



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

City of Goodman  
203 W. Barlow  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear City of Goodman:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

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Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Mrs. Dick Clapp  
1247 Mink Road  
Neosho, MO 64850

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Mrs. Dick Clapp:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

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Mrs. Dick Clapp  
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If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Mrs. Dick Clapp  
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Mrs. Dick Clapp  
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Mrs. Dick Clapp  
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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.

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Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Mrs. Dick Clapp  
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Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

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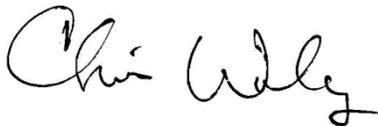
Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Danny Hines  
14244 Samuel Lane  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Danny Hines:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

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Danny Hines  
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Danny Hines  
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Danny Hines  
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Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Patrick and Susan Livingston  
5029 Hwy 157  
Haughton, LA 71037

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Patrick and Susan Livingston:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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.

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Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

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Comments were received regarding the number of animals reported at the proposed CAFO.

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Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

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Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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.

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Comments were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

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Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Paul Law Firm  
116 West Main P.O. Box 277  
Neosho, MO 64850

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Paul Law Firm:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

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Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

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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.

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Comments were received regarding stormwater/floodwater from land application fields.

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Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Viola Lawson  
818 Lark Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Viola Lawson:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of the EPA regulations, including buffer distance, neighbor notice requirements, and the requirement for all Class I CAFOs to have an operating permit.

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Viola Lawson  
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Viola Lawson  
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Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

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Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Billy and Patricia Ahrens  
494 Lark Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Billy and Patricia Ahrens:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

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Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Billy and Patricia Ahrens  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Ed and Eleanor Wilbur  
70 East Sarratt Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Ed and Eleanor Wilbur:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

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Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Ed and Eleanor Wilbur  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Keith Kalminski  
159 East Brodie Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Keith Kalminski:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Keith Kalminski  
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Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

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Keith Kalminski  
Page Seven

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Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

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Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

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Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Keith Kalminski  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Rick Payton  
37 West Sarratt Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Rick Payton:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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.

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Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

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Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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.

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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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

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If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

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Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

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Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

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Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

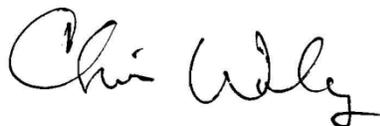
Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Amanda Adams and Thomas Russell  
716 East Brodie Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Amanda Adams and Thomas Russell:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

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Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

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Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

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Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Corinna Lundblade  
13538 Spruce Drive  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Corinna Lundblade:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

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Corinna Lundblade  
Page Seven

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

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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Corinna Lundblade  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Mike Jordon  
865 Lark Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Mike Jordon:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects the proposed CAFO may have on groundwater levels.

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Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

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Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

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application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

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Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

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Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

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Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Richard and Connie Brown  
13925 Spruce Drive  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Richard and Connie Brown:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

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confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

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Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

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Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Richard and Connie Brown  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Audrey Beres/ Missouri Department of Conservation  
2901 West Truman Boulevard P.O. Box 180  
Jefferson City, MO 65102

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Audrey Beres/ Missouri Department of Conservation:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

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Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Michael E. Winkler/ Missouri Army National Guard  
2302 Militia Drive  
Jefferson City, MO 65101

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Michael E. Winkler/ Missouri Army National Guard:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

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Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

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Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

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Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Michael E. Winkler/ Missouri Army National Guard  
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Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

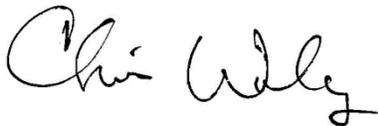
Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Brad Johnson  
1421 Jonathan  
Neosho, MO 64850

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Brad Johnson:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

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Brad Johnson  
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Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Brad Johnson  
Page Eight

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Brad Johnson  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be; based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Jay Renner  
20222 Ibex Road  
Neosho, MO 64850

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Jay Renner:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Jay Renner  
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Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

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

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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

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Jay Renner  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

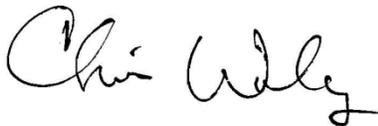
Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Kimmy Hawley, Karla Thompson  
4645 Adrian Way  
Plano, TX 75024

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Kimmy Hawley, Karla Thompson:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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.

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Comments were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

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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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

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If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

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Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

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Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

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Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Kimmy Hawley, Karla Thompson  
Page Seven

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

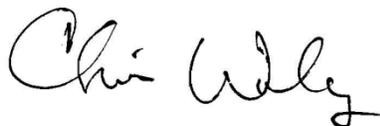
Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

K Tre Holdings LP  
4645 Adrian Way  
Plano, TX 75024

RE: Comments on RNR Farm LLC Operating Permit Application

Dear K Tre Holdings LP:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

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Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

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The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

McDonald County Commissioner  
P.O. Box 668  
Pineville, MO 64856

RE: Comments on RNR Farm LLC Operating Permit Application

Dear McDonald County Commissioner:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

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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.

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Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

US Corps of Engineers  
801 Armory Drive  
Jefferson City, MO 65109

RE: Comments on RNR Farm LLC Operating Permit Application

Dear US Corps of Engineers:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

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Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

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Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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.

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Comments were received regarding the sampling requirements.

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Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Kenneth and Rosa Hines  
14244 Samuel Lane  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Kenneth and Rosa Hines:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

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Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Kenneth and Rosa Hines  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Drew and Danielle Sarratt  
721 Brodie Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Drew and Danielle Sarratt:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Jose and Rosalida Banuelos/ Huberto and Clemenua Fiuroe  
12252 Highway AA  
Neosho, MO 64850

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Jose and Rosalida Banuelos/ Huberto and Clemenua Fiuroe:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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.

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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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

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If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

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Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

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Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be; based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

David Clemens  
133 South School St.  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear David Clemens:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

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Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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David Clemens  
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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

David Clemens  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Kent Hartman  
13920 Spruce Drive  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Kent Hartman:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Kent Hartman  
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Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Kent Hartman  
Page Seven

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Kent Hartman  
Page Eight

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Kent Hartman  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Sequoyah Edwards  
13538 Spruce Drive  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Sequoyah Edwards:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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.

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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.

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Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Bill and Dorothy Beauchamp  
218 South School St.  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Bill and Dorothy Beauchamp:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

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Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be; based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Colin and Sue McMinn  
118 East Garner  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Colin and Sue McMinn:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Bobby Anglin  
1475 East HWY 90  
Pineville, MO 64856

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Bobby Anglin:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

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Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

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Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of the EPA regulations, including buffer distance, neighbor notice requirements, and the requirement for all Class I CAFOs to have an operating permit.

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Bobby Anglin  
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Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

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Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

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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.

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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Bobby Anglin  
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Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Trixinna Carlette Alexander  
415 Ozark Trail  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Trixinna Carlette Alexander:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

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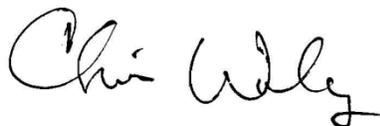
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Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Bill Miller  
2369 Route C  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Bill Miller:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Bill Miller  
Page Seven

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Bill Miller  
Page Eight

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Bill Miller  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Christine Dunsworth  
473 Ozark Trail  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Christine Dunsworth:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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.

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Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

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Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

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Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

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Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

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Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

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Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Christine Dunsworth  
Page Seven

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Christine Dunsworth  
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Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Michelle McCauly  
896 Lark Road  
Goodman, MO 64843

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Michelle McCauly:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

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Michelle McCauly  
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Michelle McCauly  
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Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

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Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

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Michelle McCauly  
Page Nine

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner





Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

July 6, 2016

Rita Greene/ McDonald County Press  
313 Town Center West  
Bella Vista, AR 72714

RE: Comments on RNR Farm LLC Operating Permit Application

Dear Rita Greene/ McDonald County Press:

Thank you for your comments concerning the application of RNR Farm LLC for a Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC Poultry CAFO. This letter contains the comments, or a summary of comments, received and the Department of Natural Resources' responses. Comments were received during the thirty-day neighbor comment period as well as during a public meeting held by the department on April 25, 2016, in Anderson, Missouri. This letter also addresses the comments in a petition that was submitted to the department on January 9, 2016. Please note that the department does not have jurisdiction to address comments regarding "non-water quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the effects 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 were received regarding requirements for the monitoring of water quality?

Response: The department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If Water Quality Standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed on-line at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received related to the potential for the proposed CAFO to contaminate ground and surface water.

Response: State regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFOs to be designed, constructed, operated and maintained as no discharge for the protection of groundwater and surface water. Section 644.051 RSMo., requires CAFOs to be designed by a professional engineer registered in Missouri in accordance with the Clean Water Commission's CAFO design regulations and constructed according to those design plans. The permit RNR Farm LLC



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applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. 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 required of a permitted facility and is protective of Water Quality Standards.

Comments were received regarding the potential for odor and air quality/pollution from the proposed CAFO.

Response: Class I CAFOs must meet the appropriate buffer distance required in Section 640.710 RSMo., between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence. RNR Farm LLC has complied with the minimum 1000 foot buffer distance for a Class IC CAFO. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

Comments were received regarding the number of animals in confinement reported at the proposed CAFO.

Response: CAFO's are required to list the design capacity of the operation. This is the number of animals in confinement the operation is designed to hold at any given time. Design capacity is used to determine the classification size of the operation. The design capacity is also used to calculate annual manure production based upon 365 day occupancy. The RNR Farm LLC permit application listed a facility capacity of 372,056 birds, which is within the operating numbers for a Class IC poultry operation (125,000- 374,999 birds).

Comments were received regarding the size classification of CAFOs.

Response: Regulations in 10 CSR 20-6.300 establishes class size categories for CAFOs based on the number of animal units in confinement. The number of animals to make one animal unit varies upon the type of animal, size of the animal, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements an operation must follow. The RNR Farm LLC facility is proposed as a Class IC CAFO.

Comments were received regarding the number of animals reported at the proposed CAFO.

Response: CAFOs are allowed to operation at animal numbers within their respective size class. RNR Farm LLC is considered a Class IC poultry operation. Class IC poultry operations are allowed to operate housing up to 374,999 birds. All Class I CAFOs are required to submit an annual report to the department. The annual report reflects the operational numbers of the facility. The reported animal numbers for a facility are verified at the time of inspection.

Comments were received regarding buffer distance requirements.

Response: All Class I CAFOs are required to meet buffer distance and neighbor notice requirements in Section 640.710 RSMo. The proposed RNR Farm LLC facility is a Class IC CAFO and has complied with the minimum 1000 foot buffer distance between the nearest

confinement building or wastewater storage structure and public building or occupied residence, as required by regulation.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on February 16, 2016. Given there was not an occupied residence in existence within the buffer distance thirty (30) days prior to department receiving the operating permit application, the proposed CAFO has met the buffer and distance requirements for a Class IC operation.

Comments were received that requested the department deny the application and not issue a permit to RNR Farm LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

Comments were received inquiring if the engineering plans for the structures would be reviewed.

Response: Engineering plans are not required to be submitted with an operating permit application. In accordance with Chapter 644.051 RSMo., any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be subject to the construction permit provisions. All other construction-related activities at point sources shall be exempt from the construction permit requirements; any point source designed to hold, convey, store or treat domestic, agricultural, or industrial process wastewater must be designed by a professional engineer (P.E.) registered in Missouri in accordance with design rules in 10 CSR 20-8.300. A document was submitted with a P.E seal, certifying that the facility was designed in accordance with the regulation. In accordance with 10 CSR 20-6.300(2)(F)4, the department does not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the manure system, only adherence to the regulation, and issuance of a permit does not include approval of such features.

Comments were received about the location of the proposed CAFO in relation to neighboring residences, the City of Goodman, and other CAFO operations in the area.

Response: The proposed CAFO has complied with the minimum 1000 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 if required, 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 Missouri Clean Water Law. There are also no regulations regarding the separation distance between CAFOs.

Comments were received about the transfer/exporting and land applying litter.

Response: If manure from a CAFO is applied on land that is not under control of the CAFO owner, whether it is owned, rented, or leased, it is considered a manure transfer. When all manure produced at an operation is transferred to other parties it is called an “export only” operation, which is one method of manure management that meets regulatory requirements. The CAFO is required to provide the recipients of manure, litter or process wastewater a copy of the current manure analysis, the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS), and to keep records of all manure transfers. These are the only state or federal regulations regarding this method of manure management.

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

Response: 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 were received regarding the litter and manure storage.

Response: Litter and manure is stored inside confinement buildings and is not exposed to precipitation or stormwater runoff. Manure storage structures are required to be designed with a minimum of 180 days of storage. The design of manure storage structures of RNR Farm LLC facility exceeds this requirement. State regulations prohibit stockpiling of uncovered solid manure within the production area, without runoff collection, and require weekly inspections of litter/manure storage structures for structural integrity and leaks.

Comments were received regarding the neighbor notice/comment period.

Response: All Class I CAFOs are required to meet neighbor notice requirements in Section 640.710 RSMo. RNR Farm LLC sent notifications that met the statutory requirements on February 19, 2016, initiating the neighbor notice process. Section 640.710 RSMo. also requires the department to accept the written comments from the - neighbor notice after the receipt of an

application for an operating permit. The department received the permit application on February 16, 2016, and the neighbor notice comment period ended on March 17, 2016. While those individuals that are required to receive the notification may not know if an application has been submitted, they will have a minimum of 30 days to submit written neighbor notice comments. After comments related to potential neighbors not being sent the notice were received at the public meeting, additional notice letters were sent out on May 10, 2016, to notify individuals residing within the 1500 foot buffer distance who are not property owners. This additional comment period ended on June 11, 2016.

Comments were received that the department should take into account the public opposition to the facility.

Response: The department reviews and considers the content of all comments. While the department received a number of comments opposed to issuing the permit, Section 644.051, RSMo requires that permits be reviewed, and issued or denied based upon compliance with state and federal statutes and regulations.

Comments were received that Missouri CAFO regulations are inadequate.

Response: Missouri has statutes that are specific to CAFOs in Chapter 640 RSMo. In addition, there are two state regulations specific to CAFOs, 10 CSR 20-6.300 which contains permitting and operating requirements, and 10 CSR 20-8.300 which 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 more stringent than that of 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](mailto:cleanwater@dnr.mo.gov), or mailed to Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Comments were received about runoff from land application fields getting on to adjoining property and who is responsible for any environmental impacts.

Response: Discharges of manure to waters of the state resulting from land application of manure are not allowed. Any such discharge is subject to compliance and enforcement actions. When manure has been land applied in accordance with the operations nutrient management plan and the Nutrient Management Technical Standard, a precipitation related runoff is defined in regulation as agricultural stormwater.

If the CAFO is not conducting the application and the application is not on fields under their operation control, they are not responsible for misapplication or spills that occur during transportation or application of manure on other people's property. Environmental impacts and any compliance or enforcement actions, including clean up resulting from the discharge of manure is the responsibility of the person conducting the application and/or the landowner receiving the application, pursuant to Missouri Clean Water Law. Any agreement between the CAFO, applicator, or landowner as to who is the responsible party is a civil agreement between those parties.

Comments were received regarding the ability of state to oversee the proposed CAFO.

Response: The department's Regional Offices conduct regular inspections of permitted animal feeding operations for compliance with regulations and permit requirements. In addition, environmental concerns received by the department are promptly investigated. All CAFO operating permits require the permittee to submit an annual report to the department each year.

Comments were received regarding discharges resulting from accidents or spills as a result of equipment failure.

Response: CAFO permits contain conditions requiring inspections be conducted by the CAFO on a regular basis. Records are required to be kept of these inspections and any deficiencies found during these inspections are to be noted and corrected as soon as possible. These inspections are intended to prevent unauthorized discharges. An unauthorized discharge is a violation and subject to compliance and enforcement actions. The CAFO must report the discharge to the department within 24 hours of becoming aware of the discharge. Individuals concerned with this facility may also contact the department's South West Regional Office in Springfield MO to report an environmental concern. Reported discharges and environmental concerns are promptly investigated by the department.

Comments were received about composting of mortalities.

Response: Composting is a safe and effective method of managing mortalities. High temperatures created during to the composting process inhibit insect larvae and eliminate pathogens. Covering the mortalities with sawdust or other material adsorbs leachate, controls odors and prevents rodent and pest problems.

Comments were received regarding mortality management at RNR Farm LLC (Roger Renner) facility.

Response: Each operation may choose the method of mortality management used. Acceptable methods include composting, incineration, rendering, and taking mortalities to a permitted landfill. Burial cannot be used for disposal of routine mortalities but may be used in the event of mass mortalities. Burial must be done in accordance with Missouri Department of Agriculture regulations.

Comments were received regarding the sampling requirements.

Response: Because CAFOs in Missouri are required to be no discharge facilities any unauthorized discharge is a permit violation. Thus sampling of discharges is not required. State regulations require the sampling of each unique source of manure annually for nutrient content and soil samples to be taken every five years for fields that are required to be included in the nutrient management plan. The results of manure and soil samples are to be used to calculate annual manure application rates.

Comments were received concerning the CAFO's water source.

Response: The CAFO's water source is at the discretion of the CAFO owner. If an existing well is to be used or a new well is constructed it must meet construction requirements and setback distances in 10 CSR 23-3. The department has informed the facility that it would be in their best interest to ensure that any future well construction that occurs associated with the facility is done in such a way as to not impact the water levels of neighboring wells.

Comments were received relating to human health issues.

Response: The Clean Water Commission 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 Clean Water Commission 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. These are the only state laws or regulations geared toward avoiding negative health issues related to CAFOs that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

Comments were received relating the use of antibiotics and the prevention and spreading of diseases.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were made relating to community involvement in the permitting of RNR Farm LLC (Roger Renner) facility.

The department is required to accept written neighbor notice comments for thirty days after the receipt of application for a CAFO operating permit. The department has made great efforts to engage the local community in this permit action however it must be noted that the permit decision must be conducted in accordance with applicable regulations. 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](mailto:cleanwater@dnr.mo.gov), or mailed to Missouri department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Comments were received relating to fly issues.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received that the proposed facility location is marginal land and subject to erosion.

Response: If one acre or more is disturbed during site preparation and construction of the buildings a land disturbance permit is required. This permit requires the development of a Stormwater Pollution 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 permit violation. 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 were received about noise, local traffic conditions, and maintenance of the roads due to the traffic from RNR Farm LLC (Roger Renner) facility.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding stormwater/floodwater from land application fields.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made relating to health/welfare of wildlife/livestock/endangered species.

Response: The no discharge requirement for CAFOs is protective of Water Quality Standards for the purpose of aquatic life protection and wildlife and livestock watering. The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this issue may fall within the jurisdiction of other agencies within state or federal government.

Comments were made as to whether or not the Department is required to issue an operating permit if an applicant has complied with the legal prerequisites of the operating permit.

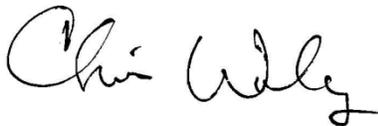
Response: The Department is required to make a decision related to the application for coverage of this facility based upon the information submitted by the applicant as compared to applicable laws and regulations for the permitted activity. The Department does not dispute that it has authority under RSMo 644 to approve or deny an operating permit request. Any such decision to approve or deny must be based upon sound information that is pertinent to the application and in accordance with Missouri Clean Water Law. The scope of this permit decision has been thoroughly defined in the responses above. Concerns outside the jurisdiction of the Missouri Clean Water Law cannot be used as basis for denial of permit coverage.

The department has carefully reviewed the RNR Farm LLC (Roger Renner) facility application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the Missouri Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to RNR Farm LLC (Roger Renner).

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Mr. Gordon Wray at (573) 751-1398 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW/gwv

c: Mr. Roger Renner