



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
ROGER L. LANDE, DIRECTOR

July 5, 2011

Mr. Joe Danner
13409 Walnut Avenue
Glidden, IA 51443

SUBJECT: Confinement Building Closure Requirements
Joe Danner Swine Confinement (ID No. 62368), Carroll County

Dear Mr. Danner:

Per our telephone conversation on June 27, 2011, it is the department's understanding that you are considering closing a confinement building(s) at the facility referenced above. You stated that an old confinement building had sustained major wind damage. The purpose of this letter is to advise you of DNR regulations that would apply to your project.

MANURE REMOVAL

Prior to the demolition of a confinement feeding structure, all manure must be removed from the containment structures. Subrule 567 IAC 65.2(8) states that all (**both** liquid and solid) manure shall be removed from the discontinued animal feeding operation and its manure control facilities no later than six months after the use of the operation is discontinued.

During our conversation, you stated that the pits had been pumped; however, due to a water leak, the pits had filled up again. You must remove the liquid from the pits prior to demolition. It is likely that there are manure solids that have settled in the pits. It is highly recommended that an agitator be used to break up any remaining manure solids during manure application.

It is also highly recommended that you contact this office following the removal of all manure from the pits. You may contact Dan Olson, Alison Manz or myself at 712-243-1934.

BUILDING DEMOLITION

One of the primary regulatory concerns with the demolition of the building(s) is the removal and appropriate handling of any asbestos that might be present. There are two asbestos regulations of which you should be aware. They are OSHA and NESHAP.

OSHA would allow an owner to inspect and remove asbestos himself. However the removal can **not** be done by employees unless they are trained. Contact John Haan of the Iowa division of Labor at (515-281-6768) if you have questions regarding the OSHA regulation.

NESHAP allows anyone to do a "thorough" asbestos inspection. However if you do the inspection

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yourself and miss something, you have not inspected "thoroughly" and are subject to enforcement action, including monetary penalties. Hence, the department strenuously recommends that a trained inspector be used.

NESHAP has two criteria that must be met to be a regulated project. It must be a facility as defined in 40CFR 61.141. (Your confinement is.) The project must involve at least 160 square feet of regulated asbestos-containing material (RACM) or at least 260 linear feet of RACM. The amount of asbestos and if it is RACM is determined by the thorough inspection. If the project meets these criteria, it is a regulated project and requires that a supervisor who is trained as required in 40CFR61.145(c)(8) be present. If the project does not meet the requirements of a facility and the amount of RACM, it would not be regulated by NESHAP and any owner could remove the material.

A complete Notice of Demolition and Renovation form (copy enclosed) must be mailed or hand-delivered to the Air Quality Bureau of the Iowa DNR at least 10 working days before any demolition or asbestos removal work begins. **Do not fax the Notice of Demolition and Renovation Form.** The Notice of Demolition and Renovation form and any questions regarding asbestos requirements should be directed to:

Tom Wuehr
7900 Hickman Rd., Suite 1
Urbandale, IA 50322
515-281-7212
tom.wuehr@dnr.iowa.gov

A list of licensed asbestos inspectors and contractors is available online at <http://www1.iwd.state.ia.us/LaborServices/LabrAsbs.nsf/>. A less inclusive list (enclosed) is available at http://www.environmentalnetwork.com/asbestos/IA/ia_asbestos_index.asp.

Following the removal of any asbestos-containing material, the building(s) may be demolished. The remaining material can be recycled, taken to a sanitary landfill or, buried on-site. If the structure is to be buried on-site, **all asbestos-containing materials must be removed first** and the requirements found in Paragraph 567 IAC 100.4(2)"a" (copy enclosed) must be observed. If the structure is to be burned, **all asbestos-containing materials must be removed first** and the requirements found in Paragraph 567 IAC 23.2(3)"i" (copy enclosed) must be observed.

APPLICABLE REGULATIONS

Subrule 567 IAC 65.2(3) states that, "*The minimum level of manure control for a confinement feeding operation shall be the retention of all manure produced in the confinement enclosures between periods of manure application. In no case shall manure from a confinement feeding operation be discharged directly into a water of the state or into a tile line that discharges to waters of the state.*"

Paragraph 567 IAC 65.2(3)"b" states, in part, that, "*Manure shall be removed from the control facilities as necessary to prevent overflow or discharge of manure from the facilities. Manure stored in unformed manure storage structures or earthen waste slurry storage basins shall be removed from the structures as necessary to maintain a minimum of two feet of freeboard in the structure, unless a greater level of freeboard is required to maintain the structural integrity of the structure or prevent manure overflow.*"

Subrule 567 IAC 65.2(8) requires that, "As soon as practical but not later than six months after the use of an animal feeding operation is discontinued, all manure shall be removed from the discontinued animal feeding operation and its manure control facilities and be land-applied." The observations noted above indicate a violation of this Subrule.

Subrule 567 IAC 65.2 (9) requires that a release, as defined in Rule 567 IAC 65.1(455B), be reported to the department as soon as possible but not later than 6 hours after onset or discovery. The observations noted above indicate a violation of this Subrule.

"Release" is defined in Rule 567 IAC 65.1(455B) as "an actual, imminent or probable discharge of manure from an animal feeding operation structure to surface water, groundwater, drainage tile line or intake, or to a designated area resulting from storing, handling, transporting or land-applying manure."

All administrative rules cited above can be viewed at <http://www.legis.state.ia.us/IAC.html>.

Relevant sections of the Iowa Code can be viewed at <http://www.legis.state.ia.us/IowaLaw.html>.

I would sincerely appreciate an update on the progress of the closure or any changes in your plans.

If you have any other questions please contact me at 712-243-1934 (ext. 32) or at Ryan.Young@dnr.iowa.gov.

Sincerely,



Ryan Young
Environmental Specialist
Field Services and Compliance Bureau

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Encl. Manure application recordkeeping form
Separation Distances for Land Application of Manure; DNR 113: Rev. 1/2003
567 IAC 65.3(455B) Requirements and recommended practices for land application
List of Iowa asbestos professionals
Notice of Demolition and Renovation form
567 IAC 100.4(2), Solid Waste Rules
567 IAC 23.2, Open Burning Rules

xc: Gene Tinker, Animal Feeding Operation Section, IDNR, Des Moines, IA (email)
Tom Wuehr, Air Quality Bureau, IDNR, Urbandale, IA (email)
Facility File