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## **NEW MANURE PLAN AND MANURE APPLICATOR CERTIFICATION REQUIREMENTS**

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The 1998 Iowa Legislature passed a new law, House File 2494 that clarifies portions of Iowa's existing manure law, HF 519, which was passed in 1995. Besides clarifying some pending issues from HF 519, HF 2494 also added some new provisions. Two changes that will have a significant impact on many livestock producers are new manure management plan provisions, and requirements for certification of manure applicators.

### **New Provisions**

The new law, like most, included many new provisions. A brief summary listing some of them follows:

- A modification of manure plan requirements and changes in who must submit them
- A certification requirement for manure applicators
- Increases in some of the existing separation distances for animal structures
- Separation distances for broadcast liquid manure were established
- An increase in the indemnity fund
- A clarification of who will be the regulating authority, the state or counties
- A requirement for Iowa Department of Natural Resources (IDNR) to inspect non-formed storage structures annually
- Two different classes of water resources were defined, and separations distances from each were established
- Setbacks from public right-of-ways were established
- Cemeteries were defined as public use areas

Most of the provisions of HF 2494 either took effect immediately, or will take effect on January 1, 1999. This paper will discuss the first two bullets above; changes in the manure management plan (MMP) regulations, and manure application certification requirements.

### **Manure Management Plans**

The basic information required in a manure plan was spelled out in HF 519. The information required, and the planning procedure remains essentially unchanged. Information required to be submitted to IDNR as part of a plan includes:

- Owner of the feeding operation
- The contact person. This person often is different from the owner.
- A plat map and aerial photos of the feeding operation, and of the land to be used for manure spreading. These maps should clearly show sensitive areas not eligible to receive manure such as drainage ditches or streams, and appropriate separation distances from them.
- The storage method (formed or earthen pit, or lagoon)
- Annual manure production in tons or gallons
- Nutrient analysis tests of the manure is recommended but not required. If tests are not available, state estimates can be used.
- A statement about methods, structures or practices used to control soil erosion and potential surface water pollution.
- Soil test information on the land receiving the manure is recommended, but not mandatory.
- Method of application (broadcast, broadcast and incorporate, soil injection, or irrigation)

- Manure application history of the land
- Crop yield information justifying the proven yield used to determine nutrient application rates
- Crop schedule
- Net acres of land needed for spreading manure, using a nitrogen based plan
- Net acres of land available for spreading manure
- Signed manure application agreements for land not owned or rented for crop production by the livestock producer
- A statement certifying that the manure will be applied in accordance with the plan

Based on 519, IDNR has previously defined two classes of MMP's: full plans, and abbreviated plans. Full plans had to be submitted for IDNR approval before producers could receive construction permits. Abbreviated plans had to be filed with IDNR (not approved by them...only filed) by producers with swine operations using formed storage, with animal capacities from 200,000 to 625,000 lbs. bodyweight, built after September 22, 1995. Bovine operations and operations using dry manure systems were exempt from the MMP requirement unless they needed a construction permit. Abbreviated plans did not include a soil erosion control statement, or signed manure application agreements. HF 2494 changed that.

Starting January 1, 1999, all plans submitted to IDNR must be full plans, and IDNR must approve them. **Producers with confinement systems, other than Small Animal Feeding Operations (SAFO's), that were built or expanded after May 31, 1985 will now have to have IDNR approved plans.** SAFO's are defined as swine, poultry, or sheep units with less than 200,000 lbs. of bodyweight, or bovine units with less than 400,000 lbs. bodyweight one-time capacity. The previous MMP exemptions for bovine, and for dry manure systems, no longer apply. Owners of facilities in other states must get MMP's approved prior to applying manure in Iowa. This provision does two things: it reaches back to 1985 to producers who didn't need plans before, and it requires approval for all plans, rather than just the ones submitted as part of construction permit applications.

### Timing

Manure cannot be applied before a MMP is approved. Previously plans had to be filed 60 days ahead of manure application. IDNR has 60 days after receiving a completed application to act on it. The word "completed" is important because if an application is not complete, IDNR can return it for clarification and/or revision, delaying the start of the 60-day clock. If IDNR doesn't act on the plan within the allotted 60 days, the plan is automatically approved.

Plans for each operation must be submitted to IDNR and approved only once. After initial approval, the producer is responsible to keep the plan up to date, recording any necessary changes due to weather, landlord changes, etc. The plan must be kept in the producer's file to be available for IDNR inspection upon demand.

### Manure Plans

No changes were made to the actual nutrient planning process. Manure applications should still be based on the nitrogen needs of the upcoming crop. Although soil tests for phosphorus and potassium are not required, they are encouraged. Other nitrogen sources such as legume and commercial nitrogen must be accounted for in calculating manure nitrogen application rates. Proven yields used to estimate the nutrients needed must be justified either by individual yield records or agency estimates.

In summary, HF2494 changes MMP requirements three ways. First, it requires more producers to submit plans. Second, it requires IDNR to approval all plans, not just the ones accompanying construction permit applications. And third, it requires all plans to include a soil erosion statement and signed manure application agreements if applicable. While it affects the plan submission and approval procedures, the basic nutrient planning process remains unchanged.

### **Manure Applicator Certification**

Another very significant change made by HF2494 is a certification requirement for manure applicators. The certification requirement applies to operators of larger facilities and commercial applicators.

**Operators of SAFO's are exempt from the certification requirement.** The law established two categories of manure applicators that must be certified; commercial manure applicators and manure site applicators. Both groups are required to be certified by Mar 1, 1999, but have slightly different requirements to obtain and maintain their certification.

Commercial Applicators are applicators who apply manure for others for pay. After passing a certification test initially, commercial applicators must either receive three hours of continuing education, or pass a test annually.

Manure Site Applicators are producers, managers, or workers who operate livestock production facilities, and land-apply the manure produced at that facility. The manure can be either liquid or dry. If a producer has the manure from his/her operation land-applied by a commercial applicator, he/she is not required to be certified. Like the commercial applicators, site applicators must pass a test initially. After the initial certification, site applicators must receive two hours of continuing education annually, or pass a test once every three years.