Missouri Department of
Natural Resources

Informational Meeting

- Update on the Rules and
- Information about the NPDES and State General Permits and Application Form

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Rule Update

Keith Forck

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2012 Revisions to CAFO Regulations Became Effective April 30, 2012

- **10 CSR 20-6.300 - Permit Rule**

- **10 CSR 20-8.300 - Manure Storage Design Rule**

Official copy of new regulations available online at SOS

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10 CSR 20-6.300 - The Major Changes

- **Definitions**
- **Animal Units & Class Size**
- **Issue/review process for permits**
- **Permit Types (NPDES & State No-Discharge)**
- **Buffer Distances**
- **Permit Requirements**

Definitions

<u>Dry Process Waste</u>: ***less than seventy-five percent (75%) moisture content and does not contain any free draining liquids.***

<u>Wet Handling System</u>*:* ***contains more than seventy five percent (75%) moisture content or has free draining liquids.***

2012 Animal Thresholds by Class Size

	Class IA 7,000 AUs*	Class IB 3,000 to 6,999 AUs	Class IC 1,000 to 2,999 AUs	Class II 300 to 999 AUs
Beef cows, feeders, veal calves, cow/calf pairs, and dairy heifers	7,000	3,000 to 6,999	1,000 to 2,999	300 to 999
Horses	3,500	1,500 to 3,499	500 to 1,499	150 to 499
Mature dairy cows	4,900	2,100 to 4,899	700 to 2,099	210 to 699
Swine weighing over 55 lbs.	17,500	7,500 to 17,499	2,500 to 7,499	750 to 2,499
Swine weighing under 55 lbs.	70,000	30,000 to 69,999	10,000 to 29,999	3,000 to 9,999
Sheep, lamb, meat & dairy goats	70,000	30,000 to 69,999	10,000 to 29,999	3,000 to 9,999
Chicken laying hens & broilers with a wet handling system	210,000	90,000 to 209,999	30,000 to 89,999	9,000 to 29,999
Chicken laying hens without a wet handling system	574,000	246,000 to 573,999	82,000 to 245,999	24,600 to 81,999
Turkeys – Growout phase only	385,000	165,000 to 384,999	55,000 to 164,999	16,500 to 54,999
Chicken Broilers & Pullets, Turkeys in Brood Phase without wet handling system	875,000	375,000 to 874,999	125,000 to 374,999	37,500 to 124,999

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CAFO Classification

An AFO or CAFO's class size:

- **Based on the operating level of <u>an individual animal type</u>….ie have to exceed threshold in an animal type, no adding of species together.**

- **Once a CAFO, Animal Units of all confined animals are summed to determine Class IA, IB, or IC.**

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2013 CAFO Permits

<u>DNR will have two CAFO permit options:</u>

1) **NPDES "*<u>discharge</u>*" Permit**

or

2) **State "*<u>no-discharge</u>*" Permit**

For Open Storages this is a **RISK MANAGEMENT** decision!

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Why are there two permits?

- The 2008 EPA regulation allows a CAFO to certify as a No-Discharge operation. The CAFO is then not required to seek NPDES permit coverage.

- State Regulation requires Class I CAFOs that do not discharge and do not apply for NPDES permit to obtain and maintain coverage under a State No-Discharge Permit.

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CAFO NPDES General Permit

George Fletcher

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New NPDES General Permit

- Definitions
- Who should get this Permit
- Discharges
- The NMP and the NPDES Permit
- Public Notice Requirements
- Annual Reporting

Definitions

- **NPDES = N**ational **P**ollutant **D**ischarge **E**limination **S**ystem
- Catastrophic storm event:
  - A precipitation event of twenty-four (24-) hour duration that exceeds the twenty-five- (25-) year, twenty-four- (24-) hour storm event.
  - A twenty-four hour storm event is defined by the most recent publication of the National Weather Service Climate Atlas.

Definitions (Cont.)

- Chronic Weather event
  - The chronic weather event will be based upon an evaluation of the one-in-ten (1-in-10) year return rainfall frequency over a ten- (10) day, ninety- (90-) day, one hundred eighty- (180-) day, and three hundred sixty-five- (365-) day operating period.
  - The University of Missouri's Missouri Climate Center will determine, within a reasonable time frame, when a chronic weather event is occurring for any given county in the state.

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Who should have the New NPDES General Permit

- Class 1C and IB CAFOs **that discharge** are required to get the NPDES General Permit.
- Facilities with lagoons or other open storage structures should strongly consider this permit.
- If you think you may have a discharge in the future, this would be the permit for your operation.

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Who should have the New NPDES General Permit (Cont.)

- This Permit has allowances for discharges during certain **wet** weather conditions.
- CAFOs with a NPDES General Permit must also comply with applicable federal regulation as set forth in 40 CFR 122.42(e), and 40 CFR 412, Subpart A through Subpart D.

Allowances for discharges

- Discharges are permitted in certain situations:
  - A chronic weather event;
  - A catastrophic weather event.
- A CAFO may still be subject to enforcement action if a discharge causes exceedances of state water quality standards.

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Allowances for discharges (Cont.)

- During a catastrophic weather event or a chronic weather event, the departments current guidance “Wet Weather Management Practices for CAFOs” may be used.

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The NMP and the NPDES Permit

- A NMP must be submitted to the department.
- Portions of the NMP will be incorporated into the permit.
- Changes to the NMP will require a modification to the permit.

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Public Notice

- A 15 day public notice period is required prior to the issuance of the NPDES general permit.
- During this period, the department will take comments on the draft permit and the NMP.
- If a permit or NMP is modified, another 15 day public notice period will be required.

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Annual Reporting

- The expiration date of the NMP will be included in your Annual Report.
- All other reporting and record keeping requirements will remain the same.

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CAFO State General Permit

Greg Caldwell

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State No-Discharge Permit vs. NPDES Permit

- Same for both permits:
  - Permit Fee $150
  - Nutrient Management Plan (NMP) is required.
  - Implementation of Wet Weather Practices are allowed.
  - Manure transfers.
  - Inspections.
  - Mortality Management.
  - Record keeping.
  - Notify the Department within 24 hours of a discharge.

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State No-Discharge Permit vs. NPDES Permit

- Differences between permits:
  - Not a NPDES permit.
  - No public notice period.
  - NMP will not be incorporated into the permit.
  - Changes to the NMP will not require permit modification.
  - NMP does not need to be submitted.
  - **No-Discharges are allowed.**

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CAFOs that may be covered under this permit are those that:

- Have a design capacity of less than 7,000 animal units and,
- Must submit a No-Discharge certification.
- Class II and smaller operations may also seek voluntary coverage under this permit.

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Requirements Specific to State No-Discharge Permit

- **This is a No-Discharge permit!**
  - No discharges are allowed for any reason, including discharges caused by Catastrophic Storms or Chronic Weather Events.
- A discharge, regardless of the cause, is a violation and will result in a Notice of Violation (NOV) and Enforcement action.

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Requirements Specific to State No-Discharge Permit cont.

- If a discharge does occur, the CAFO must submit to the Department for review, information about the discharge and corrective actions taken to prevent a future discharge from the same cause. This is in addition to the to the 24 hour notice.

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Requirements Specific to State No-Discharge Permit cont.

- CAFO will be allowed to maintain coverage under State No-Discharge Permit if:
  - The Department determines that the cause for the discharge has been corrected, and
  - There has not been two discharges for the same cause in any five year period.

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Requirements Specific to State No-Discharge Permit cont.

- Fewer Annual Report requirements:
  - Manure analysis results, soil tests results and summary of land application do not need to be submitted.
- Submittal of the expiration date of NMP has been added.

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Renewal Application

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Renewal Application Process

- Current permit expires February 23, 2013.
- Renewal applications need to be submitted by August, 27, 2012.
- Class II operations can request termination on the application or by submitting a Form H at any time.
- Renewal application will be available online at http://dnr.mo.gov/env/wpp/cafo/.

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CAFO Renewal Application page 1

MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) PERMIT RENEWAL

FOR OFFICE USE ONLY
CHECK NUMBER
DATE RECEIVED
FEE SUBMITTED

Complete all necessary sections. Instructions are located at the end of the form. Sign, date and return the form and all requested documents along with a check for $150 payable to the Missouri Department of Natural Resources. Make a copy of this completed form and keep it with your Nutrient Management Plan.

PART 1 – PERMIT OWNERSHIP/CONTACT INFORMATION

1.1 OPERATION NAME | CAFO NPDES PERMIT NUMBER: MO-G010 | COUNTY
PHYSICAL ADDRESS | TELEPHONE NUMBER WITH AREA CODE
CITY | STATE | ZIP CODE
1.2 OWNER (PROVIDE LEGAL NAME) | E-MAIL ADDRESS
MAILING ADDRESS | TELEPHONE NUMBER WITH AREA CODE
CITY | STATE | ZIP CODE
1.3 CONTINUING AUTHORITY (IF DIFFERENT THAN THE OWNER)
MAILING ADDRESS | TELEPHONE NUMBER WITH AREA CODE
CITY | STATE | ZIP CODE

PART 2 – PERMIT ACTION TYPE AND NUTRIENT MANAGEMENT (For permit type refer to fact sheet. Complete only one section below 2.1A, 2.1B or 2.1C)

2.1A PERMIT ACTION TYPE
State No-Discharge General Operating Permit

Nutrient Management Plan (NMP) (Month/year)
Enter the expiration date the current Nutrient Management Plan.

No-Discharge Certification
This CAFOs production area is designed, constructed, operated and maintained in a manner so as not to discharge. A NMP has been developed and implemented to ensure no discharge occurs from all land application areas under control of the CAFO.

I certify under penalty of law that I am the owner/operator of the CAFO identified above, and that said CAFO meets the requirements of 40 CFR 122.23(i). I have read and understand the eligibility requirements of 40 CFR 122.23(i)(2) for certifying that a CAFO does not discharge and further certify that this CAFO satisfies the eligibility requirements. The information submitted is to the best of my knowledge and belief true, accurate and complete.

Signature _____ Date _____

2.1B PERMIT ACTION TYPE
NPDES General Operating Permit (Must complete Land Application

Nutrient Management Plan (NMP)
Has the NMP been revised or updated since the last permit renewal? (Submit the NMP with application.) Yes No
Note: Revisions to your NMP under this permit must be submitted to the department and may require a permit modification and public notice period.

2.1C PERMIT ACTION TYPE
Termination of General Operating Permit (for Class II only, no fee required)

NOTE: Class size for poultry operations may have changed. Class II operations are not required to have a permit. Due to changes to 10 CSR 20-6.300 as of April 30, 2012 animal numbers for turkey poults; chicken layers, pullets, and broilers; were revised, based upon the type manure handling system type. The maximum animal numbers for Class II for the following animal types are: 29,999 chicken laying hens and broilers with wet handling system; 81,999 chicken laying hens without wet handling system; and 124,999 chicken broilers, pullets, and turkey poults in brood phase all without wet handling system. **ANIMAL NUMBER LIMITS FOR ALL OTHER ANIMAL TYPES REMAIN THE SAME.**

2.2 Is this an "Export Only" operation? (If yes, you must complete Parts 4 through 9 and Part 10) Yes No

2.3 TYPE OF MANURE HANDLING SYSTEM (Check all that apply)
Anaerobic Digestor Lagoon Under floor pit Roofed Storage Shed Storage Basin Other (explain) _____

PART 3 – ANIMAL CAPACITY INFORMATION

3.1 Design capacity of animals in confinement on-site - Check all that apply and provide the number of each animal.

Animal Type	Animal Total	Animal Type	Animal Total
Beef/feeder cattle, veal calves, cow/calf pairs, dairy heifers		Chicken laying hens and broilers with wet handling system	
Horses		Chicken laying hens and broilers without wet handling system	
Mature Dairy cows		Turkeys in growout phase	
Swine under 55 lbs.		Chicken broilers, pullets and turkey poults in brood phase all without wet handling system	
Swine over 55 lbs.			
Sheep, lambs, meat & dairy goats		Other (identify)	

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CAFO Renewal Application – Part 2

PART 2 – PERMIT ACTION TYPE AND NUTRIENT MANAGEMENT (For permit type refer to fact sheet. Complete only one section below 2.1A, 2.1B or 2.1C)

2.1A PERMIT ACTION TYPE

☐ State No-Discharge General Operating Permit

Nutrient Management Plan (NMP)

Enter the expiration date the current Nutrient Management Plan. (Month/year) ☐

No-Discharge Certification

This CAFOs production area is designed, constructed, operated and maintained in a manner so as not to discharge. A NMP has been developed and implemented to ensure no discharge occurs from all land application areas under control of the CAFO.

I certify under penalty of law that I am the owner/operator of the CAFO identified above, and that said CAFO meets the requirements of 40 CFR 122.23(i). I have read and understand the eligibility requirements of 40 CFR 122.23(i)(2) for certifying that a CAFO does not discharge and further certify that this CAFO satisfies the eligibility requirements. The information submitted is to the best of my knowledge and belief true, accurate and complete.

Signature _____ Date _____

2.1B PERMIT ACTION TYPE

☐ NPDES General Operating Permit (Must complete Land Application Information on page3.)

Nutrient Management Plan (NMP)

Has the NMP been revised or updated since the last permit renewal? (Submit the NMP with application.) ☐ Yes ☐ No

Note: Revisions to your NMP under this permit must be submitted to the department and may require a permit modification and public notice period.

2.1C PERMIT ACTION TYPE

☐ Termination of General Operating Permit (for Class II only, no fee required)

NOTE: Class size for poultry operations may have changed. Class II operations are not required to have a permit. Due to changes to 10 CSR 20-6.300 as of April 30, 2012 animal numbers for turkey poults; chicken layers, pullets, and broilers; were revised, based upon the type manure handling system type. The maximum animal numbers for Class II for the following animal types are: 29,999 chicken laying hens and broilers with wet handling system; 81,999 chicken laying hens without wet handling system; and 124,999 chicken broilers, pullets, and turkey poults in brood phase all without wet handling system. **ANIMAL NUMBER LIMITS FOR ALL OTHER ANIMAL TYPES REMAIN THE SAME.**

2.2 Is this an "Export Only" operation? (If yes, you must complete Parts 4 through 9 and Part 10) ☐ Yes ☐ No

2.3 TYPE OF MANURE HANDLING SYSTEM (Check all that apply)

☐ Anaerobic Digestor ☐ Lagoon ☐ Under floor pit ☐ Roofed Storage Shed ☐ Storage Basin ☐ Other (explain) _____

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CAFO Renewal Application page 2. Parts 4 through 9. To be completed by Export Only operations.

Complete Parts 4 through 9 if section 2.2 is checked yes for an "Export Only" operation.

PART 4 – MANURE STORAGE

State regulations require CAFOs ensure adequate storage of manure, litter, or process waste water, including the proper operation and maintenance of each storage facility.

4.1 List the days of storage for each manure storage facility.

PART 5 – ANIMAL MORTALITY

State regulations require proper management of animal mortalities be in place at all CAFOs. There should be no discharge from dead animal collection, holding, or disposal areas at the CAFO's production area(s). In addition, the Missouri Department of Agriculture requires the collection or disposal of dead animals in accordance with the Dead Animal Disposal Law under Chapter 269 RSMo.

5.1 PERMANENT METHOD OF ANIMAL MORTALITY HANDLING OR DISPOSAL; CHOOSE APPLICABLE METHOD(S)

Composting Rendering Send to a Landfill Incineration Burial Other (Describe)

5.2 DESCRIBE METHOD OF MORTALITY HANDLING AND STORAGE THROUGH ALL PHASES TO FINAL DISPOSAL. (e.g., MORTALITIES ARE COMPOSTED WITHIN 24 HOURS OF DEATH AND FINISHED COMPOST PRODUCT IS STORED UNDER ROOF UNTIL LAND APPLIED). ALSO DESCRIBE THE TYPE OF COMPOST STRUCTURE USED, IF APPLICABLE.

PART 6 – DIVERSION OF CLEAN WATER

State regulations require CAFOs to divert clean storm water, as appropriate, around the production area.

6.1 Is clean storm water diverted from the production area? Yes No

6.2 If yes, describe controls and measures how storm water is diverted.

6.3 IF NO, INCLUDE DESIGN CALCULATIONS (IF NOT INCLUDED IN THE ORIGINAL DESIGN) FOR DETERMINING TOTAL STORAGE CAPACITY THAT ACCOUNTS FOR ALL CLEAN STORM WATER RUNOFF WATER THAT HAS NOT BEEN DIVERTED FROM THE PRODUCTION AREA. NOTE: THE DEPARTMENT HIGHLY DISCOURAGES THIS PRACTICE.

PART 7 – PREVENT DIRECT CONTACT OF ANIMALS WITH SURFACE WATERS

State regulations require that CAFOs prevent the direct contact of confined animals with waters of the state.

7.1 Do the animals have access to waters of the state within the production area? Yes No

7.2 LIST THE MEASURES USED TO PREVENT DIRECT CONTACT (e.g., FENCING, USE OF CONFINEMENT BARN, ETC.) OF ANIMALS WITH WATERS OF THE STATE: WITHIN THE PRODUCTION AREA

PART 8 – CHEMICAL HANDLING

State regulations require chemicals and other contaminants handled on-site not be disposed of in any manure, litter, process wastewater, storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants

8.1 CHECK THE APPROPRIATE BOXES BELOW TO INDICATE THE MEASURES TAKEN TO PREVENT CHEMICALS (INCLUDING PESTICIDES, COMMERCIAL FERTILIZERS, HAZARDOUS AND TOXIC CHEMICALS AND PETROLEUM BY-PRODUCTS) FROM CONTAMINATING MANURE STORAGE STRUCTURES, PROCESS WASTEWATER OR STORM WATER STORAGE AND TREATMENT SYSTEMS:

Chemicals are stored in proper containers. (Describe)

Chemicals that are no longer used or expired and containers are properly disposed of. (Describe)

Chemical storage and handling areas are protected from precipitation and runoff, and any spillage is contained within these areas. (Describe)

Emergency procedures and equipment are in place to contain and clean up chemical spills. (Describe)

Equipment wash areas are designed and constructed to prevent contamination of surface waters and wastewater and storm water storage and treatment systems. (Describe)

Chemicals are handled and used according to the label. (Describe)

PART 9 – MANURE ANALYSIS TESTING

State regulationsO ENSURE EACH UNIQUE SOURCE IS TESTED ANNUALLYYnutrient content annually require that each unique source of manure be tested annually for nutrient content.

9.1 LIST EACH TYPE OF MANURE SOURCE. (i. e. MANURE, LITTER, COMPOSTE, WASTE WATER.)

9.2 DESCRIBE THE PROCEDURES TO ENSURE EACH UNIQUE SOURCE IS TESTED ANNUALLY.

PART 10 – SIGNATURE

NAME	TITLE
SIGNATURE	DATE

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CAFO Renewal Application page 3.

LAND APPLICATION INFORMATION (NPDES Permits Only)

Operation Name:_____ Class Size:_____ Permit #:_____ County:_____

Field Name	Legal Description	Spreadable Acres	P Index Rating	N or P Based	List all crops that maybe planted and their projected yield.									
					Crop	Yield	Crop	Yield	Crop	Yield	Crop	Yield	Crop	Yield

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Questions?

- For more information
  - Visit http://www.dnr.mo.gov/env/wpp/cafo/index.html
  - Email us at waterag@dnr.mo.gov
  - Or call the Agriculture Unit at 573-751-1300