

Cooper County CAFO Health Regulation

REGULATION # 5

A REGULATION ESTABLISHING HEALTH REGULATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS; PROVIDING DEFINITIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, § 192.300, RSMo, states that a County Commission and a County Health Center Board may make and promulgate Regulations that will enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county; and

WHEREAS, §192.300 RSMo, states that any person, firm corporation or association which violates any of the orders the county health board has full power and authority to initiate the referral for legal action.

WHEREAS, the adoption and enforcement of said standards is hereby found to be necessary to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Cooper County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE COOPER COUNTY HEALTH CENTER OF COOPER COUNTY, MISSOURI AS FOLLOWS: See definitions listed below; all other definitions will be found in Missouri Department of Natural Resources Statutes Manure Storage Design Regulations 10 CSR 20-8.300 and The Concentrated Animal Feeding Operations 10 CSR 20-6.300 and will including any future revisions to 10-CSR 20-8.300 & 10 CSR 20-6.300.

1. DEFINITIONS

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular. For the purposes of this Regulation, the following words, terms and phrases shall have the following meanings unless otherwise indicated:

1.1 LAND APPLICATION AREA. All real property where the application occurs of Process Waste Water and Dry Process Waste generated by a CLASS 1 CAFO, regardless of whether the Land Application Area is under the control of the owner or any third party.

1.2 OCCUPIED RESIDENCE: Any residential dwelling (including part-time or recreational) which has been in use routinely during the twelve (12) month period immediately prior to the date upon which a permit is issued by the Department of Natural Resources.

1.3 OWNER: Anyone who owns, either individually and/or with any other persons, any of the following interests in the real property upon which a CLASS 1 CAFO is situated:

- Fee simple title,

- A leasehold interest,
- Any interest in an entity which holds fee simple title; or
- Any interest in any entity which has a leasehold interest.

1.4 **PERSON:** Includes natural persons and includes any corporation, partnership, limited liability company, association, and any other business or charitable entity, including a natural person who has a supervisory authority over the operation of a CLASS 1 CAFO, whether or not such person is an owner of the CLASS 1 CAFO, and any natural person who applies Dry Process Waste and Process Waste Water originating from the CLASS 1 CAFO.

1.5 **PUBLIC USE AREA:** A building or area open to and used routinely by the public for public purposes.

1.6 **RELATED PARTY:** A party (individual or group) who is a related individual in some way to the initial party. A related party could include a family member or relative, or a legal entity where the related party has an interest.

2. REQUIREMENTS FOR CLASS 1 CAFOS

2.1 The Cooper County Public Health Center requires all CLASS 1 CAFOs to follow Missouri Department of Natural Resources Statutes Manure Storage Design Regulations 10 CSR 20-8.300 and The Concentrated Animal Feeding Operations 10 CSR 20-6.300 and the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard and will include any future revisions to 10-CSR 20-8.300 & 10 CSR 20-6.300 and the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard.

2.2 It shall be a violation of this Regulation and unlawful for any person to apply Dry Process Waste or Process Waste Water received from a CLASS I CAFO operation in a manner inconsistent with the requirements of a nutrient management plan and this Regulation. Nutrient Management plans (10 CSR 20-6.300) are required of all persons applying Dry Waste and Process Waste Water from a CLASS I CAFO. This requirement includes EXPORT only application of waste and permits approved in Cooper County by DNR.

2.3 Process Waste Water shall be knifed/injected in the soil. Process Waste Water and Dry Process Waste shall not be applied within one-hundred (100) feet of an occupied residence or public use area which existed prior to the date the CLASS 1 CAFO becomes fully operational. This Regulation shall not apply to occupied residences owned by the CLASS 1 CAFO.

3. VIOLATION OF REGULATION

Cooper County Public Health Center reserves the right to report application violations to the Missouri Department of Natural Resources. Any person violating this Regulation shall receive written notice of the violation. The person receiving the violation notice must submit a remediation plan within 30 days of the date the letter was written. If remediation of violation does not occur the Cooper County Public Health Center reserves the right to refer the violator to the prosecuting attorney or seek legal action.

4. APPLICATION OF REGULATION

Any CLASS 1 CAFO that holds a valid DNR operating permit and is fully operational at the time of the enactment of this Regulation is exempt from the terms and conditions in this Regulation; Transfer of ownership between related parties does not negate exemption.

5. SEVERABILITY

The chapters, sections, paragraphs, sentences, clauses, and phrases of this Regulation are severable, and if any phrase, clause, sentence, paragraph, or section of this Regulation shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of competent jurisdictions, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Regulation since the same would have been enacted by the Board of Trustees of the Cooper County Health Center without the incorporation in this Regulation of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

6. REPEAL OF REGULATIONS NOT TO AFFECT LIABILITIES, ETC.

Whenever any part of this Regulation shall be repealed or modified, either expressly or by implication, by a subsequent Regulation, that part of the Regulation thus repealed or modified shall continue in force until the subsequent Regulation repealing or modifying the Regulation shall go into effect unless therein otherwise expressly provided; but any suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this Regulation previous to its repeal shall not be affected, released, or discharged but may be prosecuted, enjoined, and recovered as fully as if this Regulation or provisions had continued in force, unless it shall be therein otherwise expressly provided.

7. EFFECTIVE DATE

This Regulation shall be in full force and effect from and after its passage by the Board of Trustees of Cooper County Health Center, except as provided above.

PASSED AND APPROVED ON THIS 24th DAY OF AUGUST 2018

/s/ Patty Dick

Patty Dick

/s/ John Ward

John Ward

/s/ Cyndi Waller

Cyndi Waller

/s/ Susan Felten

Susan Felten

/s/ Janet Harris

Janet Harris