

FIRST REGULAR SESSION

HOUSE BILL NO. 1192

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MUNZLINGER.

Read 1st time March 28, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2603L.01I

AN ACT

To repeal section 640.703, RSMo, and to enact in lieu thereof two new sections relating to agricultural 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Section A. Section 640.703, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 640.703 and 640.712, to read as follows:

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

- 2 (1) "Animal units", shall be defined by rules of the department in effect as of January 30,
3 1996;
- 4 (2) "Animal waste wet handling facility", includes all gravity outfall lines, recycle pump
5 stations, recycle force mains and appurtenances;
- 6 (3) "Class IA", any concentrated animal feeding operation with a capacity of seven
7 thousand animal units or more;
- 8 (4) "Class IB", any concentrated animal feeding operation with a capacity between three
9 thousand animal units and six thousand nine hundred and ninety-nine animal units inclusive;
- 10 (5) "Class IC", any concentrated animal feeding operation with a capacity between one
11 thousand animal units and two thousand nine hundred and ninety-nine animal units inclusive;
- 12 (6) "Class II", any concentrated animal feeding operation with a capacity of at least three
13 hundred animal units, but less than one thousand animal units;
- 14 (7) "Department", the department of natural resources;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

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

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

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

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

22 6. Any permit issued under this section shall not be terminated by the permittee
23 until such time that the permit expires, the ownership of the facility changes, or with leave
24 of the department.

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

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