

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 391, Page 1, Section title, Lines 3-4,

2 of the title, by striking "county health ordinances" and
3 inserting in lieu thereof the following: "agricultural
4 operations"; and

5 Further amend said bill, Page 2, Section 192.300, Line 27 of
6 said page, by inserting after all of said line the following:

7 "640.715. 1. Notwithstanding any other provision of law to
8 the contrary, prior to filing an application to acquire [an
9 operating permit for a new or expanded facility] a construction
10 permit from the department, the owner or operator of any class
11 IA, class IB, or class IC concentrated animal feeding operation
12 shall provide, in addition to all information required by the
13 department in such an application, the following information to
14 the department, to the county governing body and to all adjoining
15 property owners of property located within one and one-half times
16 the buffer distance as specified in subsection 2 of section
17 640.710 for the size of the proposed facility:

18 (1) The number of animals anticipated at such facility;

19 (2) The waste handling plan and general layout of the
20 facility;

21 (3) The location and number of acres of such facility;

22 (4) Name, address, telephone number and registered agent
23 for further information as it relates to subdivisions (1) to (3)
24 of this subsection;

1 (5) Notice that the department will accept written comments
2 from the public for a period of thirty days; and

3 (6) The address of the regional or state office of the
4 department.

5
6 The department shall require proof of such notification upon
7 accepting an application for [an operating] a construction permit
8 [for a new or expanded facility]. The department shall accept
9 written comments from the public for thirty days after receipt of
10 application for [such] a construction permit. Additionally,
11 notification that an application for a construction permit has
12 been filed shall be sent by United States mail to all landowners
13 residing within a three mile radius of the proposed facility at
14 least sixty days prior to the end of the comment period.

15 2. The department shall not issue [an operating] a
16 construction permit to a facility described in subsection 1 of
17 this section to engage in any activity regulated by the
18 department unless the applicant is in compliance with sections
19 640.700 to 640.755.

20 3. The department shall either issue [an operating] or deny
21 a construction permit or respond with a letter of comment to the
22 owner or operator of such facility within forty-five days of
23 receiving a completed permit application and verification of
24 compliance with subsection 1 of this section.

25 4. Upon issuance of the construction permit, the owner or
26 operator of any class IA, class IB, or class IC concentrated
27 animal feeding operation may commence construction of the
28 facility. Upon completion of construction, the department shall
29 inspect the facility to ensure compliance with the construction

1 permit and applicable laws and rules. Upon department approval
2 of such construction, the owner or operator may apply for an
3 operating permit. The procedures set forth in subsections 1 and
4 2 of this section shall be the same procedures followed when
5 applying for an operating permit for a new or expanded facility.

6 5. The department shall either issue or deny an operating
7 permit or respond with a letter of comment to the owner or
8 operator of such facility within forty-five days of receiving a
9 completed permit application and verification of compliance with
10 subsection 1 of this section."; and

11 Further amend the title and enacting clause accordingly.