

Missouri Department of Natural Resources
Regulatory Impact Report
In Preparation for Proposing
An Amendment to 10 CSR 20-6.300

Division/Program: Division of Environmental Quality / Water Protection Program

Rule number: 10 CSR 20-6.300 **Rule title:** Concentrated Animal Feeding Operations

Type of rule action: Amendment to Existing Rule

Nature of the rulemaking: Administrative

Approval of the Completed Regulatory Impact Report

John Macias
Program Director

10/8/15
Date

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Applicability: Pursuant to Section 640.015 RSMo, “all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources...shall... be based on the regulatory impact report....” This requirement shall not apply to emergency rulemakings pursuant to section 536.025 or to rules of other applicable federal agencies adopted by the Department “without variance.”

Determination: The Missouri Department of Natural Resources has determined this rulemaking prescribes environmental conditions or standards and verifies that this rulemaking is not a simple unvarying adoption of rules from federal agencies. Accordingly, the Department has produced this regulatory impact report which will be made publicly available for comment for a period of at least 60 days. Upon completion of the comment period, official responses will be developed and made available on the department’s web page prior to filing the proposed rulemaking with the Secretary of State. Contact information is at the end of this regulatory impact report.

1. Describe the environmental conditions or standards being prescribed.

This rulemaking does not prescribe any new requirements. Language is added in many locations for clarification or to make the rule consistent with existing state and federal requirements.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.

No peer-reviewed scientific data was necessary to commence this rulemaking. This rulemaking was commenced to remove inconsistencies between the rule and Missouri’s Revised Statutes.

3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

This rule governs the operating permit requirements at permitted Concentrated Animal Feeding Operations (CAFOs). Permitted CAFOs will have reduced administrative costs due to removal of the construction permit requirement and associated fee. Department revenues are decreased by the loss of the permit fee, however, there is a corresponding decrease in work effort expended on construction permitting.

4. A description of the environmental and economic costs and benefits of the proposed rule.

There are no environmental costs or benefits associated with this rule revision. All conditions of the proposed rule are consistent with current applicable regulations; no new

regulations are being created. Permitted CAFOs will have an economic benefit due to removal of the construction permit requirement and associated fee.

5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

There are no new agency costs associated with the rule revision. The department no longer collects construction permit fees, nor does it complete the work associated with those fees.

6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

There are no costs associated with inaction. No new requirements are associated with this rule revision. Any additions to the rule are for clarification or to make the rule consistent with existing state and federal requirements. The benefit of promulgating this revision is to establish consistency between rules, statute and Department practices. This provides regulatory certainty to the industry and private citizens.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

There are no less costly or intrusive methods for achieving the proposed rule. All of the requirements are already effective in state or federal regulations. This revision is neither costly nor intrusive.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

No alternative methods were considered for revising the rule.

9. An analysis of both short-term and long-term consequences of the proposed rule.

The statutory changes incorporated into this rule may be seen as having short or long-term consequences, however, there are no short or long-term consequences associated with this rule revision. The revision only makes the regulation consistent with existing regulations.

10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

This rule revision does not address risks to human health, public welfare or the environment.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information

No scientific information was used to evaluate the risks associated with this rulemaking. This rule revision only incorporates or clarifies existing rules and requirements.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

No assumptions regarding risks were made during this rule revision, therefore no uncertainties were identified in the analysis. All of the changes in this rule are clarifications of existing requirements, incorporated here for consistency with federal regulation and Missouri Statute. The construction permitting requirement was removed and permittees are still required to construct all facilities in accordance with design guidelines found at 10 CSR 20-8.300. All facilities are subject to inspection to verify compliance with Missouri regulations.

13. A description of any significant countervailing risks that may be caused by the proposed rule.

No countervailing risks were identified during this rule revision.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

The only alternative to making this rule consistent with federal regulations and state statutes is to not revise the rule. Inaction may affect the regulated community and regulators by creating confusion around applicable regulations. Clarification of the rule provides regulatory certainty to the permittees. No comparable human health, public welfare or environmental outcomes exist for comparison because this revision does not create any new requirements.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Greg Caldwell
P.O. Box 176
Jefferson City, MO 65102
greg.caldwell@dnr.mo.gov

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Comments will be posted to the Water Protection Program Rule Development web page.
<http://dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm>