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MEMORANDUM

To: House Committee on Agriculture
From: Kyle Hamilton, Assistant Revisor of Statutes
Date: March 6, 2018
Subject: Bill Brief on Sub. for SB 405

SB 405 would amend definitions in K.S.A. 65-1171d related to the NPDES permit program administered by KDHE for confined animal feeding operations.

On page 2, line 11, the word “building” would be added to the definition of “confined feeding facility”.

Starting in line 27, the term “animal unit” would be amended to include the number of laying hens or broilers, if the facility has a dry manure system, multiplied by 0.003. In current law, units of measurements are already in place for chicken facilities that use continuous overflow watering or that have a liquid manure system. Those provisions can be found on page 2 lines 24 through 27. The unit of measurement calculations are tied to the provisions of the statute, starting in subsection (g), on page 4, concerning facilities being registered or obtaining a permit. Page 4, line 5, states that a confined feeding facility with an animal unit capacity of 300 or more shall register with KDHE. If a facility has 100,000 laying hens or broilers (300 divided by .003), it would need to get registered and be subject to certain separation distance requirements.

According to the existing provision starting in line 19 of page 4, a facility with an animal unit capacity of 1,000 (or 333,333 chickens) must obtain a permit. Also, a facility with less than 1,000 but more than 300 animal units would have to obtain a permit if a significant water pollution potential is identified.

Additionally, starting in line 31 of page 2, new language would be added to require that a chicken facility using a dry manure system shall obtain a permit if 125,000 or more broilers, or

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82,000 or more laying hens, are confined. This language is completely separate from the new language above in lines 27 and 28, which uses calculated units of measurement. The new language in lines 31 through 33 would instead use a simple animal count to determine whether a permit is required.

SB 405 would become effective upon publication in the statute book.