

FINAL DRAFT

RULE 3190 CONSERVATION MANAGEMENT PRACTICES PLAN FEE (Adopted May 20, 2004; Re-adopted August 19, 2004; Amended January 17, 2008; Amended April 16, 2015, ~~effective July 1, 2016~~; Amended [*date of adoption*], effective July 1, 2019)

1.0 Purpose

The purpose of this rule is to recover the District's costs for the review and management of Conservation Management Practices (CMP) Applications and Plans required by Rule 4550 (Conservation Management Practices).

2.0 Applicability

This rule applies to each owner/operator of an Agricultural Operation Site subject to Section 5.0 of Rule 4550 (Conservation Management Practices).

3.0 Definitions

3.1 Agricultural Operation Site (AOS): as defined in Rule 4550 (Conservation Management Practices).

3.2 Air Pollution Control Officer (APCO): as defined in Rule 1020 (Definitions).

3.3 Animal Feeding Operation (AFO): as defined in Rule 4550 (Conservation Management Practices).

3.4 Cattle AFO: an AFO that meets the criteria of Standard Industrial Classification (SIC) 021, as defined in the SIC Manual, dated 1987.

3.5 Conservation Management Practice Program Evaluator (CMP Program Evaluator): an entity or agency designated by the APCO for verifying CMP Applications.

3.6 Dairy Cattle AFO: an AFO that meets the criteria of Standard Industrial Classification (SIC) 024, as defined in the SIC Manual, dated 1987.

3.7 NRCS: as defined in Rule 4550 (Conservation Management Practices).

3.8 RCD: the Resource Conservation District.

3.9 Source Operation: as defined in Rule 1020 (Definitions).

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4.0 Exemptions

The provisions of this rule do not apply to any AOS subject to the District's Permit To Operate requirements.

5.0 CMP Application Fees

5.1 Agricultural Operation Sites containing Animal Feeding Operations subject to Rule 4550

The owner/operator of an AFO shall pay the applicable fee in Schedule 1, based on the number of animals, for each Initial CMP Application that is required by Rule 4550.

SCHEDULE 1: INITIAL AFO CMP APPLICATION FEE

Type and Size (number of animals)	Initial CMP Application Fee
A: Dairy Cattle AFO	
799 or less	<u>\$8690</u>
800 to 1,999	<u>\$170178</u>
2,000 or Greater	<u>\$339355</u>
B: Cattle AFO, other than a Dairy	
999 or less	<u>\$8690</u>
1,000 to 4,999	<u>\$170178</u>
5,000 or Greater	<u>\$339355</u>
C: Turkey AFO	
109,999 or less	<u>\$8690</u>
110,000 to 219,999	<u>\$170178</u>
220,000 or Greater	<u>\$339355</u>
D: Laying Hen AFO	
164,999 or less	<u>\$8690</u>
165,000 to 349,999	<u>\$170178</u>
350,000 or Greater	<u>\$339355</u>
E: Chicken AFO, other than a Laying Hen AFO	
249,999 or less	<u>\$8690</u>
250,000 to 349,999	<u>\$170178</u>
350,000 or Greater	<u>\$339355</u>

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5.1.1 The Initial CMP application fee for an AOS, with two or more AFOs covered by a single CMP application, shall be the highest fee in Schedule 1 which, would apply to each individual AFO Initial CMP application.

5.1.2 A separate or additional fee is not required for reviewing the portion of the CMP Application addressing the growing and harvesting of crops at an AOS that contains an AFO subject to Schedule 1.

5.2 Agricultural Operation Site not containing Animal Feeding Operations subject to Rule 4550

The owner/operator of an AOS that does not include an AFO shall pay the applicable fee in Schedule 2.

SCHEDULE 2: INITIAL NON-AFO CMP APPLICATION FEE

Size (in acres)	Initial CMP Application Fee
500 acres or less	<u>\$163171</u>
501 acres to 1,999 acres	<u>\$470492</u>
2,000 acres or greater	<u>\$737771</u>

5.3 Multiple Agricultural Operation Sites not containing Animal Feeding Operations subject to Rule 4550

An owner/operator of multiple AOSs shall pay the applicable fee as shown in Schedule 2. This fee is based on the total size in acres of all the AOSs for which, an Initial CMP Application is required by Rule 4550. The CMP applications for all AOSs shall be submitted to the APCO at the same time.

5.4 CMP Plan Renewal Fee

The owner/operator shall pay a renewal fee of ~~\$136~~143 every two years for each CMP Plan that is required by Rule 4550.

5.5 CMP Modification Fee

No additional fees are required to request a modification of a previously approved CMP Plan.

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6.0 CMP Application Review Discount

Notwithstanding Section 5.0, the Initial CMP Application Fee in Sections 5.1, 5.2, and 5.3 shall be reduced by 50% if all of the following conditions are met:

- 6.1 The CMP Application(s) has been verified in writing by a CMP Program Evaluator prior to submittal to the APCO,
- 6.2 The CMP Program Evaluator's verification contains all supporting information required by the APCO to evaluate the application, and
- 6.3 The application is not subject to late fees.

7.0 Fee Notification

- 7.1 The APCO shall provide the AOS owner/operator with an invoice for the applicable Initial CMP Application fee. Nonpayment of the invoiced fees within 60 days of the original invoice date, may result in the denial of the CMP Application.
- 7.2 The APCO shall provide the AOS owner/operator with an invoice for the first renewal fee upon approval of the initial CMP Application and biennially thereafter. CMP Plan renewal fees are due and payable within 60 days of the invoice date.

8.0 Late Fees

If payment of any charges levied under this rule is not received by the APCO within 60 days of the invoice date, the charges shall be increased in accordance with the schedule provided in Rule 3010, Section 11.0 Late Fees.