SENATE AMENDMENT NO. 5

Offered by • • of •

Amend □ Senate Bill No. 391, Page 1, Section □ Title □, Lines □.

2 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, by inserting immediately after said line the following:

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

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

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

(1) Has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation,
purchase, tax delinquency, foreclosure, default or settlement,
including conveyance by deed in lieu of foreclosure, and pose a
threat to human health, the environment, or a threat to
groundwater; and

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

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

Further amend the title and enacting clause accordingly.