SENATE AMENDMENT NO. ___

Offered by ____________________________ of ____________________________

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

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

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

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

  (1) The number of animals anticipated at such facility;
  (2) The waste handling plan and general layout of the facility;
  (3) The location and number of acres of such facility;
  (4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;
(5) Notice that the department will accept written comments from the public for a period of thirty days; and

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

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

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

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

4. Upon issuance of the construction permit, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation may commence construction of the facility. Upon completion of construction, the department shall inspect the facility to ensure compliance with the construction
permit and applicable laws and rules. Upon department approval of such construction, the owner or operator may apply for an operating permit. The procedures set forth in subsections 1 and 2 of this section shall be the same procedures followed when applying for an operating permit for a new or expanded facility.

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

Further amend the title and enacting clause accordingly.