

Confined Animal Feeding Facility Regulation; Sub. for HB 2207

Sub. for HB 2207 amends provisions of the law dealing with the regulation of confined animal feeding facilities (CAFOs) by the Kansas Department of Health and Environment (KDHE).

Specifically, the bill continues the requirement that any CAFO with an animal unit capacity of 300 or more must register with the Secretary of Health and Environment (Secretary) and pay a fee of \$25. The bill requires the receipt of the registration to be acknowledged and published by the Secretary. The registration will be required to indicate the prescribed tract of land where the proposed construction will occur and that the separation distances for the CAFO comply with the requirements listed in the bill. The bill requires KDHE to identify any significant water pollution potential or separation distance violations within 30 days of receiving the registration.

If a CAFO with an animal unit capacity of 300 or more, but less than 1,000, poses no identified water pollution potential, the bill requires the Secretary to certify that no permit is required. If no permit is required, the bill requires the Secretary to certify that the separation distances comply with separation distance requirements. If the separation distances do not comply, the Secretary could reduce the separation distance requirements pursuant to existing law (written agreement with owners of habitable structures within the separation distance, upon request by the board of county commissioners, if there are no substantial objections, or if existing technology meets or exceeds the effect of the required separation distance) and certify the reduction or report to the registrant the conditions necessary to receive certification.

If a CAFO requires a permit, the bill requires an application for a permit to be submitted no later than 18 months after the date the registration is received or the registration would expire. The bill permits the registrant to petition the Secretary to extend the application period by an additional 18 months if the Secretary believes the extension is reasonable.

Further, the bill requires the Secretary to notify the registrant within 30 days of the receipt of the application if the application is complete or incomplete and, if incomplete, the notification must include the reasons why it is incomplete. The bill provides that if the application period expires, then no further registrations pertaining to the same location will be accepted by KDHE for a period of no less than 180 days.