



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

POLICY ADDRESSING EMERGENCY MANAGEMENT OF ANIMAL FEEDING OPERATIONS DUE TO COVID-19 IMPACTS

May 7, 2020

Background

Due to recent events associated with the COVID-19 pandemic, the Missouri Department of Natural Resources (“Department”) has become aware of unforeseen operational issues associated with animal feeding operations (AFOs), including concentrated animal-feeding operations (CAFOs).

In recognition of Governor Parson’s Executive Order (EO) 20-02, declaring a State of Emergency regarding COVID-19, and EO 20-04, easing regulatory burdens during the State of Emergency, the Department has obtained limited, short-term suspensions of specific segments of § 640.710, RSMo, and 10 CSR 20-6.300, authorizing temporary exceedances of animal-unit thresholds and temporarily suspending certain permitting, notice, and buffer requirements through May 15, 2020.¹ These temporary suspensions do not waive environmental-protection requirements.

Purpose

The Department has developed this policy to clarify the general circumstances under which the Department will consider exercising enforcement discretion for noncompliance with respect to the management of animals and animal waste at facilities impacted by COVID-19 closures and COVID-19-related processing and transportation challenges. The Department’s consideration of whether to exercise enforcement discretion pertains to noncompliance challenges caused by COVID-19 that are not expressly addressed in the short-term statutory and regulatory suspensions. **To be eligible for enforcement discretion pursuant to this policy, owners and operators² of AFOs and CAFOs shall follow all best management practices and other directives identified in this policy, as applicable.**

This policy does not supersede any statutory or regulatory requirements, and any conflict in this policy shall be resolved in favor of the governing statute or rule.

¹ Copies of the notices of suspension are available at <https://dnr.mo.gov/docs/2020-04-24-640.710-rsmo-strikethrough.pdf> and <https://www.sos.mo.gov/suspended>.

² For ease of reference, this policy utilizes the word “operator” or “operators” throughout. “Operator” and “operators” should be read to include “owner” and “owners.”

The Department expresses its appreciation to the University of Missouri Agricultural Extension Office (MU Extension) for its assistance in developing the best management practices identified in this policy.

General Requirements

Operators shall take all reasonable actions to avoid or reduce noncompliance wherever possible, including but not limited to:

1. Maintaining operations to prevent any discharges to waters of the state.
2. Handling animal wastes in accordance with the applicable permit or the methods outlined below, or both, where achievable.
3. Closely monitoring all manure-storage areas, specifically manure and wastewater levels, to prevent spills and overflows from these areas.

Animal Mortalities

With an increased number of animals being handled for longer periods of time, the Department expects a proportional increase in mortalities that must be managed on-site. If a facility's current mortality composter is not able to handle the additional mortalities, temporary composters may be constructed. Temporary composters shall:

1. Be protected from rainfall and stormwater flow into the composter.
2. Be properly operated, maintained, monitored, and mixed to ensure adequate composting.
3. Not discharge. Runoff from these areas is prohibited.

Alternatively, excess mortalities may be removed by a renderer and properly processed. CAFO operators should consult the MU Extension publication "Composting Dead Swine" (<https://extension2.missouri.edu/wq351>) for more information. In the event of a mass mortality event, immediately notify the Department and the Missouri Department of Agriculture.

Waste Handling and Emergency Land Application

Operators shall take all reasonable actions to prevent the discharge of animal wastes, including the actions described below.

If COVID-19-related circumstances threaten to increase volumes of animal wastes or reduce access to off-site properties normally used for land application such that the facility's routine disposal practices may be insufficient, the Department authorizes implementation of the special procedures approved in "*Wet Weather Management Practices for CAFOs*" (<https://dnr.mo.gov/pubs/pub2422.htm>) while the State of Emergency declared by EO 20-02 and any successor EO continues.

The following is a quick-guide summary of land-application best management practices for existing or new land application properties. Facilities must notify the nearest Department Field Office prior to any emergency land application of waste.

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

Reporting

Any discharge of manure or wastewater from AFOs or CAFOs to waters of the state must be reported to the Department no later than 24 hours after becoming aware of the discharge. Record and maintain reports of the date, time, location, duration, and estimated volume of the discharge.

To report a discharge, contact the nearest Department Field Office, or the 24-hour Emergency Response Line at 573-634-2436.

Contact Information for Waste Handling and Reporting Notifications

Locate the correct office contact for your facility at <https://dnr.mo.gov/regions/>.

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