

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."**

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

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

Page 9, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 59.5. (a) "Production area" means the part of an AFO that includes the following:

- (1) An animal confinement area.**
- (2) A manure storage area.**
- (3) A raw materials storage area.**
- (4) A waste containment area.**
- (5) An egg washing or egg processing facility.**
- (6) An area used in the:**
 - (A) storage;**
 - (B) handling;**
 - (C) treatment; or**
 - (D) disposal;****of mortalities.**

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

- (1) An open lot.**
- (2) A housed lot.**
- (3) A feedlot.**
- (4) A confinement house.**
- (5) A stall barn.**
- (6) Free stall barns.**
- (7) A milkroom.**
- (8) A milking center.**
- (9) Cow yards.**
- (10) Barnyards.**
- (11) A medication pen.**
- (12) A walker.**
- (13) An animal walkway.**
- (14) A stable.**

(c) For purposes of subsection (a), a manure storage area 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.)