

PROPOSED AMENDMENT

HB 1361 # 3

DIGEST

Definitions. Amends various definitions and an applicability provision.

1 Page 2, between lines 14 and 15, begin a new paragraph and insert:

2 **"Sec. 4.5. "Animal feeding operation" or "AFO" means a lot or**
3 **facility, other than an aquatic animal production facility, where all**
4 **of the following conditions are met:**

5 **(1) Animals, other than aquatic animals, have been, are, or**
6 **will be stabled or confined and fed or maintained for a total**
7 **of forty-five (45) days or more in any twelve (12) month**
8 **period.**

9 **(2) Crops, vegetation, forage growth, or post-harvest residues**
10 **are not sustained in the normal growing season over at least**
11 **fifty percent (50%) of the lot or facility."**

12 Page 3, delete lines 31 through 33, begin a new paragraph and
13 insert:

14 **"Sec. 15. "Commercial fertilizer" means mixed fertilizer or**
15 **fertilizer materials. The term does not include nonprocessed**
16 **manure, marl, lime, wood ashes, biosolids, industrial waste**
17 **products, pollutant-bearing water, or plaster."**

18 Page 5, delete lines 13 through 17, begin a new paragraph and
19 insert:

20 **"Sec. 28. (a) "Fertilizer material" means any substance**
21 **containing nitrogen, phosphate, potash, or any recognized plant**
22 **nutrient that:**

23 **(1) is used for the plant nutrient content; and**
24 **(2) has nutrient value in promoting plant growth.**

25 **The term includes unmanipulated manure.**

26 **(b) The term does not include biosolids, industrial waste**
27 **products, pollutant-bearing water, or plaster."**

1 Page 8, delete lines 13 through 17, begin a new paragraph and
2 insert:

3 **"Sec. 52. "Organic fertilizer" means any fertilizer material**
4 **derived from plant products, animal products, or manures that**
5 **contain one (1) or more nutrients (other than carbon, hydrogen, or**
6 **oxygen) that are essential for plant growth. The term does not**
7 **include biosolids, industrial waste products, pollutant-bearing**
8 **water, or urea."**

9 Page 9, between lines 8 and 9, begin a new paragraph and insert:
10 **"Sec. 59.5. (a) "Production area" means the part of an AFO that**
11 **includes the following:**

12 **(1) An animal confinement area.**
13 **(2) A manure storage area.**
14 **(3) A raw materials storage area.**
15 **(4) A waste containment area.**
16 **(5) An egg washing or egg processing facility.**
17 **(6) An area used in the:**
18 **(A) storage;**
19 **(B) handling;**
20 **(C) treatment; or**
21 **(D) disposal;**
22 **of mortalities.**

23 **(b) For purposes of subsection (a), an animal confinement area**
24 **includes the following:**

25 **(1) An open lot.**
26 **(2) A housed lot.**
27 **(3) A feedlot.**
28 **(4) A confinement house.**
29 **(5) A stall barn.**
30 **(6) Free stall barns.**
31 **(7) A milkroom.**
32 **(8) A milking center.**
33 **(9) Cow yards.**
34 **(10) Barnyards.**
35 **(11) A medication pen.**
36 **(12) A walker.**
37 **(13) An animal walkway.**
38 **(14) A stable.**

39 **(c) For purposes of subsection (a), a manure storage area**
40 **includes the following:**

- 1 **(1) A lagoon.**
- 2 **(2) A runoff pond.**
- 3 **(3) A storage shed.**
- 4 **(4) A stockpile.**
- 5 **(5) An under-house or pit storage.**
- 6 **(6) A liquid impoundment.**
- 7 **(7) A static pile.**
- 8 **(8) A composting pile.**

9 **(d) For purposes of subsection (a), a raw materials storage area**
10 **includes the following:**

- 11 **(1) A feed silo.**
- 12 **(2) A silage bunker.**
- 13 **(3) Bedding materials.**

14 **(e) For purposes of subsection (a), a waste containment area**
15 **includes the following:**

- 16 **(1) A settling basin.**
- 17 **(2) An area within berms and diversions that separates**
18 **uncontaminated storm water.".**

19 Page 9, delete lines 39 through 41, begin a new paragraph and
20 insert:

21 **"Sec. 69. "Staging" means the placement of fertilizer material**
22 **gathered in a pile to be used for field application within one**
23 **hundred and twenty (120) days.".**

24 Page 31, line 26, after "biosolids" insert **", industrial waste**
25 **products, and pollutant-bearing water".**

(Reference is to HB 1361 as introduced.)