

Commercial Manure Applicator Certification

Legal Background

House File 2494, passed in the spring of 1998, requires manure applicators in Iowa to be certified.

House File 644, passed in 2003, requires businesses to hold licenses as commercial manure services. The manager and employees of the business must also be certified as commercial manure service representatives. Commercial applicators who handle waste from septic systems or private waste facilities need an additional license to meet the requirements of Iowa Code.

All commercial licenses and certificates expire annually on March 1.

Who is Affected

Commercial manure services (CMS or business):

A commercial manure service is a sole proprietor or business association engaged in the business of transporting, handling, storing or applying manure for a fee.

Commercial manure service representative

(CMSR or representative): A commercial manure service representative is a manager, employee, agent or contractor of a commercial manure service, if the person is engaged in transporting, handling, storing or applying manure on behalf of the service. A **manager** is a person actively involved in and makes management decisions in the operation of a commercial manure service. A manager is also a representative.

Commercial manure services and their representatives must be certified regardless of the source of the manure (open feedlot¹ or confinement feeding operation²) and the size of the operation.

New employees of a commercial manure service who are not yet certified can apply manure for the first 30 days after they are hired if they are directly supervised by a certified commercial manure service representative. The supervisor must be physically



present at the application site and be in sight or hearing communication with the new employee at all times. After 30 days, new employees must be certified.

Exemptions: The following people are exempt from commercial certification, but must still be certified as confinement site manure applicators:

- someone actively engaged in farming and trades work with another active farmer,
- someone employed by an active farmer and applies manure only as an incidental part of the job,
- someone who applies manure as an incidental part of a custom farming operation, or
- someone who applies manure as an incidental part of their job duties.

Becoming Certified

CMS Business License: To be licensed, a **commercial manure service** or business must:

- Include the \$200 business license fee and the \$25 education fee for the manager (if applicable) with the DNR business form 542-4022 for the commercial manure service.
- Name the manager on the DNR form 542-4022.

1. **Open feedlot** means an unroofed or partially roofed animal feeding operation in which no crop, vegetation, or forage growth or residue cover is maintained during the period that animals are confined in the operation.

2. **Confinement feeding operation** means an animal feeding operation in which animals are confined to areas which are totally roofed.

Becoming Certified (continued)

- Include the DNR training form 542-4010 for the service manager (the certification fee for the manager is included in the \$200 paid by the business).
- Include the fees that the business is paying for any representatives. (Paying the certification fee for a representative entitles the CMS to substitute in a new hire for that representative if he or she is terminated during the March 1 to end of February season.)
- If the company is paying certification or education fees for representatives, attach copies of the DNR training form 542-4010 for each representative involved.
- If representatives are paying fees, attach a separate list to the CMS form 542-4022 naming each self-paid representative who will be associated with the business during the 2004 season. Include the full name and social security number (or driver's license number) of each representative paying his or her own fees.
- Notify the DNR in writing within 30 days after any representative or manager is terminated or when a new representative is hired.

Individual Certification: To become certified or to renew a certificate, a **commercial manure service representative** (including the manager) must:

- Pass an exam or attend a three-hour certification training course every year.
- Submit proof of training (or passing a test) on the DNR training form 542-4010 postmarked by March 1 of each year. (New hires who have not previously been certified can become certified at any time of the year, but certification will expire on the last day of February.)
- Be associated with a commercial manure service as a representative of the business named on DNR form 542-4010.
- Representatives or the business must pay the \$75 certification fee for each CMS representative associated with the business (except the manager).

- Representatives or business must pay the \$25 educational fee by March 1, 2004 (with some exceptions - see page 3), and
- If business pays certification and/or educational fees, a copy of DNR form 542-4010 must be sent to the DNR by the business with the fees.

Substitution of Representatives

Licensing each commercial manure service means that each CMS or business will have a unique certification number. If the company pays the \$75 certification fee for a representative and that representative is terminated, the business can substitute in a new CMS representative under the vacant certification number without paying an additional certification fee.

Businesses must inform the DNR in writing within 30 days of terminating or hiring a CMS representative.

The newly hired representative must complete the required training or testing. The \$25 educational fee must be paid by the representative or the business. New representatives must be supervised for the first 30 days.

If the CMS representative pays the \$75 certification fee, then the representative will not have to pay a second \$75 certification if he or she changes companies during the certification year. However, the representative's certification number will be voided at the previous business. A new certificate number will be assigned indicating the association with the new business. Once the education requirement has been met and the \$25 fee paid, the representative will not have to pay an education fee during the same manure application year.

Certification Training Courses

Iowa State University Extension offers certification courses throughout the state. Commercial manure service representatives are required by law to take a three-hour training course (or pass a test) annually. Representatives should plan to attend a satellite

downlink course offered at most local Extension offices on January 6, 2004.

Those who cannot attend the satellite training can make appointments at local Extension offices to take the training by watching a video. For more information about training opportunities, contact your local Extension office for an appointment. General information regarding the Manure applicator certification program can be found at <http://extension.agron.iastate.edu/immag/mac.html>.

Testing

The DNR administers certification tests for commercial manure service representatives. The tests have 50 multiple choice and true-false questions. Those who want to take the test should bring a photo identification card. Contact a DNR field office (listed below) for test times and locations or to make an appointment. Anyone who fails the test may retake it on a different day or attend a training course to qualify for certification.

Passing the test:

To pass the test, you should understand:

- the effects of manure on water quality,
- manure application requirements of the law including separation distances,
- the relative concentration of nutrients in different types of storage structures,
- how to determine if a manure management plan is reasonable and accurate (e.g., know general application rates from different types of storage),

For More Information

DNR Field Office 1, Manchester	563-927-2640
DNR Field Office 2, Mason City	641-424-4073
DNR Field Office 3, Spencer	712-262-4177
DNR Field Office 4, Atlantic	712-243-1934
DNR Field Office 5, Des Moines	515-725-0268
DNR Field Office 6, Washington	319-653-2135

24-hour spill hotline 515-281-8694

Check animal feeding operations on the DNR website at www.iowadnr.com

Questions about your certificate or the certification process?
Call 515-281-5918.

- what records must be kept, and
- what to do if a manure release occurs.

Training Manual and Test Preparation

CMS representatives may want to read the “Manure Applicator Certification Study Guide” when studying for the test. The guides are available at <http://www.extension.iastate.edu/pubs/pm1778/homepage/html>.

Guides may also be ordered from ISU Extension Publications at (515) 294-5247. Ask for Publication Pm-1778. The cost is \$20.

Fees, Exceptions and Due Dates

The CMS or business certification fee is \$200 and is due on March 1, 2004.

The CMS representative’s certification fee is \$75 (except for managers, whose fee is included in the business fee). This fee is also due on March 1, 2004.

The CMS representative’s education fee is \$25, including managers. The education fee is due on March 1, 2004.

Exceptions: Representatives, including managers, who paid the \$200 fee for commercial manure applicator certification from Jan. 1 to May 29, 2003, do not have to pay an educational fee in 2004.

Late Fees and Manure Application

Renewal applications that are postmarked after March 1 will be charged a late fee of \$12.50 per applicator, unless the representative is a first-time applicant. After March 1 of each year commercial manure service representatives cannot apply manure until training or testing requirements have been met, the DNR commercial manure service training form 542-4010 has been received and all applicable fees (certification fee, educational fee and late fee) have been paid to the DNR.

Duplicate Certificates

A \$15 fee will be charged for issuing a duplicate certificate. Send requests to the DNR License

Bureau, Wallace State Office Building, 502 East Ninth St., Des Moines, IA 50319.

Requirements for Manure Applicators

All CMS representatives must comply with requirements for land application, including following the minimum separation distances. They must also follow the manure management plan (if a plan is required). They must report any manure releases to a DNR field office within six hours, or call the 24-hour spill hotline and the sheriff's office on weekends and after normal business hours.

Recordkeeping requirements: CMS representatives must maintain the following records for three years:

- a copy of the animal feeding operation owner's instructions for manure application,
- dates that manure was applied or sold,
- the manure application rate, and
- location of fields (1/4 section, section, township, range) where manure was applied.

Equipment requirements: Check the current requirements for equipment requirements under Chapter 65.19. Chapter 65 of the Iowa Administrative Code can be found on the web at <http://www.legis.state.ia.us/>. Look for Chapter 65 under the Environmental Protection Commission.

Applicator equipment requirements:

- do not use manure tanks and equipment to haul hazardous or toxic wastes,
- do not use tanks or equipment in a way that would contaminate drinking water, or endanger the food chain or public health,
- maintain watertight connections on all pumps and associated piping,
- prevent direct connections between a drinking water source and the tank or equipment,
- display the certification numbers of the CMS in three-inch (3") or larger letters and numbers on the side of the tank or vehicle, and
- prominently display the name and address of the CMS manager on the side of the tank or vehicle.

Disciplinary Actions

Certified CMS representatives and confinement site applicators can lose their certification or be put on probation if they:

- violate state law or rules,
- fail to maintain the required application records or reports, or
- knowingly make false statements, representations or certification to the DNR.

An applicator whose certification is revoked cannot apply dry or liquid manure to the land. The applicator may reapply for certification after two years and will have to pass an examination. Failure to become certified or applying manure without a certificate can result in an administrative order, a civil penalty or a court action.

CAUTION: This document is only a summary of administrative rules contained in 567 IAC chapters 65; it is a guidance document and should not be used as replacement for the administrative rules. While every effort has been made to assure the accuracy of this information, the administrative rules will prevail in the event of a conflict between this document and the administrative rules.