

IN THE SENATE

SENATE BILL NO. 1346, As Amended

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO BEEF CATTLE ANIMAL FEEDING OPERATIONS; AMENDING SECTION 22-4902, IDAHO CODE, TO PROVIDE THAT THE IDAHO DEPARTMENT OF AGRICULTURE SHALL HAVE AUTHORITY TO ADMINISTER WATER QUALITY LAWS IN REGARD TO CERTAIN BEEF CATTLE ANIMAL FEEDING OPERATIONS; AND AMENDING SECTION 22-4909A, IDAHO CODE, TO PROVIDE THAT THE IDAHO DEPARTMENT OF AGRICULTURE SHALL HAVE AUTHORITY TO ADMINISTER WATER QUALITY LAWS IN REGARD TO CERTAIN BEEF CATTLE ANIMAL FEEDING OPERATIONS AND TO PROVIDE THAT THE NUTRIENT MANAGEMENT PLAN AND CERTAIN INFORMATION GENERATED AS A RESULT OF THE PLAN SHALL BE CONFIDENTIAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-4902, Idaho Code, be, and the same is hereby amended to read as follows:

22-4902. DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT. (1) The legislature recognizes the importance of protecting state natural resources including, surface water and ground water. It is the intent of the legislature to protect the quality of these natural resources while maintaining an ecologically sound, economically viable, and socially responsible beef cattle industry in the state. The beef cattle industry produces manure and process wastewater which, when properly used, supplies valuable nutrients and organic matter to soils and is protective of the environment, but may, when improperly stored and managed, create adverse impacts on natural resources, including waters of the state. This chapter is intended to ensure that manure and process wastewater associated with beef cattle operations are handled in a manner which protects the natural resources of the state.

(2) Further, the legislature recognizes that the beef cattle industry is potentially subject to various state and federal laws designed to protect state natural resources and that the Idaho department of agriculture is in the best position to administer and implement these various laws. It is therefore the intent of the legislature that the administration of this law by the department of agriculture fully meets the goals and requirements of the federal clean water act and state laws designed to further protect state waters and that administration of this chapter by the department of agriculture shall not be more stringent than or broader in scope than the requirements of the clean water act and applicable state and federal laws. The department shall have authority to administer all laws to protect the quality of water within the confines of a beef cattle animal feeding operation that is not under permit issued by the federal environmental protection agency. In carrying out this chapter the department shall prioritize its resources on operations which have the greatest potential to significantly impact the environment and ensure that any requirements imposed under this chapter upon

1 operators of beef cattle animal feeding operations are cost-effective and
2 economically, environmentally and technologically feasible.

3 (3) Successful implementation of this chapter is dependent upon the
4 department receiving adequate funding from the legislature and is dependent
5 upon the department executing a memorandum of agreement with the United
6 States environmental protection agency, the department of environmental
7 quality and the Idaho cattle association which sets forth a working ar-
8 rangement between the agencies to ensure compliance with this chapter and
9 applicable state and federal laws, including the federal clean water act.
10 Moreover, the legislature recognizes that it is important for the state to
11 obtain a delegated national pollutant discharge elimination system (NPDES)
12 permit program from the EPA under the clean water act.

13 SECTION 2. That Section 22-4909A, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 22-4909A. EFFECT OF FEDERAL ENVIRONMENTAL PROTECTION AGENCY ENFORCE-
16 MENT ACTION. The Idaho department of agriculture shall have authority to
17 administer all laws to protect the quality of water within the confines of
18 a beef cattle animal feeding operation that is not under permit issued by
19 the federal environmental protection agency. In addition, the nutrient
20 management plan, and all information generated by the beef cattle feeding
21 operation as a result of such plan, shall be deemed to be trade secrets,
22 production records or other proprietary information, shall be kept con-
23 fidential and shall be exempt from disclosure pursuant to section 9-340D,
24 Idaho Code. In any case in which the United States environmental protection
25 agency initiates an enforcement action regarding an alleged noncompliance
26 at a beef cattle animal feeding operation, any pending administrative or
27 civil enforcement action initiated by the director regarding the same al-
28 leged noncompliance shall be deemed void. If a compliance order addressing
29 the alleged noncompliance has already been issued by the director, that
30 order shall remain in full force and effect.