

EMERGENCY RAW MILK DISPOSAL FOR MISSOURI DAIRY FARMERS

April 4, 2020

Due to recent events associated with the COVID-19 national state of emergency, the Missouri Department of Natural Resources (“Department”) has become aware of issues associated with dairy production throughout the state. Given the decline in the sale of dairy products to schools and the food service industry, milk production in the state is in excess, putting dairy farmers in the difficult position of determining how to properly dispose of raw milk. In recognition of Governor Parson’s Executive Order 20-02, declaring a state of emergency, and due to excess production associated with COVID-19, the Department is issuing the following statement on the disposal of raw milk or other dairy products. This statement does not supersede any statutory or regulatory requirements, and any conflict in this statement shall be resolved in favor of the governing statute or rule.

Compliant Disposal Options

Raw milk in need of disposal is considered to be process wastewater; that disposal is governed by the Missouri Clean Water Law. Compliant disposal methods include the following, for which notification to the Department is not required:

1. Discharge/haul to a permitted WWTF or landfill. You must obtain permission from the receiving facility prior to hauling or discharging the waste.
2. Inject the raw milk into on-site manure storage structures provided that the injection does not cause a facility to exceed maximum operating levels in their manure storage structures. If possible, agitate raw milk with manure if disposed into existing manure storage structures to mitigate odor.
3. Land apply the raw milk pursuant to a Department-issued permit. Facilities land applying milk shall keep records—and make them available to the Department upon request—that include:
 - a. Date of application,
 - b. Volume of milk applied (in gallons),
 - c. Location of the land application (township, section, range down to the ¼ section),
 - d. Rate (gallons per acre), and
 - e. Average slope of each field.

The Department anticipates the COVID-19 emergency may result in facilities that normally do not land apply turning to this method of disposal. Here is a quick-guide summary of land-application requirements and best management practices:

- a. For direct land application, raw milk should be applied using liquid manure application equipment to maximize uniformity of application.

- b. The required design hydraulic-application rate is 1.6 inches per day or 3.0 inches per week. Notwithstanding this application rate, to the greatest extent possible, minimize application rates to prevent runoff from the land application area.
- c. **Runoff shall not occur from fields during application.**
- d. Vegetated buffers should be established around application fields wherever possible to prevent runoff onto adjacent properties and waters of the state.
- e. Land application shall be at least 50 feet from property lines.
- f. Land application fields shall be checked daily during land application to ensure there is no runoff.
- g. Sites that utilize spray irrigation shall be checked daily to ensure there is no drifting of spray across property lines.
- h. Milk should be applied uniformly over the distribution area.
- i. No land application shall occur when the soil is saturated or during a precipitation event.
- j. Application should be avoided any time within 24 hours prior to a forecasted precipitation event that is likely to create runoff.
- k. For milk application on slopes exceeding 10%, the hourly application shall not exceed one-half (1/2) inch per hour.
- l. Application areas shall exclude slopes greater than 10% unless application complies with k. above and sensitive areas and their setbacks. A sensitive area is water we are trying to protect from pollution or direct conduits to that water. If a sensitive area is protected by a minimum 50-foot filter strip, then surface, unincorporated application of raw milk can be made to the edge of the filter strip. Otherwise, do not apply raw milk to the following sensitive areas unless injected or incorporated within 24 hours:
 - i. 300 feet from losing streams, sinkholes, caves, wells, abandoned wells, water supply structures and impoundments or any other connection between surface and groundwater;
 - ii. 100 feet from permanent flowing streams, intermittent flowing streams and privately owned impoundment not used as a water supply;
 - iii. 50 feet from property lines;
 - iv. 150 feet from dwellings or public use areas if applied with spray irrigation systems; and
 - v. 50 feet for application by tank wagon or solid spreader from dwellings or public use areas.

Reporting

Any discharge of raw milk to waters of the state must be reported to the Department no later than 24 hours after becoming aware of the discharge. Record and maintain reports of the date, time, location, duration, and estimated volume of discharge.

To report a discharge, contact the nearest [Department Regional Office](#), or the 24-Hour Emergency Response Line at 573-634-2436.

Emergency Land Application: How to Receive Consideration for Enforcement Discretion

The Department acknowledges circumstances could arise during the COVID-19 emergency where certain facilities may conclude they cannot obtain the required Department-issued permit before they need to land apply raw milk. The Department will consider exercising enforcement discretion in this circumstance if:

1. Disposal Options No. 1 and 2 listed above are not possible, and
2. The facility notifies the appropriate Department Regional Office prior to the land application to provide details regarding the intended land-application areas.

Central Field Operations	573-522-3322
Kansas City Regional Office	816-251-0700
Northeast Regional Office (Macon)	660-385-8000
Southeast Regional Office (Poplar Bluff)	573-840-9750
Southwest Regional Office (Springfield)	417-891-4300
St. Louis Regional Office	314-416-2960

3. The facility follows steps 3a through 3l, listed above, to the extent possible.