

ADAIR COUNTY COMMISSION MINUTES

WEDNESDAY, AUGUST 12, 2015

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Construction and operating permits are required for Class I CAFO animal confinement areas and waste management features. Permits are also required for any Class II CAFO that will discharge through a manure conveyance. Prior to construction, both the construction permit and the land disturbance permit must be obtained. The operating permit must be obtained prior to placing animals in the confinement areas. Proposed permit actions are required to follow the public participation procedures outlined in 10 CSR 20-6.300.

Design and engineering requirements are located in 10 CSR 20- 8.300. Rules are available on the Missouri Secretary of State website at www.sos.mo.gov/adules/csr/current/10CSR10csr.asp. Additional information about CAFOs is available at www.dnr.mo.gov/enr/wpp/cafo/index.html.

No Discharge
In Missouri, CAFOs must be designed, constructed, operated and maintained as "no-discharge" facilities. This means the operation must contain all of the wastewater to be land-applied when conditions are favorable. They are not allowed to treat and release the wastewater to streams and rivers like most communities and industries.

Classification of Animal Feeding Operations
An operation is defined as a CAFO if it falls within the Class I size category and confines, stables, or feeds animals for 45 days or more in a 12 month period and a ground cover of vegetation is not sustained over at least 50 percent of the confinement area. All Class I operations must obtain a permit. Class II operations can voluntarily obtain a permit.

An AF or CAFO's class size is based on the operating level in animal units of an individual animal type at one operating location. After a CAFO becomes a Class I operation, the animal units of all confined animals at the operating location are summed to determine whether the operation is Class IA, IB, or IC. Operations that are smaller than the Class II category are considered unclassified. Class II and smaller operations are not required to have a permit unless the department designates an operation as a CAFO for reasons such as to correct noncompliance, (i.e. unauthorized discharge). Table 1 shows the classifications and animal number thresholds for each. As of July 2012, there were approximately 20 Class IA, 40 Class IB and 420 Class IC CAFOs operating in Missouri. Approximately 35 Class II facilities have permits.

Buffer Distances and Neighbor Notification
There are minimum buffer distances required between the nearest confinement building or waste holding basin and any public building or occupied residence (see Table 2). The distances are determined by the number of animal units that will occupy the operation. The owner or operator is required to give notice to the adjoining property owners located within 1.5 times the listed buffer distance, the county governing body and the Department of Natural Resources when planning construction of a new or expanding an existing Class I CAFO.

Interested parties have at least 30 days in which to submit comments to the department. The 30 days begins either the date the neighbor notification was sent or the date the department receives the permit application, whichever date is later. Comments should be addressed to the Agriculture Unit Chief. The department reviews all comments, however, it can only consider water quality issues within the jurisdiction of the Clean Water Commission. The department will respond in writing to these comments after a permit decision has been made.

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Table 2. Permit Requirements and Buffer Distances

<p>Class I Permits are required for all Class I Concentrated Animal Feeding Operations.</p> <p>Class IA - 3,000 feet buffer distance - Class IA operations must obtain a site specific permit.</p> <p>Class IB - 2,000 feet buffer distance - Class IB operations must obtain a general permit. *</p> <p>Class IC - 1,000 feet buffer distance - Class IC operations must obtain a general permit. *</p> <p>Class II and Unclassified - Buffer distance is not required.</p> <p><small>*Site-specific permit may be required on case-by-case basis.</small></p>
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Odors from CAFOs
Many factors affect the level of odors coming from a CAFO including size, animal type, waste storage type, prevailing winds, topography as well as other operational and environmental factors. In addition, Class IA CAFOs are required to prepare and implement an odor control plan as described by the Air Pollution Control Program under its odor emission regulations. The odor control plan requires a detailed analysis of a Class IA CAFOs odor sources and a corresponding plan to reduce odor emissions. All other sizes of CAFOs are exempt from these regulations.

Air Pollution Control Program odor emission regulations require facilities to restrict their odor emissions such that they cannot be perceived above a defined level after it leaves the facilities property. Failure to comply with the odor standard can result in a violation and penalty. The odor emission level for Missouri is defined as follows:

No person may cause, permit, or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when the volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of one hour. This odor evaluation shall be taken at a site not at the installation.

Nutrient Management Plans
All CAFOs must maintain a current Nutrient Management Plan, or NMP. The plan must be field specific. The plan must address the following minimum criteria:

1. Ensure adequate storage of manure, litter and process wastewater.
2. Incorporate procedures for proper operation and maintenance of the storage facilities.
3. Ensure proper mortality management.
4. Ensure clean water is diverted from the production area.
5. Prevent direct contact of confined animals with waters of the state.
6. Ensure chemicals and other contaminants are disposed of properly.
7. Identify site specific conservation practices to be implemented.
8. Identify protocols for testing of manure, litter, process wastewater, mortality byproducts and soil. (Wastewater sources must be tested annually and soils every five years.)
9. Ensure agricultural use of the nutrients in the manure, litter, or process wastewater. (NMPs must include a field-specific assessment of the potential for nitrogen and phosphorus loss from the field to surface waters.)
10. Ensure appropriate record-keeping.

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In addition, the nutrient management plan must conform to the requirements of the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard, or NMTS. This document is available on the Web at www.dnr.mo.gov/enr/wpp/cafo/index.html or by contacting the Water Protection Program.

Best Management Practices
Animal waste is applied as a plant nutrient and should always be managed so runoff does not occur. Best Management Practices, or BMPs, help to ensure this. The BMPs required by the permits are based on design requirements under 10 CSR 20-8.300 and the NMTS. These BMPs require setbacks from the land application site and other features including streams, dwellings, public use areas, wells, springs and property lines. There are limitations to the rate of application, land slope of soil plant filter fields and soil conditions at the time of application. The runoff of wastewater during land application is not allowed. If runoff occurs, it is considered an unauthorized discharge and is a violation of the permit.

The land application separation distances are:

- 300 feet from losing streams, sinkholes, caves, wells, abandoned wells, water supply structures or impoundments and any other connection between surface and groundwater.
- 100' feet from permanent flowing streams.
- 100' feet from intermittent flowing streams.
- 50 feet from property lines.
- 100 feet from a privately owned impoundment not used as a water supply.
- 150 feet from dwellings or public use areas if applied with spray irrigation systems.
- 50 feet for application by tank wagon or solid spreader from dwellings or public use areas.

** The CAFO may substitute a 35-foot wide permanent vegetative buffer as an alternative to the 100-foot setback.

Other Permit Requirements for Concentrated Animal Feeding Operations
In addition to a construction and operating permit, a CAFO will need a land disturbance permit for storm water discharges from the construction sites of animal feeding operations if the area to be disturbed will total one acre or more. This permit must be obtained prior to any land clearing or grading. The land disturbance permit requires installation of best management practices to limit soil erosion and sediment movement during construction activities.

Additionally, an operation may need a Section 404, Clean Water Act, permit from the U.S. Army Corps of Engineers if it is filling or discharging material into waters of the United States, such as building a dam to impound water. The deposit of fill material in wetlands is also regulated and requires a permit under Section 404.

Special Requirements for Class IA Operations
The largest CAFO operations have special requirements including site-specific permits, critical watershed requirements, and additional monitoring, inspection and reporting. Specific Class IA requirements is available at 10 CSR 20-6.300(3)(H).

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For more information
Engineering or Permit Questions
Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102-0176
800-361-4827 or 573-751-1300 office
573-528-1146 fax
waterpg@dnr.mo.gov
www.dnr.mo.gov/enr/wpp/index.html


Odor Regulations
Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176
Jefferson City, MO 65102
573-751-4817 or 800-361-4827
www.dnr.mo.gov/enr/wpp/index.html

Well Drilling Questions
Missouri Department of Natural Resources
Water Protection Program, Wellhead Protection Section
P.O. Box 250
Rolla, MO 65402
573-368-2165
www.dnr.mo.gov/enr/wpp/wellhd/index.html

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ATTEST: 
County Clerk


Presiding Commissioner