

FIRST REGULAR SESSION

SENATE BILL NO. 570

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2415S.01I

AN ACT

To repeal section 640.703, RSMo, and to enact in lieu thereof two new sections relating to concentrated animal feeding operations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 640.703, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 640.703 and 640.712, to read as
3 follows:

640.703. For the purposes of sections 640.700 to 640.755, the following
2 terms mean:

3 (1) "Animal units", shall be defined by rules of the department in effect
4 as of January 30, 1996;

5 (2) "Animal waste wet handling facility", includes all gravity outfall lines,
6 recycle pump stations, recycle force mains and appurtenances;

7 (3) "Class IA", any concentrated animal feeding operation with a capacity
8 of seven thousand animal units or more;

9 (4) "Class IB", any concentrated animal feeding operation with a capacity
10 between three thousand animal units and six thousand nine hundred and
11 ninety-nine animal units inclusive;

12 (5) "Class IC", any concentrated animal feeding operation with a capacity
13 between one thousand animal units and two thousand nine hundred and
14 ninety-nine animal units inclusive;

15 (6) "Class II", any concentrated animal feeding operation with a capacity
16 of at least three hundred animal units, but less than one thousand animal units;

17 (7) "Department", the department of natural resources;

18 (8) "Facility", any class IA concentrated animal feeding operation which
19 uses a flush system;

20 (9) "Flush system", a system of moving or removing manure utilizing
21 liquid as the primary agent as opposed to a primarily mechanical or automatic
22 device;

23 (10) "Sensitive areas", areas in the watershed located within five miles
24 upstream of any stream or river drinking water intake structure, other than those
25 intake structures on the Missouri and Mississippi rivers;

26 (11) "Voluntarily regulated facility", any animal feeding
27 operation or concentrated animal feeding operation with a capacity of
28 less than one thousand animal units which voluntarily applies with the
29 department to be regulated and which is not otherwise required by law
30 to have a class II permit due to the facility's discharge of pollutants
31 into waters of the state.

640.712. 1. The department shall promulgate rules regulating the
2 establishment, permitting, design, construction, operation, and
3 management of voluntarily regulated facilities.

4 2. No facility which is eligible to become a voluntarily regulated
5 facility shall be required to obtain a construction or operating permit.
6 At such time that an eligible facility applies with the department to
7 become a voluntarily regulated facility, the department shall have the
8 authority and jurisdiction to regulate the permitting, design,
9 construction, operation, and management of such facility.

10 3. Such rules and regulations shall be designed to afford a
11 prudent degree of environmental protection while accommodating
12 modern agricultural practices.

13 4. Any permit issued to a facility smaller than class I prior to the
14 effective date of this section shall remain in full force and effect until
15 its expiration or is otherwise disciplined or revoked by the department
16 consistent with this chapter. Such permit shall be considered a permit
17 issued to a voluntarily regulated facility under this section.

18 5. The terms and conditions of an expired permit issued under
19 this section are continued automatically and remain fully effective and
20 enforceable pending issuance of a new permit if:

21 (1) The permittee has submitted a timely and sufficient
22 application for a new permit under this section; and

23 (2) The department is unable, through no fault of the permittee,
24 to issue a new permit before the expiration date of the previous permit.

25 6. Any permit issued under this section may not be terminated

26 by the permittee until such time the permit expires, the ownership of
27 the facility changes, or with leave of the department.

28 7. The provisions of this section shall not be construed to cause
29 an otherwise eligible voluntarily regulated facility to become ineligible
30 for state revolving loan funds.

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