP. Certified Nutrient Management Planner. (7-1-24)

02. CSS. Certified Soil Sampler. (7-1-24)

03. NMP. Nutrient Management Plan. (7-1-24)

04. NMS. Nutrient Management Standard. (7-1-24)

05. NRCS. United States Department of Agriculture, Natural Resources Conservation Service. (7-1-24)

06. SSB. August 1997 University of Idaho Soil Sampling Bulletin 704 (revised). (7-1-24)

07. USDA. United States Department of Agriculture. (7-1-24)

112. -- 119. (RESERVED)

120. APPLICABILITY.

These rules apply to nutrient management on the following operations: (7-1-24)

01. Dairies. All Manufactured Grade and Grade A dairies located in Idaho licensed to sell milk for human consumption, pursuant to Title 37, Chapter 6, Idaho Code. (7-1-24)

02. Beef Cattle Animal Feeding Operations. All beef cattle animal feeding operations in Idaho

required to implement a NMP pursuant to Title 22, Chapter 49 Idaho Code. (7-1-24)

03. Poultry Concentrated Animal Feeding Operations. All poultry operations required to implement an NMP pursuant to Title 25, Chapter 40, Idaho Code. (7-1-24)

04. Commercial Truck Wash Operations. All commercial truck washes required to implement an NMP pursuant to Title 22, Chapter 1, Idaho Code. (7-1-24)

121. -- 129. (RESERVED)

130. NUTRIENT MANAGEMENT PLANS.

All NMPs required by IDAPA 02.04.14, "Rules Governing Dairy Byproduct," IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," IDAPA 02.04.32, "Rules Governing Poultry Operations," and IDAPA 02.04.23, "Rules Governing Commercial Livestock Truck Washing Facilities" must be approved by the Department and written by certified nutrient management planners. (7-1-24)

131. STORAGE AND CONTAINMENT FACILITY CRITERIA.

All facilities required to maintain an NMP, pursuant to these rules, shall construct, operate and maintain all storage and containment facilities as follows: (7-1-24)

01. Secondary or Final Storage Effluent Facility. Process water containment structures that are utilized as the secondary or final storage for effluent shall have a minimum two (2) vertical feet of freeboard. Process water and containment structures that are not the secondary or final storage for effluent shall have a minimum one (1) vertical feet of freeboard. (7-1-24)

a. Earthen storage and containment facilities less than ten (10) vertical feet high with a maximum high water line of eight (8) vertical feet shall have a top embankment width of at least eight (8) feet. The combined embankment slopes must be at least five (5) horizontal to one (1) vertical, and shall not exceed two (2) horizontal to one (1) vertical slope. Containment facilities greater than ten (10) vertical feet from the naturally occurring ground level shall meet the NRCS Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004 embankment requirements. (7-1-24)

b. The inside bottom of the storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet 1×10^{-6} cm³/cm²/sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications. (7-1-24)

c. Storage areas for byproduct, including compost and solid manure storage areas, shall be located on approved soils and appropriately protected to prevent run on, run off, and contamination of ground and surface water. (7-1-24)

d. Total containment volume shall be sufficient to contain: (7-1-24)

i. The runoff from a twenty-five (25) year, twenty-four (24) hour rainfall event; and (7-1-24)

ii. Either three (3) inches of runoff from the accumulation of winter precipitation or the amount of runoff from the accumulation of precipitation from a one-in-five (1 in 5) year winter. (7-1-24)

e. All substances entering wastewater storage and containment facilities shall be composed of manure and process wastewater from the operation of the dairy, beef, poultry or commercial truck wash facility. The disposal of any other materials into a wastewater storage and containment facility, including, but not limited to, human waste, is prohibited. (7-1-24)

f. Maintenance is sufficient to allow regular inspection of the integrity of the systems. (7-1-24)

132. -- 139. (RESERVED)

140. NUTRIENT MANAGEMENT PLANNER CERTIFICATION.

All persons who develop NMPs pursuant to Subchapter A must be a certified nutrient management planner via the Department Certification Program. The Department may require a CNMP to complete continuing education training to ensure compliance with Subchapter A. If a CNMP fails to follow the criteria in Subchapter A, the Department may revoke their certification. (7-1-24)

141. -- 149. (RESERVED)

150. SOIL SAMPLES.

Facilities required to maintain an NMP, pursuant to these rules, must have soil samples collected each year from all fields owned or operated by the dairy, beef, poultry, or commercial truck wash operation to which livestock waste, manure, or process wastewater from the operation was land applied. Regulatory soil tests will be conducted at frequencies sufficient to provide assurance of compliance with this subchapter. (7-1-24)

151. SOIL SAMPLE COLLECTION.

All soil samples collected pursuant to this chapter must be representative samples that are collected by a CSS at the depth indicated by the approved NMP for each facility. Samples shall be collected pursuant to SSB approved methods and submitted to an approved laboratory. If resource concerns require an alternate sampling depth be used, the CSS must indicate the alternate depths on all samples and lab submission forms. (7-1-24)

152. SOIL SAMPLE CERTIFICATION.

All persons who collect soil samples pursuant to Subchapter A must be a certified soil sampler via the Department Certification Program. The Department may require a CSS to complete continuing education training to ensure compliance with Subchapter A. If a CSS fails to follow the criteria in Subchapter A, the Department may revoke their certification. (7-1-24)

153. -- 160. (RESERVED)

161. RECORDS OF NUTRIENT ANALYSIS.

All nutrient management records and nutrient analysis data required under this chapter must be complete, identified to the fields listed in the facility's NMP, retained for a minimum of five (5) years and available to the Department upon request. Required records include the following: (7-1-24)

01. Annual Soil Analysis. Producer annual soil tests conducted as set forth in this subchapter, tested at an approved laboratory; and (7-1-24)

02. Land Applications. Date and amount of nutrients, byproduct and commercial fertilizer applied to fields owned or operated by the approved NMP facility; (7-1-24)

03. Third-Party Exports. Date(s) of exported nutrients or byproduct, number of acres applied, amount of nutrients or byproduct exported, and to whom nutrients or byproduct was exported; and (7-1-24)

04. Crop Yields. Actual crop yields on all fields owned or operated by the approved NMP facility. (7-1-24)

05. IPDES Permits. Dairy, beef, poultry or commercial truck facilities governed by the IPDES program are not required to submit an NMP to the Department. (7-1-24)

162. -- 203. (RESERVED)

SUBCHAPTER B – CAFO SITE ADVISORY TEAM

204. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter B, Sections 204-303: (7-1-24)

01. Nutrient Management Standard (NMS). (7-1-24)

a. Idaho Nutrient Management Standard 590, June 1999. The 1999 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf or, (7-1-24)

b. Idaho NRCS Nutrient Management Standard 590, 2007. The 2007 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/10/june_2007_NRCS_590.pdf or, (7-1-24)

c. The Phosphorus Site Index: A Systematic Approach to Assess the Risk of Nonpoint Source Pollution of Idaho Waters by Agricultural Phosphorus, 2023 (Idaho Phosphorous Site Index). This document is available online at <https://agri.idaho.gov/main/animals/environmental-nutrient-management/>. (7-1-24)

205. -- 209. (RESERVED)

210. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of Subchapter B, Sections 204-303: (7-1-24)

01. Best Management Practices. Practices, techniques, or measures that are determined by the Department to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources from entering waters of the state and managing odor generated on an agriculture operation to a level associated with accepted agriculture practices. (7-1-24)

02. Land Application. The spreading on, or incorporation into the soil of agricultural by-products such as manure, process wastewater, compost, cull potatoes, cull onions, or crop residues into the soil primarily for beneficial purposes. (7-1-24)

03. Nutrient Management Plan. A plan prepared in conformance with the nutrient management standard. (7-1-24)

04. Nutrient Management Standard. For dairies and beef cattle animal feeding operations, the 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. For poultry concentrated animal feeding operations, the 2007 publication by the United States Department of Agriculture Natural Resources Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. (7-1-24)

05. Odor Management Plan. A site-specific plan approved by the Director to manage odor from a CAFO to a level associated with accepted agricultural practices by utilizing best management practices. (7-1-24)

211. ABBREVIATIONS.

The following abbreviations apply in the interpretation and enforcement of Subchapter B, Sections 204-303: (7-1-24)

01. BMP. Best Management Practices. (7-1-24)

02. CAFO. Concentrated Animal Feeding Operation. (7-1-24)

03. NMP. Nutrient Management Plan. (7-1-24)

04. OMP. Odor Management Plan. (7-1-24)

212. -- 219. (RESERVED)

220. APPLICABILITY.

01. Site for a Proposed CAFO. A CAFO site advisory team shall review and make a site suitability determination for all proposed CAFO sites, as defined in Subchapter B of these rules, submitted by a board of county

commissioners pursuant to Subchapter B. (7-1-24)

02. Sites That Do Not Meet the Definition of a CAFO. The Director may form a CAFO site advisory team, as requested by a board of county commissioners, for a site that does not meet the animal numbers in the definition of a CAFO provided that: (7-1-24)

a. The county demonstrates that the site is in an environmentally sensitive area or is in close proximity to streams, lakes, or other bodies of surface water; or (7-1-24)

b. The state agencies have personnel and other resources available to conduct the site suitability determination. (7-1-24)

221. -- 239. (RESERVED)

240. CAFO SITE ADVISORY TEAMS

A CAFO site advisory team will make determinations of suitability on all proposed CAFO sites, as defined in Subchapter B, following a written request to the Director by a board of county commissioners. The team leader, designated by the Director, will notify DEQ and IDWR of all requests. (7-1-24)

01. Non-CAFO Sites. CAFO site advisory teams may be formed for a site that does not meet CAFO definitions provided that: (7-1-24)

a. The county demonstrates that the site is in an environmentally sensitive area or is in close proximity to streams, lakes, or other bodies of surface water; or (7-1-24)

b. The state agencies have personnel and other resources available to conduct the site suitability determination. (7-1-24)

241. -- 249. (RESERVED)

250. REVIEW OF REQUEST.

Team members will review requests for the formation of a site advisory team to determine if all required elements of Section 67-6520E(2), Idaho Code, are included, and to schedule the date and time of the onsite visit. (7-1-24)

251. -- 259. (RESERVED)

260. SITE SUITABILITY DETERMINATION.

Within thirty (30) days of receiving a request for the formation of a CAFO site advisory team that includes the required elements of Section 67-6520E(2), Idaho Code, the team will develop and submit to the county a site suitability determination that contains: (7-1-24)

01. Risk Category. A determination of an environmental risk category: high, moderate; low; or insufficient information to make a determination; (7-1-24)

02. Description of Factors. A description of the factors that contribute to the environmental risks; (7-1-24)

03. Mitigation. Any possible mitigation of the environmental risks. (7-1-24)

261. -- 303. (RESERVED)

SUBCHAPTER C – AGRICULTURE ODOR MANAGEMENT

304. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter C, Sections 304-409 only: (7-1-24)

01. Idaho NRCS Nutrient Management Standard 590, June 1999. (7-1-24)

02. Best Management Practices listed in the “Idaho Agricultural Pollution Abatement Plan,”
August 2001. (7-1-24)

03. ASAE Standard EP379.2 Sections 5 and 6 in their entirety, November 1997. (7-1-24)

04. NRCS Conservation Practice Standard 317, March 2001. (7-1-24)

305. -- 309. (RESERVED)

310. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of Subchapter C, Sections 304-409: (7-1-24)

01. BAT. The best application of science that is accessible and obtainable to achieve a desired objective. (7-1-24)

02. Compost. A biologically stable material derived from the aerobic decomposition of organic matter. (7-1-24)

03. Land Application. The spreading on, or incorporation into the soil of agricultural by-products including, but not limited to, manure, wastewater, compost, cull potatoes, cull onions, or crop residues. (7-1-24)

04. Large Swine And Poultry Operations. Those swine operations regulated pursuant to IDAPA 58.01.09, “Rules Regulating Swine Facilities,” and those poultry operations regulated pursuant to IDAPA 02.04.32, “Rules Governing Poultry Operations.” (7-1-24)

05. Liquid-Solid Separation. The removal of solid manure from water through mechanical or settling means. (7-1-24)

06. Waste Collection and Conveyance Systems. The areas and systems used in the collection and transfer of manure from the point of generation to the wastewater storage and containment facilities, prior to land application. (7-1-24)

07. Wastewater Treatment. A process by which wastewater is treated through aerobic or anaerobic degradation or other means. (7-1-24)

311. ABBREVIATIONS.

The following abbreviations apply in the interpretation and enforcement of Subchapter C, Sections 304-409: (7-1-24)

01. BAT. Best Available Technology. (7-1-24)

02. BMP. Best Management Practice. (7-1-24)

03. NMP. Nutrient Management Plan. (7-1-24)

04. OMP. Odor Management Plan. (7-1-24)

312. -- 319. (RESERVED)

320. ACCEPTED AGRICULTURAL PRACTICES.

Management practices conducted in accordance with applicable laws, rules and best management practices, in a manner that demonstrates reasonable efforts to minimize odors, are considered accepted agricultural practices for purposes of this rule. (7-1-24)

01. Applicable Rules. The following are applicable rules for the purpose of Section 320: (7-1-24)

a. IDAPA 02.04.14, “Rules Governing Dairy Byproduct.” (7-1-24)

b. IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." (7-1-24)

c. IDAPA 02.06.17, "Rules Concerning Disposal of Cull Onion and Potatoes." (7-1-24)

02. Excess Odors. An agricultural operation using an accepted agricultural practice that generates odors in excess of levels normally associated with such practice, as determined by the Department on a site specific basis, shall develop and submit an odor management plan to the Director in accordance with Section 360. (7-1-24)

321. -- 329. (RESERVED)

330. APPLICABILITY.

Subchapter C applies to all agricultural operations, except: (7-1-24)

01. Beef Cattle. Beef cattle animal feeding operations regulated pursuant to IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." (7-1-24)

02. Swine and Poultry. Large swine operations regulated pursuant to IDAPA 58.01.09, "Rules Regulating Swine Facilities," and large poultry operations regulated pursuant to IDAPA 02.04.32, "Rules Governing Poultry Operations." (7-1-24)

331. -- 359. (RESERVED)

360. ODOR MANAGEMENT PLANS.

OMPs are designed to work in conjunction with any required NMP and must be submitted in writing for approval by the Director. (7-1-24)

01. OMP Development. Within sixty (60) days of receiving a NOV for a first time violation, the owner or operator of the agriculture operation shall submit an OMP to the Director for approval. (7-1-24)

02. Interim Measures. The Department will work with first time violators to identify interim measures that can be implemented in a timely manner to begin the process of reducing odors while the OMP is being developed. (7-1-24)

03. Department Approval. OMPs submitted to the Department from operators committing a first-time violation will be approved, rejected, or requested to provide additional information. (7-1-24)

04. Review of OMP. The Department will review OMPs no less than annually for three (3) years after the Director approves the OMP. If the Department determines an approved OMP has not reduced odors to a level associated with accepted agricultural practices after a reasonable period of time, as determined by the Department, the Department will review the OMP with the owner or operator of the agricultural operation and adjust the OMP to meet the goals of the Agriculture Odor Management Act. (7-1-24)

361. CONTENTS OF AN ODOR MANAGEMENT PLAN.

Contents of an OMP for an agricultural operation shall include all relevant information as required by the Department. (7-1-24)

01. Scaled Vicinity Map. A map that shall include all residences, public use areas, roads, general topography of the area, and other pertinent agricultural operations within a two (2) mile radius of the facility. (7-1-24)

02. Manure Management System. A detailed description of the present manure handling systems including timing, frequency, duration, volumes, dimensions, and flow rates where applicable for the following: (7-1-24)

a. Manure cleaning systems. (7-1-24)

- 362. -- 409. (RESERVED)**

410. DEFINITIONS.
The following definitions apply: (7-1-24)

01. Agricultural Operation. Facilities that generate or receive and stockpile livestock waste and that are not regulated under IDAPA 02.04.14, “Rules Governing Dairy Byproduct,” or IDAPA 02.04.15, “Rules Governing Beef Cattle Animal Feeding Operations.” (7-1-24)

02. Duration. The length of time livestock waste is stockpiled. (7-1-24)

03. Dwelling. The structure where a person lives. (7-1-24)

04. Livestock. Bovidae, suidae, equidae, captive cervidae, camelidae, ratitidae, gallinaceous birds, and captive waterfowl. (7-1-24)

05. Livestock Waste. Manure that may also contain bedding, spilled feed, feathers, water, process water, feed leachate, soil, or livestock carcasses or parts thereof. (7-1-24)

06. Process Water. Water directly or indirectly used or produced in dairy animal rearing or milk production. (7-1-24)

07. Public Highway. All highways open to public use in the state, whether maintained by the state or by any county, highway district, city, or other political subdivision. (7-1-24)

08. Responsible Party. A person who generates or receives and stockpiles agricultural waste on property the person owns, leases, or otherwise has permission to use as a stockpile site. (7-1-24)

09. Stockpile Staging Site. A physical area where stockpiling occurs for a duration of no longer than thirty (30) days. (7-1-24)

10. Stockpile Site. A physical location where livestock waste is stockpiled for a duration of more than thirty (30) days and that stockpiles more than fifty (50) cubic yards of livestock waste. (7-1-24)

11. Stockpiling. The accumulation of livestock waste on an agricultural operation. (7-1-24)

411. -- 419. (RESERVED)

420. SETBACKS FOR STOCKPILE SITES.

Stockpile sites at agricultural operations must meet the following setback requirements. (7-1-24)

01. Setback Distances. Stockpile sites shall maintain the following setbacks: (7-1-24)

a. Three hundred (300) feet from a non-responsible party’s dwelling. (7-1-24)

b. Five hundred (500) feet from a hospital, church, or school. (7-1-24)

c. One hundred (100) feet from a domestic or irrigation well. (7-1-24)

d. One hundred (100) feet from surface waters of the State. (7-1-24)

e. Fifty (50) feet from a public highway. (7-1-24)

02. Responsible Party’s Dwellings. Stockpile sites do not have setbacks from dwellings owned by the responsible party. (7-1-24)

03. Stockpile Staging Sites. Stockpile staging sites are not subject to the setbacks set forth in Subchapter D. (7-1-24)

421. -- 999. (RESERVED)