

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0447-08
Bill No.: HCS for SB 187
Subject: Agriculture and Animals; Environmental Protection
Type: Original
Date: April 25, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services** and **Department of Agriculture** assume no fiscal impact to their agency.

Officials from the **Department of Natural Resources (DNR)** assumes any county, township, or other form of local government to impose regulations or local controls on the establishment, permitting, design, construction, operation, and management of any class I or II concentrated animal feeding operation if they prepare a regulatory impact report.

Only new facilities, new lagoons or increases in the housing capacity at existing facilities would need to give notice of construction permit application to the county government, Department of Natural Resources, and adjoining property owners.

The department may not designate an animal feeding operation as a concentrated animal feeding operation if it is determined to be a significant contributor of pollutants to the waters of the state although the department retains its authority to promulgate rules regulating the establishment, permitting, design construction, operation and management of concentrated animal feeding operations in accordance with the Missouri clean water law, sections 644.066 to 644.141, RSMo.

ASSUMPTION (continued)

The proposed legislation allows any county, township, or other form of local government to impose regulations or local controls on the establishment, permitting, design, construction, operation, and management of any class I or II concentrated animal feeding operation. Those regulations or local controls may not more be stricter than what is in the state statute unless a regulatory impact report is prepared.

Agricultural Stormwater Discharge

Excludes agricultural stormwater discharges and return flows from irrigated agriculture from the definition of point source, and water contaminant source.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Yes, Class IB and IC would not have to notify the department, county government and all adjoining property owners within specified distances prior to filing an application to acquire a construction permit on any new operation, new lagoon, or for an increase of the capacity to house or grow animals at existing operations.

DESCRIPTION

This act pertains to concentrated animal feeding operations (CAFO).

SECTION 640.703 - Modifies Chapters 640 and 644, RSMo, by providing new definitions and expanding existing ones dealing with confined animal feeding operations (CAFO).

SECTION 640.710 - Authorizes the Clean Water Commission to regulate and promulgate rules

DESCRIPTION (continued)

for the establishment, permitting, design, construction, operation and management of any Class I CAFO. This act provides the Department of Natural Resources with the opportunity to designate an AFO as a CAFO upon determining that it is a significant contributor of water pollutants to waters of the state. This act lays out considerations that shall be noted by the Department when making such a designation. If local governments wish to impose more restrictive controls regarding AFO's, they shall seek and receive a recommendation from their respective soil and water conservation district board. No such designation shall be made without an on-site inspection of the operation by the Department. Regulatory or local controls concerning the establishment, permitting, design, construction, operation, and management of a CAFO shall be consistent with and no more restrictive than those provided in Sections 640.703 to 640.758 RSMo, unless such controls are recommended and approved by the board of the respective local soil and water conservation district and are based on empirical peer-reviewed scientific and economic data. Such recommendation must be received within one hundred eighty days.

SECTION 640.715 - Modifies the application process required by the department for construction of new facilities, new lagoon, or for an increase of the capacity to house or grow animals at an existing facility. Changes have also been made to the "proof of notification" requirement with regards to public notice and comment.

SECTION 640.725 - Directs any owner or operator of a class IA facility that utilizes a flush system to employ one or more persons who shall visually inspect gravity outfall lines, recycle pump stations, and recycle force mains appurtenant to its animal manure lagoons for discharges and the structural integrity of any lagoon whose water level is below the emergency spillway.

SECTION 640.730 - Directs any class IA facility that has an unauthorized discharge to report within, twenty-four hours, to the department and all adjoining property owners of the facility onto whose property the unauthorized discharge flowed within one stream mile.

SECTION 640.745 - Directs owners and operators of class IA CAFO's to pay a fee to the department, the calculation of such a fee is laid out in the act. The fees collected shall be deposited in the CAFO Indemnity Fund; monies utilized by the fund administrators for lagoon closure activities are also detailed in the act.

SECTION 640.750 - Directs the department to conduct quarterly inspections of each class IA CAFO that utilizes a flush system.

SECTION 644.016 - Expands definition of "discharge" in Section 644.016, RSMo, by excluding instances of accidental or unintentional release of water contaminants, those accidental or

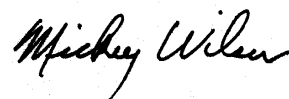
DESCRIPTION (continued)

unintentional releases to waters of the state where the water contaminants are entirely confined upon lands controlled by a single person, or by two or more persons jointly, or remediated to the extent that does not exceed any of the standards, regulations, or limitations set forth. This act also expands the definitions of "point source" and "water contaminant source" by excluding agricultural storm water discharges and return flows from irrigated agriculture.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Department of Natural Resources
Department of Health



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Director
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