

What to Do Now That You've Gotten a Construction Permit Application

Earlier this year your county adopted a “construction evaluation resolution” allowing the county to participate in the master matrix process regarding construction permit applications for animal confinement facilities.

According to the DNR, the following applicant has recently applied to the DNR for a construction permit for construction or expansion of an animal confinement facility in your county:

If an applicant wants a construction permit, the applicant is required to deliver, either in person or by certified mail, a copy of the permit application to your county. When the applicant delivers the application, you need to act immediately. Do not delay. Failure to act will result in the county losing the right to review any further applications until next February. This just happened to one county.

Here are the 12 steps that your county needs to take, in order:

1)Documentation: Time and date stamp the application. The County Verification Form is part of the application that the producer must submit. Send a copy of the County Verification Form to:

Reza Khosravi
Department of Natural Resources
Wallace Building
502 E. Ninth Street
Des Moines, IA 50319
Phone: 515 242 6128
Fax: 515 281 8895
reza.khosravi@dnr.state.ia.us

2)Timeline: Confirm with Reza Khosravi at the DNR (e-mail: reza.khosravi@dnr.state.ia.us; phone: 515 242-6128) what date the DNR received the application, and count 30 days from that date – this is the date

the county's recommendation has to be received by the DNR (not mailed by the county). Make sure everyone involved is aware of this date!

3)Begin the Review: Immediately get a copy of application to the individual that will be spearheading the county's review process;

4)Public Inspection: Put a copy of the application on file for public inspection; there is no requirement that it be kept in any particular office;

5)Public Notice: Prepare a notice stating that the county has received the application, and run it in at least one general circulation newspaper in the county – this must be published within 14 days of the county getting the application; the notice must include all of the following:

- (a) The name of the person applying to receive the construction permit.
- (b) The name of the township where the confinement feeding operation structure is to be constructed.
- (c) Each type of confinement feeding operation structure proposed to be constructed.
- (d) The animal unit capacity of the confinement feeding operation if the construction permit were to be approved.
- (e) The time when and the place where the application may be examined as provided in Iowa Code section 22.2 (the Public Records Law).
- (f) Procedures for providing public comments to the board as provided by the board.

Here is an example:

“Confinement Feeding Operation Construction

The Cherokee County Board of Supervisors have on file an application for the construction of an animal feeding operation in Cherokee County, more specifically described as follows:

- a)Name: DFB Farms, Inc.
- b)Location: Cherokee County, Iowa, N.E. Grand Meadow Township, section 27, T90, R42
- c)Building Description: 2 buildings, each building will be 324' x 51' with concrete deep pit beneath each building

- d)Capacity: Finish (market) hogs, average weight 150 lbs., number of head: 3840, proposed animal unit capacity: 1,536 animal units
- e)Examination: Application is on file in the Cherokee County Auditor's office and is available for public inspection during the normal working hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.
- f)Comments: Written comments may be filed at the Cherokee County Auditor's office addressed to the Cherokee County Board of Supervisors until 4:30 p.m. on Monday, January 27, 2003. Comments will be forwarded to the Iowa Department of Natural Resources.

For further details, contact: Cherokee County Auditor, 520 West Main Street, Drawer H, Cherokee, IA 51012-1700, 712- 225-6704.”

Send the DNR proof of publication to verify that the county provided the public notice as required. This must be done within 30 days of receipt of the construction permit application. Send it to the DNR's Reza Khosravi at the address listed above.

If the board receives any public comments, as a result of the public notice, the board may forward those comments to the DNR along with the recommendation. The DNR will consider and must answer all comments submitted by the board.

6)Public Hearing: (optional) The county can, if it chooses, schedule a date/time/location for a public hearing on the application; hold the hearing;

7)Site Inspection: Confirm with your DNR field officer when the site inspection of the facility will occur, and send a county representative on the inspection. Your DNR field officer can be found using this list: <http://www.iowacounties.org/Matrix%20Information/Master%20Matrix%20Contacts.doc>; Note: although DNR plans on having these site inspections take place within the county's 30-day time period, the 30-day period continues to run regardless of when the site inspection actually occurs;

8)Apply the Matrix: The county will have to score the application using the matrix. In other words, the county will have to independently decide if the applicant deserves all of the points he has awarded himself in a given matrix category.

The DNR has an interactive form of the matrix on their website (<http://www.state.ia.us/epd/wastewtr/feedlot/mminter.htm>). Use this to fill out the county's scores, then print out the streamlined copy. This form is then submitted to the DNR along with the county's recommendation;

9)Additional Information: If needed, contact the applicant with any questions or additional documentation requests;

10)County Recommendation: Prepare a detailed written recommendation regarding the application, with as much documentation as possible. Simply submitting a matrix score is not legally sufficient; Iowa Code section 459.304 (3)(d) says that the board of supervisors “shall include the specific reasons and any supporting documentation for the decision to recommend approval or disapproval of the application.”

11)Board Agenda: Put the recommendation on the board of supervisors' agenda; have the board take action on the recommendation;

12)Report to DNR: Send the adopted recommendation and all supporting documentation referred to Paragraph 10 to the DNR's Reza Khosravi at the address listed above. It must be received by the DNR (not just postmarked) within the 30-day time limit. The board of supervisors must also include with their recommendation: 1)a copy of the master matrix analysis calculations and scoring for the application; and 2)notification that the board of supervisors has approved the design operation and maintenance plan for each item of the master matrix that requires such a plan if points were awarded.

If you have any questions about this process, you can call Gene Tinker at the DNR (515) 281-3103, or call David Vestal at ISAC (515-244-7181).