



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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The Missouri Department of Natural Resources (Department) thanks you for attending the November 6, 2014 public hearing at Hatton-McCredie Elementary school and providing feedback on the proposed Callaway Farrowing, LLC operation. The Department appreciates your participation in this process. In addition, we appreciate the thoughtful comments shared by those who took the opportunity to speak and the hospitality demonstrated by all of the community members present at the hearing. The purpose of this letter is to respond to the verbal and written comments provided at the hearing.

Callaway Farrowing, LLC has submitted an application to the Department's Water Protection Program for a Missouri State Operating Permit (MSOP). The application is for a new operating permit for the operation of a Class IB swine Concentrated Animal Feeding Operation (CAFO) under the MOGS10000 general permit, which is a no discharge permit. The Department processes these applications under the authority of Chapters 640 and 644 of the Missouri Revised Statutes (RSMo), and Clean Water Commission (CWC) regulations such as 10 CSR 20-6.300. Please note that this permitting process is not designed to address comments regarding "non-water quality related items." 10 CSR 20-6.020(1)(H).

We have received many written and verbal comments since this facility was initially proposed. As described at the public hearing, some concerns that cannot be addressed through this permitting action include:

- Health impacts not related to water quality
- Odor/air pollution aside from the buffer distance prescribed by Section 640.710, RSMo
- Traffic and roads
- Quality of life issues not related to water quality
- Community values
- Property values
- Treatment of animals
- Civil agreements
- Out of state or corporate ownership
- Location other than compliance with buffers and setbacks



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It is important to note that in processing this application, the Department relied on existing Missouri statutes and regulations. Many of the comments offered, both in written form and at the public hearing, suggest that Missouri's current regulatory framework is insufficient to address concerns about this and similar CAFOs. Please note that any person may petition an agency to adopt, appeal or amend any regulation under Section 536.041 RSMo. In addition, the permit at issue is a general permit related to CAFOs and will expire in 2017. Upon expiration, the general permit will be up for renewal. At that point, any interested member of the public will be afforded the opportunity to comment upon the scope and requirements of the next general permit via the process described in Section 644.051.17 RSMo.

Following are responses to concerns that the Department can address regarding water quality:

Comments about the potential for contamination of groundwater, streams, and lakes in the area including the Missouri Department of Conservation's Little Dixie Lake.

Response: CAFOs in Missouri are required to be designed, constructed, operated and maintained as no discharge facilities. They must be designed by a Professional Engineer registered in the state of Missouri in accordance with the Clean Water Commission's CAFO design regulations for the protection of groundwater and surface water, and constructed according to those design plans. The permit Callaway Farrowing, LLC has applied for does not allow discharges to waters of the state for any reason. The swine and manure are to be kept in the confinement buildings and not exposed to precipitation or stormwater runoff. Regulations require the operation to conduct weekly inspections of confinement buildings and manure storage structures for structural integrity and leaks. The proposed facility meets the regulatory setback distances to features such as streams, ponds, wetlands, and wells. The no discharge requirement is the most restrictive effluent limitation that can be placed on a permitted facility and is protective of water quality.

Comments regarding the effect the proposed CAFO may have on groundwater levels.

Response: In Missouri, there are no statutes or regulations that specify how much water may be used. Missouri is a riparian water rights state which means all landowners generally have a right to a reasonable use of their water resources.

Comments about odor and air pollution from the proposed CAFO.

Response: The proposed CAFO has complied with the minimum 2000 foot buffer distance between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence as required under Section 640.710 RSMo. For more information on odors from CAFOs, contact the Department's Air Pollution Control Program at 573-751-4817.

Page Three

Comments regarding discharges resulting from spills due to accidents, equipment failure, or careless operation.

Response: Under the MOGS10000 general permit, any discharge is a violation and must be reported to the Department within 24 hours of the operation becoming aware of the discharge. In the event of a discharge, the permit also requires the CAFO to submit to the Department a detailed explanation of the steps taken by the CAFO to permanently address the cause of the discharge that will ensure that a discharge from this cause does not occur in the future. CAFO operating permits also contain requirements for the operation to conduct weekly inspections of manure storage structures, and daily inspections of water lines. The operation must keep records of these inspections as well. These inspections are intended to help prevent accidents, spills and equipment failure that may result in a discharge. Record keeping is reviewed during inspections and used to determine if the operation is being operated according to permit and regulatory requirements.

Comments that Missouri CAFO regulations are inadequate and as promulgated are not legal nor in the best public interest.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there two state regulations specific to CAFOs, 10 CSR 20-6.300 contains permitting and operating requirements, and 10 CSR 20-8.300 contains requirements for the design of manure storage structures. Missouri regulations also incorporate the Environmental Protection Agency's (EPA) CAFO regulations in 40 CFR Part 122 and Part 412. Missouri regulations have several additional requirements that are not included in the EPA regulations, including buffer distance, neighbor notice requirements, and the requirement for all Class I CAFOs to have an operating permit.

Chapter 536 RSMo. outlines the procedure for petitioning for rule changes. Suggestions can be submitted in written form and faxed to (573)-522-9920, emailed to cleanwater@dnr.mo.gov, or mailed to Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments that the location of the proposed CAFO is on the highest elevation in the area and near a church.

Response: The proposed CAFO has complied with the minimum 2000 foot buffer distance between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence as required under Section 640.710 RSMo. The department also reviews the confinement building location for the regulatory requirements of setback distances, geohydrological evaluation, and protection from a one hundred year flood event. These are the only regulations regarding location that fall within the scope of this permit action and the jurisdiction of the Clean Water Commission.

Page Four

Comments relating to the manure being land applied containing antibiotics, pathogens, pesticides, and metals.

Land application is widely used and is the preferred method of disposing of animal manure. Domestic and industrial wastewater and sludge are also commonly land applied. Antibiotics and pathogens such as E. coli, are a concern in both animal and domestic waste. Antibiotics are not listed as water contaminants in 10 CSR 20-7.031 or 40 CFR 412. Therefore, they do not have effluent limitations and are not subject to sampling requirements. Pathogen survival rates vary with the type of pathogen. Exposure to ultraviolet radiation, drying of the manure, and soil remediation helps to reduce pathogen concentrations. Injection or incorporation of manure into the soil can extend pathogen survival rate, but reduces the risk of being transported by erosion from the land application field.

Pesticide content of animal manure is dependent on pesticide usage at each individual CAFO. Pesticides can also be land applied as part of crop production.

The amount of metals in manure can vary and is primarily dependent on the metal content in the feed. Research shows the metal content in manure is below the ceiling concentration and loading rates in 40 CFR 503 for land application of sludge.

The Department has developed the Missouri Concentrated Animal Feeding Operations Nutrient Management Technical Standard. This document contains procedures for calculating agronomic application rates and best management practices for land application of manure and is required to be given to all recipients of manure. There are no state or federal regulations that require manure to be tested for antibiotics, pathogens, pesticides, or metal content.

Comments relating to health issues.

Response: The CWC has developed Water Quality Standards in 10 CSR 20-7.031. This regulation establishes ambient water quality standards for those water contaminants for the protection of groundwater and surface water for the purposes of aquatic life protection, human health protection-fish consumption, drinking water supply, irrigation, livestock and wildlife watering, groundwater, and whole body and secondary contact recreation. The CWC has also developed regulations regarding the design of manure storage structures and permit requirements for the operation of CAFOs that established a no-discharge effluent limitation. Health issues not related to water quality do not fall within the scope of this permit action and are outside the jurisdiction of the CWC.

Comments that the proposed site for the operation and land application fields is highly erodible land.

Response: If one acre or more is disturbed during construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution

Page Five

Prevention Plan (SWPPP) that identifies Best Management Practices (BMP) to be used for sediment control. Sediment that crosses property boundaries or enters waters of the state as a result of land disturbance activities is a violation of water quality standards. Land disturbance permit coverage must be maintained until the site has been stabilized according to permit requirements.

Assistance for erosion control measures on agricultural land is available through the United States Department of Agriculture, Natural Resources Conservation Service (USDA, NRCS) and through the Department's Soil and Water Conservation Program which is administered by local Soil and Water Conservation Districts.

Comments about runoff from land application fields getting on to adjoining property.

Response: Discharges of manure to waters of the state are not allowed. Any such discharge is subject to compliance and enforcement actions.

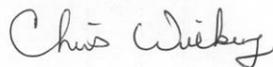
Comments regarding previous violations of Pork Masters Inc.

Response: Each permitted facility is responsible for complying with regulations and permit requirements. When violations occur, compliance and enforcement actions are taken against the responsible party or parties that caused the violations. Violations at one facility are not considered in the permitting, compliance, or enforcement actions of other facilities.

We appreciate your comments on the draft permit and hope this letter adequately responds to your concerns. If you have any further questions about this permit, please feel free to contact Mr. Greg Caldwell by phone at (573) 526-1426, or by mail at Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief
Operating Permits Section

CW:gcs

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