



Jeff Grim

Bill Analysis

Legislative Service Commission

S.B. 42

127th General Assembly
(As Introduced)

Sens. Carey, Gardner, Austria, Schaffer, Buehrer

BILL SUMMARY

- Applies requirements governing the construction and maintenance of county and township infrastructure to proposals for the establishment or increase in design capacity of any concentrated animal feeding facilities (CAFFs) rather than only proposals involving major CAFFs.

CONTENT AND OPERATION

The Concentrated Animal Feeding Facilities Law defines "animal feeding facility" as a lot, building, or structure where both of the following conditions are met: (1) agricultural animals have been, are, or will be stabled or confined and fed or maintained there for a total of 45 days or more in any 12-month period, and (2) crops, vegetative forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot, building, or structure. "Animal feeding facility" also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from agricultural animals in the lot, building, or structure or a production area is or may be applied. Two or more animal feeding facilities under common ownership are considered to be a single animal feeding facility if they adjoin each other or if they use a common area or system for the disposal of manure. (Sec. 903.01(B), not in the bill.)

That Law also defines "concentrated animal feeding facility" as an animal feeding facility with a total design capacity equal to or more than the number of animals specified in any of the categories included in the definition of "large concentrated animal feeding operation." Those categories are: (1) 700 mature dairy cattle whether milked or dry, (2) 1,000 veal calves, (3) 1,000 cattle other than mature dairy cattle or veal calves, (4) 2,500 swine that each weigh 55 pounds or more, (5) 10,000 swine that each weigh less than 55 pounds, (6) 500 horses, (7) 10,000 sheep or lambs, (8) 55,000 turkeys, (9) 30,000 laying hens or broilers if the animal feeding facility uses a liquid manure handling system, (10) 125,000

chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system, (11) 82,000 laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system, (12) 30,000 ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system, and (13) 5,000 ducks if the animal feeding facility uses a liquid manure handling system (sec. 903.01(E) and (M), not in the bill).

Finally, under that Law, "major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the above categories of animals (sec. 903.01(N), not in the bill).

Under current law, a person who proposes to do any of the following must provide written notification providing specified information to the board of county commissioners of the county, and the board of township trustees of the township, in which a proposed new or expanded major concentrated animal feeding facility is or is to be located:

(1) Establish a new major concentrated animal feeding facility (CAFF);

(2) Increase the design capacity of an existing major CAFF by 10% or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under the Concentrated Animal Feeding Facilities Law or the Water Pollution Control Law; or

(3) Increase the design capacity of an existing CAFF by 10% or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under the Concentrated Animal Feeding Facilities Law or the Water Pollution Control Law, as applicable, and to a design capacity of more than ten times the number of animals specified in any of the categories specified above. (Secs. 307.204(B) and 505.266(B).)

Following receipt of the notification, the board of county commissioners or board of township trustees, as applicable, may request the county engineer to review the notification and advise the board on improvements, defined as the construction, modification, or both of county or township infrastructure, and maintenance of improvements that are reasonably needed to accommodate the facility's anticipated impact on that infrastructure and the projected costs of the improvements and maintenance. The applicable board then may submit recommendations to the person concerning needed improvements and their cost. The person must agree with the recommendations or submit alternative

recommendations or modifications. The board must select final recommendations, and the person then must construct, modify, and maintain or finance the construction, modification, and maintenance of the improvements that are identified in the board's final recommendations. Current law uses the definitions discussed above from the Concentrated Animal Feeding Facilities Law for the purposes of the above provisions regarding county and township infrastructure. (Secs. 307.204 and 505.266.)

The bill applies the provisions governing construction and maintenance of county and township infrastructure to proposals for the establishment or increase in design capacity of any CAFFs rather than just major CAFFs as in current law (secs. 307.204 and 505.266). It correspondingly removes item (3), above, from the list of proposed activities for which notification is required (secs. 307.204(B) and 505.266(B)).

HISTORY

ACTION	DATE
Introduced	02-20-07

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