Odor and Concentrated Animal Feeding Operations (CAFOs)

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Missouri Air Conservation Commission
Feb. 1, 2018
Jefferson City, Mo.
Agenda

• Petition timeline
• Relevant commission meetings and materials presented to commission
• Additional information
Petition Timeline
Petition Timeline

- September – November 2017: MoDNR and commissioners received petition, emails and letters advocating amendment to 10 CSR 10-6.165, Restriction of Emission of Odors
  * Also known as the Odor Rule

- Oct 3, 2017: MoDNR provided petition to two entities in the state, specifically:
  * Missouri Office of Administration, a state agency
  * Joint Committee on Administrative Rules (JCAR), a committee of state legislators
Petition Timeline

- Nov. 22, 2017: MoDNR sent written response to petitioners and supporters of the petition to Office of Administration and to JCAR
  * Response indicated department decided not to recommend amending the rule because of the petition

- JCAR granted air commission two extensions to respond
  * First extension ended Dec. 28, 2018
  * Second extension will end Feb. 15, 2018
Relevant Commission Meetings

Materials Presented to Commission
Commission Meeting: Sept. 28, 2017

- Webpage with link to video
  * Video Part 3: Director’s report at 1:14; public comments at 8:39

- Minutes from meeting

- Information presented:
  * Odor petition
  * Memo from EPA inspector general
  * Decision in Waterkeeper Alliance et al. v. EPA
  * Ed Galbraith’s letter to Edward Chu, EPA Region 7, from Sept. 18, 2017
  * Draft emergency rule
Commission Meeting: Oct. 26, 2017

NOTE: No quorum of commissioners

- Webpage with links to video
  * Video Part 2: Director’s report at 3:38; open session at 10:54
- Meeting minutes
- Material from department: Information on odor concerns
- Materials from petitioners
  * Petition to amend odor rule
  * Affidavits from people living near feeding operations
  * Information about ammonia and hydrogen sulfide from federal health agency
  * Affidavits from two medical doctors
  * Draft proposed emergency rule package
Commission Meeting: Dec. 7, 2017

- Webpage with links to video
  * Video Part 4: Relevant action begins at :52
  * Session for public comments begins at 1:44
- Meeting minutes
- Department’s response to petition
- Period for public comments
  * Various citizens and interested parties
Jan. 30, 2018: Air Program Provided Information to Commissioners by Email

- All Odor Control Plans submitted under the Odor Rule by Class IA CAFOs
- Supporting materials for the 2010 amendment to the Odor Rule
- Comments about Odor Rule received via Missouri’s 2017-18 initiative to reduce red tape
- Previous MoDNR responses to petitions for amending odor rule(s)
- Legal cases in Missouri regarding CAFOs
Additional Information

* Informal poll of surrounding states
* EPA regulations regarding CAFOs
* MoDNR’s Water Protection Program
* Missouri Department of Health and Senior Services
Informal Poll of Surrounding States

- No odor regulations at state level:
  - Iowa
  - Nebraska
  - Kansas
  - Oklahoma
  - Arkansas

- Some nuisance odor regulations at state level:
  - Illinois
EPA Regulations

• [Denial of Petition](#) to list CAFOs under Clean Air Act Section 111 (Click on underlined words to access)
• [Report from EPA’ Office of Inspector General](#)
• EPA’s agriculture page: [epa.gov/agriculture](http://epa.gov/agriculture)
EPA Regulations (cont.)

- CERCLA and EPCRA Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

Other Federal Information

- Centers for Disease Control--Agency for Toxic Substances and Disease Registry Environmental Odors, Frequently Asked Questions
  atsdr.cdc.gov/odors/faqs.html
MoDNR Water Protection Program

- Map of all permitted animal feeding operations:
  dnr.mo.gov/mapviewer/npdes_afo.html
- Program oversight
  * Onsite inspections, usually every five years
  * Annual self-reporting by animal feeding operations
  * Prompt investigation of environmental concerns
- Program information
  * All CAFOs in Missouri apply manure to their own land or export the manure for land application
- Fact sheet: dnr.mo.gov/pubs/pub2351.htm
- MoDNR webpage: dnr.mo.gov/env/wpp/cafo/index.html
Missouri Department of Health and Senior Services

- **Report**: Perspectives on the Public Health Effects of CAFOS, Nov. 12, 2009
- Presentation by Jonathan Garoutte, Chief of the Bureau of Environmental Epidemiology during air commission’s meeting on Dec. 7, 2017
  * Webpage with link to video: [dnr.mo.gov/videos/archive-meetings2017.htm](http://dnr.mo.gov/videos/archive-meetings2017.htm)
  * Video Part 4: Presentation starts at 37:20
Contact Information

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Find us on the web at dnr.mo.gov/env/apcp