

**MONITEAU COUNTY HEALTH CENTER  
HEALTH REGULATION 2019-8**

WHEREAS, a County Commission and a County Health Center have authority under Article VI of the Missouri Constitution and § 192.300, RSMo to promulgate Regulations as will tend to enhance the public health in the County; and

WHEREAS, § 192.300, RSMo, provides that a County Commission or County Health Center may establish reasonable fees to pay for any costs incurred in carrying out such Regulations and that any such fees generated shall be deposited in the county treasury and shall be used to support the public health activities for which they were generated; and

WHEREAS, the Moniteau County Health Board Center Trustees shall have exclusive control of the expenditures of all money's collected to the credit of the county health center fund. All money's received for the county health center shall be credited to the county health center and deposited in the depository thereof for the sole use of such county health center in accordance with the provisions of §§ 205.010 to 205.150, RSMo; and

WHEREAS, maintaining air quality and water quality are public health concerns over which the Moniteau County Health Center has jurisdiction; and

WHEREAS, no provisions in Chapters 260, 640, 643 or 644, RSMo or any rules promulgated thereunder address, control, or regulate in any way air emissions of hydrogen sulfide, ammonia, and particulate matter from any Class I or II concentrated animal feeding operation; and

WHEREAS, no provisions in Chapters 260, 640, 643 or 644, RSMo or any rules promulgated thereunder address, control, or regulate in any way the location of subsurface manure containment structures at a Class I or II concentrated animal feeding operation in areas with karst topography or soils with classifications of “severe” or “moderate” shrink-swell characteristics; and

WHEREAS, no provisions in Chapters 260, 640, 643 or 644, RSMo or any rules promulgated thereunder address, control, or regulate in any way the location where land application of manure generated at a Class I or II concentrated animal feeding operation may occur in areas with karst topography.

THEREFORE, in order to enhance and protect public health, the Moniteau County Health Center hereby adopts this Health Regulation as follows:

1. Air Quality.

A. Odorous emissions shall not be emitted or caused to be emitted from the property lines of any Class I or II concentrated animal feeding operation, as defined at § 640.703, RSMo, or beyond any of the property lines of any location where wastes generated by a Class I or II concentrated animal feeding operation are applied as fertilizer, in excess of the following performance standards:

- (1) Hydrogen sulfide. Not to exceed 0.07 parts per million (ppm);
- (2) Ammonia. Not to exceed 1.7 parts per million (ppm);
- (3) Particulate Matter (PM2.5). 24-hour average concentration exceeding 35 micrograms per cubic meter (ug/cm<sup>3</sup>); and
- (4) Particulate Matter (PM10). 24-hour average concentration exceeding 150 micrograms per cubic meter (ug/cm<sup>3</sup>).

B. Upon receipt of a complaint made by any person: (1) who is adversely affected by any such odorous emissions listed above, and (2) who leases or owns real property located in the County, an inspection will be conducted to determine whether any odorous emissions are occurring that exceed any of the performance standards listed above.

C. If such inspection finds noncompliance with any of the performance standards listed above, in addition to any other remedies, the person having control over the facility or property where such exceedance occurred, shall pay all reasonable costs incurred in conducting such inspection.

D. Measurements shall be made with a Nasal Ranger as manufactured by St. Croix Sensory, Inc., or by a similar instrument or technique that will give substantially similar results, or by any instrument reasonably capable of measuring the emissions listed in this Regulation, or any other instrument as approved by the Missouri Department of Natural Resources.

2. Water Quality.

A. Subsurface Manure Containment Structures.

(1) A Class I or II concentrated animal feeding operation may not construct or operate any subsurface manure storage structure in the County if:

(a) The U.S. Department of Agriculture, Natural Resources Conservation Service has designated the characteristics of the soils at the location of the structure as “severe” based on the shrink-swell characteristics of such soils, or

(b) The geologic setting at the site, as determined by mapping done by the Missouri Geological Survey, is composed of karst formations.

(2) A Class I or II concentrated animal feeding operation may construct a subsurface manure storage structure at a site where the U.S. Department of Agriculture, Natural Resources Conservation Service has designated the characteristics of the soils at the location of the structure as “moderate” regarding the construction of subsurface structures based on the shrink-swell characteristics of such soils, if:

(a) Plans and specifications concerning the design and construction materials for such subsurface structure and a groundwater monitoring system have been submitted to, reviewed, and approved by the Missouri Geological Survey and by the Moniteau County Health Center; and

(b) The person having control over the proposed facility has paid all reasonable costs incurred in conducting such review.

3. Cooperative Agreements and Contracts. The Moniteau County Health Center may enter into cooperative agreements with other Counties and contracts with responsible vendors for the performance of any technical services required by this Health Regulation.

4. Severability. The provisions of this Health Regulation are severable, and if any phrase, clause, sentence, paragraph, or sections shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of any Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Health Regulation since the same would have been enacted without the incorporation in this Health Regulation of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

5. Repeal of Health Regulation. If any part of this Health Regulation shall be repealed or modified, either expressly or by implication, by a subsequent Health Regulation, that part of the Health Regulation thus repealed or modified shall continue in force until the subsequent Health Regulation repealing or modifying the Health Regulation shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this Health Regulation previous to its repeal shall be affected, released, or discharged but may be prosecuted, enjoined, and recovered as fully as if this

Health Regulation or provisions had continued in force, unless it shall be therein otherwise expressly provided.

6. Effective Date. This Health Regulation shall be in full force and effect from and after its passage. Any operational Class I or II concentrated animal feeding operation having a valid CAFO permit issued by the Missouri Department of Natural Resources as of the effective date of this Health Regulation is exempt from the provisions of the Health Regulation as long as such CAFO permit remains in effect.

7. Appendices. The attached appendices published by the Centers for Disease Control, Agency for Toxic Substances & Disease Registry and the Colorado Department of Public Health & Environment are incorporated herein by reference.

8. Publication. It is hereby directed that copies of this Health Regulation shall be printed and made available for distribution to the public in the office of the county clerk, and a copy of such Health Regulation shall be published in a newspaper of general circulation in Moniteau County for three successive weeks.