

SENATE AMENDMENT NO. 5

Offered by Nash of StL

Amend SS / Senate Bill No. 391, Page 1, Section Title, Lines 2-3

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

4 Further amend said bill, page 2, section 192.300, line 35³⁷,
5 by inserting immediately after said line the following:

6 "640.745. 1. The owner or operator of each class IA
7 concentrated animal feeding operation utilizing flush systems
8 shall remit to the department of natural resources a fee of ten
9 cents per animal unit permitted to be deposited in the fund. The
10 fee is due and payable to the department on the first anniversary
11 of issuance of each owner or operator permit to operate such a
12 facility and for nine years thereafter on the same date. The
13 department of natural resources shall provide forms which such
14 owner or operator shall use to file and pay this fee.

15 2. The fund shall be administered by the department for the
16 purpose of carrying out the provisions of sections 640.700 to
17 640.755, relating to closure of class IA, class IB, class IC and
18 class II concentrated animal feeding operation wastewater
19 lagoons.

20 3. The fund administrators may only expend moneys for
21 animal waste lagoon closure activities on real property which:

22 (1) Has been placed in the control of the state, a county,
23 or municipal government, or an agency thereof, through donation,

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1 purchase, tax delinquency, foreclosure, default or settlement,
2 including conveyance by deed in lieu of foreclosure, and pose a
3 threat to human health, the environment, or a threat to
4 groundwater; and

5 (2) The state, county, or municipal government, or an
6 agency thereof, has made reasonable and prudent efforts to
7 remediate the property or sell said property to a qualifying
8 purchaser.

9 4. The fund administrators shall expend no more than one
10 hundred thousand dollars per lagoon for animal waste lagoon
11 closure activities. The fund administrators shall only expend
12 those moneys necessary to achieve a minimum level of closure and
13 still protect human health and the environment. Closure
14 activities shall include lagoon dewatering and removal of animal
15 waste sludge, if any, both of which shall be land applied at a
16 nutrient management application rate based on the most limiting
17 nutrient as determined by Missouri clean water commission
18 regulation. After dewatering, lagoons which are located in a
19 drainage basin and are capable of meeting all applicable pond
20 requirements of the Natural Resources Conservation Service (NRCS)
21 with minimal additional expense should be maintained as a pond.
22 Otherwise, the lagoon berms should be breached and graded in such
23 a manner to reasonably conform to the surrounding land
24 contours."; and

25 Further amend the title and enacting clause accordingly.
26