



Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 14—Concentrated Animal Feeding Operation Waste
Management System Operations

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Under Governor Greitens' leadership, all state agencies are working to reduce regulations and other government processes that unnecessarily burden individuals and businesses while doing little to protect or improve public health, safety, and our natural resources. The Missouri Department of Natural Resources is committed to limiting regulation to what is necessary to protect Missouri's environment, implementing statutory mandates, and maintaining state control of programs. Any further proposed changes to rules discussed on this page are being developed with these goals in mind. We welcome your comments to help ensure that our regulations provide required protections but do not add unnecessary costs.

No changes have been proposed for 10 CSR 20-14.010 and 14.030, but they have been included for context.

10 CSR 20-14.010 Classification of Concentrated Animal Feeding Operation Waste Management Systems

PURPOSE: This rule outlines concentrated animal feeding operation waste management systems personnel certification requirements.

(1) Definitions. Definitions as set forth in the Missouri Clean Water Law, 10 CSR 20-2.010 and 10 CSR 20-6.300 shall apply to those terms when used in this rule, unless the context clearly requires otherwise or as noted in the subsections of this rule.

(A) Concentrated animal feeding operations (CAFO) waste management system. Including but not limited to flush, recycle, storage, digestion, pumping, irrigation, waste spreading, and solids handling facilities, equipment, machinery, sewers, piping, valves, land, tanks, basins, lagoons and any other device, method and process for beneficial use of process waste.

(B) CAFO supervisor. A certified CAFO waste management system operator possessing a CAFO "A" level certification, in charge of the operating location of a CAFO waste management system, who directs or who has the authority to direct other individuals and includes a manager, superintendent, foreman, crew chief and shift supervisor. During land application activities and other waste management system operations, a CAFO supervisor must be available to waste system management personnel by phone or radio etc. and able to arrive at the site during emergencies or abnormal operating situations within a reasonable amount of time not to exceed thirty (30) minutes.

(C) CAFO operator. Any individual who operates or determines the method of operation or is directly involved in the daily management of a CAFO waste management system, either personally or by assignment, possessing at minimum a CAFO "B" level certification and has the authority to direct and/or manage up to five (5) CAFO operator trainees. This includes waste spreading and waste brokerage operations for wet or dry handling systems except for materials registered as a fertilizer under Chapter 266, RSMo. During land application activities and other waste management system operations, a CAFO operator must be present at the land application or operation site and in direct communication with the waste system personnel. The CAFO operator must be able to physically respond to emergencies and other abnormal operating situations within a reasonable amount of time not to exceed five (5) minutes.

(D) CAFO operator trainee. Any individual who has applied for CAFO waste management system operator certification with the department, but lacks the entry level training and/or a passing grade on the examination for a Certification of Competency and/or the required experience in CAFO waste management system operation. At Class IA wet and dry handling CAFO waste management systems, trainees must perform all CAFO waste management duties under the direct supervision of a certified CAFO operator or supervisor.

(E) Department. The Missouri Department of Natural Resources.

(2) CAFO Waste Management Systems Requirements.

(A) Requirements for operation by certified personnel shall apply to Class IA wet and dry handling CAFO waste management systems. All other CAFO waste management systems are exempt from this rule unless the department determines that certified personnel are necessary to protect the waters of the state from pollution or the placement of a contaminant in a location where it is reasonably certain to cause pollution of any waters of the state. Voluntary certification is available for CAFO operators and supervisors at facilities that are exempt.

(B) Owners or other persons legally responsible for the operation of CAFO waste management systems subject to this rule shall be responsible for assuring that CAFO operators and CAFO supervisors of CAFO waste management systems comply with the certification requirements as set forth in this rule.

(C) All persons performing the duties of a CAFO operator, as defined in subsection (1)(C) and (D) of this rule, at systems included in subsection (2)(A) of this rule shall apply to the department for CAFO waste management system operator certification within sixty (60) days of cumulative employment in a CAFO waste management system. In cases of change of CAFO employers, "employment" is the total of all CAFO waste management system employment. A CAFO operator trainee shall complete department-approved entry level training and pass the examination within eighteen (18) calendar months of initial employment at a CAFO waste management system that is required to be operated by certified personnel as specified in subsection (2)(A) of this rule. If the trainee fails to successfully complete the required training and pass the examination within eighteen (18) months, the owner must notify the department as required in subsection (2)(F) of this rule. At this time, the application will be considered inactive and the trainee must submit a new application with application fee in order to continue the CAFO operator certification process. Any trainee who is unable to pass the certification examination after three (3) attempts, or within eighteen (18) calendar months of their initial exam, must attend an additional twelve (12) hours of department-approved CAFO training prior to reexamination.

(D) Minimum certification of competency classification requirements for CAFO supervisors and operators are outlined in subsections (1)(B) and (1)(C) of these rules.

(E) The owners of CAFO waste management systems shall furnish the department, upon request, the names, business addresses and positions of all employees who are operator trainees, CAFO operators or CAFO supervisors within their CAFO waste management systems.

(F) In the event a facility's staff does not meet the certification requirements of this rule, the facility owner shall notify the department in writing within ten (10) days of failure to meet the requirements. The notification shall include an explanation of why the requirements were not met. Following consultation with the facility owner, the department may establish a schedule of activities, including the date by which compliance with this rule shall be obtained.

(3) Penalties. Penalties for violation of this rule shall be as provided in the Missouri Clean Water Law.

(4) Severance. If a section, subsection, paragraph, subparagraph, part, subpart, item or subitem of this rule or any part of it be declared unconstitutional or invalid for any reason, the remainder of this rule shall not be affected and shall remain in full force and effect.

(5) Effective Date. This rule becomes effective July 30, 2001, or ninety (90) days after adoption and compliance with the requirements of section 644.036.3 of the Missouri Clean Water Law and Chapter 536, RSMo whichever is later.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed Nov. 14, 2000, effective July 30, 2001.*

**Original authority: 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995, 2000.*

10 CSR 20-14.020 Certification of Concentrated Animal Feeding Operation Waste Management System Operators

PURPOSE: This rule sets out the requirements that a person must meet to obtain a concentrated animal feeding operations waste management system operator certificate.

(1) Definitions. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-14.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise or as noted in the subsections of this rule.

(A) Certificate of competency. A document issued by the department stating that the recipient named on the certificate has satisfied the requirements for the certification level specified pursuant to this rule.

(2) Administration.

(A) The department shall serve as the certifying agency for concentrated animal feeding operations (CAFO) waste management system personnel.

(B) Any conflict arising from departmental actions or decisions made in the execution of this rule and not satisfactorily resolved through the Missouri Clean Water Commission's director of staff may be appealed to the *[commission. The appeal shall be made]* in writing to the *[Missouri Clean Water Commission, Attention: Commission Secretary,]* **administrative hearing commission** within thirty (30) days *[of the contested action or decision]* **after the date the decision was mailed or the date it was delivered, whichever date was earlier.** *[The appeal shall indicate the interest of the party filing the action. The commission shall set the appeal for hearing no sooner than thirty (30) days after receipt of a proper appeal. Appeals may be heard by a hearing officer appointed by the commission chair.]* **The administrative hearing commission will render a recommended decision to the Clean Water Commission who will make the final decision in accordance with** *[Hearings shall be conducted in accordance with]* sections 644.066 and **621.250**, RSMo.

(3) Certification of Competency.

(A) Certifications at the appropriate level shall be issued to individuals successfully passing the certification examination, completing entry level training, and fulfilling the experience requirements of subsection (3)(G) of this rule. The expiration date of the certifications shall coincide with renewal requirements as provided in subsection (4)(A) of this rule. An examination score of seventy percent (70%) or more correct shall be considered a passing grade.

(B) All certification examinations pursuant to this rule shall be administered through the department. An examination will be available at a frequency of not less than four (4) times annually. Examination application forms and information, including examination dates and locations, will be available through the department.

(C) A completed application form for examination must be submitted to the department no later than thirty (30) days before the scheduled examination session. A nonrefundable application fee of forty-five dollars (\$45) shall accompany each application **or twenty dollars (\$20) for an application for subsequent exams for the same certification level if the applicant fails the initial exam.**

(D) Examinations shall contain, but not necessarily be limited to, questions pertaining to the Missouri CAFO regulations, general CAFO waste management systems knowledge, water quality, agronomy, irrigation management, general agriculture, soil science, applied mathematics, chemistry, hydraulics, pumps and operation of irrigation and land application equipment, as applied to CAFO waste management systems.

(E) Any examinee who fails to receive a passing grade may not repeat that level examination for a period of not less than sixty (60) days. The applicant must submit a new application for each repeat examination.

(F) An individual applying to take the examination will be allowed to reschedule once within twelve (12) months of the application date. After that, the applicant must reapply as required in subsection (3)(C) of this rule.

(G) Approval of applicant eligibility for certification of competency shall be the responsibility of the department. Assessment of applicant qualifications shall include the following criteria:

1. Successful completion of a department approved, pre-certification, entry level CAFO waste management system training course *[of the following minimum length:*

A. *Wet handling CAFO waste management systems—thirty (30) hours; and*

B. *Dry handling CAFO waste management systems—eighteen (18) hours; and] of at least thirty (30) contact hours.*

2. Actual CAFO waste management system operating experience required for classification level:

“A”	4 years (2 years of which may be equivalent) (* Up to 2.5 years equivalency for graduate degree in a related field)
“B”	1 year (All of which shall be actual experience) As of the effective date of this amended rule, all CAFO waste handling system operators who currently possess a CAFO level “C” certificate will be reissued a CAFO level “B” certificate.
CAFO Operator Trainee	No experience requirement

(H) Years of equivalent experience shall be computed from the following criteria:

1. General vocational training or work experience in related areas will be considered by the department on a case-by-case basis and shall be limited to a maximum of six (6) months’ equivalent experience.

Graduation from approved one (1)-year certificate program in water/waste water technology or irrigation management	1 year
College level courses in agriculture, animal science, biology, chemistry,	1 month per

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engineering, environmental health/science, irrigation management, soil science, etc. (grade of C or better is required)—maximum credit of six (6) months.	every 3 semester hours
Two (2)-year associate degree in a related field (for example, agriculture, animal science, biology, chemistry, engineering, environmental health/science, irrigation management, soil science, etc.)	1 1/2 years
Four (4)-year college degree in a related field (for example, agriculture, animal science, biology, chemistry, engineering, environmental health/science, irrigation management, soil science, etc.)	2 years
Graduate level degree in a related field (for example, agriculture, animal science, biology, chemistry, engineering, environmental health/science, irrigation management, soil science, etc.)	1/2 year
Department-approved CAFO waste management system correspondence course or department approved advanced course in CAFO waste management (minimum of 30 contact hours in length) and is in addition to the required entry level training course outlined in subsection (3)(G)1. of this rule.	1/2 year per course with a maximum of 1 year credit

(I) Any person having completed a department-approved entry level CAFO waste management course as required in subsection (3)(G)1. of this rule, but not possessing the necessary operational experience, may take the certification examination. All CAFO operator applicants must complete the department-approved entry level training course outlined in subsection (3)(G)1. of this rule before taking any CAFO certification examination.

1. Upon passing the examination, the individual will have eighteen (18) cumulative months of employment within a CAFO waste management system to obtain the necessary operational experience for the certification level requested. If the necessary experience is not obtained within the eighteen (18)-month time frame, the individual must retake the examination to continue the CAFO operator certification process.

2. Application for a certificate must be made on the proper forms provided by the department.

(J) An individual is not certified until the certificate has been issued.

(K) The minimum age for certification shall be eighteen (18) years.

[(L) A valid wet handling CAFO waste management system certificate shall be considered equal to a dry handling certificate of the same level and is approved for use at a dry handling system.]

(M) A valid dry handling CAFO waste management system certificate shall not be considered equal to a CAFO wet handling system certificate of any level and is not approved for use at a CAFO wet handling system. A separate test specific to dry handling systems will be administered to these individuals. A CAFO dry handling system operator may attain a CAFO wet handling system certification by taking an additional twelve (12) hours of entry level training that is specific to CAFO wet handling systems and passing a CAFO wet handling system certification examination.

(N) An operator possessing a valid Missouri dry handling CAFO waste management system certificate desiring to obtain a wet handling certificate will be given fifty percent (50%) equivalent credit for actual years' experience at a dry handling CAFO waste management system.]

(4) Certificate Renewal.

(A) All Class A and B CAFO Operator Certificates issued by the department shall be renewed at least every three (3) years. All applicants for renewal shall meet the training requirements set forth in subsection (4)(B) prior to the expiration date stated on each individual's certificate.

(B) Before a certificate will be renewed, the applicant must submit suitable documentation that not less than—

1. Twenty-four (24) hours of department-approved renewal training has been obtained for individuals who are certified for *[wet handling]* CAFO waste management systems. Each certified CAFO operator is responsible for documenting such training; and

[2. Twelve (12) hours of department-approved renewal training for individuals who are certified for dry handling CAFO waste management systems. Each certified CAFO operator is responsible for documenting such training.]

(C) The department shall send notification of certification expiration to the certificate holder at the last known address at least sixty (60) days prior to the certificate's expiration date. Failure of the department to notify the certificate holder of certification expiration does not relieve the certificate holder of the responsibility for renewal.

(D) Any certificate not renewed within sixty (60) days of the expiration date will lapse. Any person with a lapsed certification shall retake the examination as provided in section (3) of this rule.

(E) Provided the certificate holder has submitted a timely and complete application for certification renewal, possesses sufficient renewal training and through no fault of the certificate holder, the department is unable to issue a new certificate before the expiration date of the previous certificate, the validity of the expired certificate shall continue until the department acts on the renewal application.

(F) A nonrefundable application fee of forty-five dollars (\$45) shall accompany each renewal application. Application for renewal must be made on the form provided by the department.

(G) A late fee of ten dollars (\$10) per month, or fraction thereof, up to a total of twenty dollars (\$20) shall be assessed for any certificate renewed after the expiration date.

(5) Reciprocity.

(A) Certificates may be issued, without examination, to any person who holds a valid certificate attained by examination in any state, territory or possession of the United States or any country or any other certifying authority, providing the requirements for certification of CAFO operators under which the person's certificate was issued do not conflict with the provisions of this rule and are of an equal or higher standard than that specified by the regulations adopted under this rule.

(B) The applicant requesting certification by reciprocity must have actual working experience with a CAFO waste management system in the state, province, country, territory or other authorized area that issued the certificate for which reciprocity is requested.

(C) The application for reciprocity must be submitted to the department within one hundred eighty (180) days from beginning employment with a CAFO waste management system in Missouri. The applicant must submit an application form provided by the department, with an application fee of forty dollars (\$40).

(D) Reciprocal permits will only be issued to persons who are employed within Missouri CAFO waste management systems. Eligible applicants must submit twenty-five dollars (\$25) for issuance of a reciprocated certificate. If employment with a Missouri CAFO waste management system is dependent upon the Missouri certification, the department will send a letter of intent to issue a certificate to the applicant. The letter of intent is valid for one hundred eighty (180) days provided that the certificate that the application is based upon remains valid. If the applicant does not obtain Missouri employment before the expiration date of the letter, he/she must reapply for reciprocal certification.

(6) Suspension and Revocation.

(A) The department may suspend or revoke any certification for a period of not more than five (5) years for any of the following reasons: fraud or deceit in obtaining certification, cheating on the certification examination, negligence, incompetence, misconduct, dishonesty, bribery or extortion, misrepresentation or malfeasance in the holder's action in operating a CAFO waste management system or appurtenances, sabotage, selective sampling, falsification of facility operating records or reports required by 10 CSR 20, or any violation of 10 CSR 20 or the Missouri Clean Water Law, Chapter 644, RSMo. An operator should not be held responsible for a condition in which that person cannot obtain the necessary resources to correct. The permit holder is responsible for providing the necessary resources to the operator.

(B) Notice of a suspension or revocation action will be issued by the commission's director of staff with service by hand delivery or through certified mail to the certificate holder at that individual's last known address. That notice shall state the reason(s) for suspension or revocation, the effective date of the suspension or revocation and the action(s) the certificate holder may take to contest the suspension or revocation.

(C) The certificate holder may *[make a written request for a hearing to the department no more than thirty (30) days following receipt of notification from the commission's director of staff that suspension or revocation proceedings have been initiated. A hearing will be conducted]* **submit a written appeal** as outlined in subsection (2)(B) of this rule.

(D) Individuals with revoked certificates must reapply and retake the certification examination to regain operator certification. Application for certification examination by an individual whose certificate is suspended or revoked may not be made sooner than one (1) year from the effective date of suspension or revocation. Acceptance of any such application shall be at the discretion of the department. When the deficiency is related to a particular weakness, the department may require the operator to complete training in that deficient area. Suspended certificates may be reinstated upon written request from the operator after the suspension term has expired and all suspension requirements have been met.

(E) Any suspended or revoked certificate shall be returned to the department.

(7) The certificate holder shall notify the department of any change in status including, but not limited to, change of name, change of address and change of employer.

(8) All application fees are nonrefundable and nontransferable.

(9) Penalties. Penalties for violation of this rule shall be as provided in the Missouri Clean Water Law.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed Nov. 14, 2000, effective July 30, 2001.*

**Original authority: 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995, 2000.*

No changes have been proposed for 10 CSR 20-14.010 and 14.030, but they have been included for context.

10 CSR 20-14.030 Operator Training

PURPOSE: This rule establishes criteria for approval of operator training courses.

(1) Only training approved by the department will be credited toward meeting the operator training requirements. Operator training content shall be related to Missouri Concentrated Animal Feeding Operation (CAFO) regulations, general CAFO waste management systems knowledge, water quality, agronomy, general agriculture, soil science, applied mathematics, chemistry, hydraulics, pumps, irrigation management and operation of irrigation and land application equipment, as applied to CAFO waste management systems.

(2) Training providers sponsoring operator training for CAFO waste management system operators shall submit the following to the department for approval. This information should be submitted to the department at least thirty (30) days prior to the training:

- (A) Date and location of the training;
- (B) Name, address and telephone number of person to contact regarding the training;
- (C) Course outline, showing the topic(s) to be presented and time allotted for each (including beginning and ending times);
- (D) Name(s) of instructor(s) and qualifications (not just title or company name);
- (E) List of any audiovisual materials to be used, such as videotapes, slides, slide/tape presentations, films and overheads; and
- (F) Handouts.

(3) Renewal credit is based upon actual in-class contact time in the training. All breaks and meal times must be noted on the agenda and will not count toward in-class contact time. Excessive time allotted for introductions or welcomes and business meetings will not count toward contact time.

(4) No credit will be given until a training course is completed. The completion date of a multi-day course is the last day of the course.

(5) Renewal credit will be issued in increments of one-half (0.5) hour. The minimum course length will be one (1) hour in length. Any training or portion of training approved by the Department of Natural Resources and issued continuing education units (CEUs) will be given credit at the rate of ten (10.0) hours per one (1.0) CEU.

(6) Once the information for a course required in section (2) has been approved, it need not be resubmitted for subsequent sessions of that course. However, any change in the course content, time allotted, instructor or material used must be submitted to the department for approval. The department must be notified thirty (30) days in advance of any subsequent session(s) of an approved course.

(7) Training in fields related to CAFO waste management or by out-of-state entities will be reviewed for renewal credit on an individual basis. The operator must provide the information specified in subsections (2)(A)–(F) of this rule.

(8) All department approvals will be in writing. The approval will include a course attendance roster form that will show the course name, coordinator, date, location, course identification number and amount of renewal credit.

(9) Advertisement of any training shall not state that the program has been approved for renewal credit until the department has issued its formal approval and assigned a course identification number and determined the amount of renewal credit. Any advertisement that states that the training is approved must include the course identification number and amount of renewal credit.

(10) Training providers should issue certificates verifying the completion of training courses to the attendees. The certificates include the following:

- (A) Attendee's name;
- (B) Name of the course;
- (C) Renewal credit;
- (D) Course identification number;
- (E) Date that the course was held;
- (F) Location of the course; and
- (G) Name of the course coordinator or instructor.

(11) Training providers shall submit the course attendance roster to the department within fifteen (15) working days of the completion of the course. Information on the roster shall include:

- (A) Name of the course;
- (B) Renewal credit;
- (C) Course identification number;
- (D) Date that the course was held;
- (E) Location of the course;
- (F) Name of the course coordinator or instructor;
- (G) Names of all attendees; and
- (H) Certificate number of all attendees, if applicable.

(12) The department shall make information available upon request as to which courses, seminars, etc., will be approved for CAFO waste management system operator renewal purposes.

(13) Renewal credit shall be valid only for the renewal period in which it was earned. Renewal credit in excess of the required hours for the renewal period may not be carried over into any subsequent renewal training period.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed Nov. 14, 2000, effective July 30, 2001.*

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