STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION

MISSOURI STATE OPERATING PERMIT

General Operating Permit

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo as amended, hereinafter, the Law),

Permit No	MOGS10413
Owner: Address:	Southern Hills LLC 1551 Larch Ave Washington, IA 52353
Continuing Authority:	Southern Hills LLC 1551 Larch Ave Washington, IA 52353
Facility Name: Facility Address:	Southern Hills 14558 Hwy FF THOMPSON, MO 65285

is authorized to operate the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein.

FACILITY DESCRIPTION

State No-Discharge Concentrated Animal Feeding Operation (CAFO) - Process wastes are collected and managed as fertilizer by spreading onto agricultural fields at agricultural rates in accordance with this permit.

SIC Code(s): 0213

CAFO Class Size: IB

Animal Units: 5057

This permit applies to only process wastewater, including storm water, under the Missouri Clean Water Law. This permit may be appealed in accordance with Section 644.051.6 and 621.250 RSMo.

October 06, 2016
Effective Date

Sara Parker Pauley
Sara Parker Pauley, Director
Department of Natural Resources

January 27, 2018
Expiration Date

John Madras
John Madras
Director, Water Protection Program

Southern Hills
MOGS10413, Audrain

Detailed Operation Description
For Concentrated Animal Feeding Operations

Feature: 001
Legal Description: SW 1/4, NE 1/4, Sec. 04, T50N, R10W, Audrain County
UTM Coordinates: 582976.000/4333230.000
Receiving Stream: Tributary to Davis Creek(U)
First Classified Stream - ID#: 8-20-13 MUDD V1.0 (C) 3960.00
USGS# and Sub Watershed#: 07110006 - 0502

Animal Type(s) and Number: Swine Over 55 lbs 12462; Swine Under 55 lbs 720

Storage Structure Type(s) and Design Storage Period (days): Undefloor Pits - 215 (days); Mortality Composter - 365 (days)

General Description: There are 3 deep pit buildings (gestation and gilt developments) and 1 shallow pit (farrowing) with slotted floors and a mortality composter. The farrowing building is periodically drained to the gestation building. This is an export only operation.

APPLICABILITY

1. This permit provides coverage under regulations found in the Missouri Clean Water Law and regulations found in10 CSR 20-Chapter 6 and 10 CSR 20-Chapter 8 for point source related discharges at Concentrated Animal Feeding Operations (CAFOs) in the State of Missouri.

2. In accordance with 10 CSR 20-6.300(2)(B)3, Class I CAFOs that do not discharge and do not seek coverage under a National Pollution Discharge Elimination System (NPDES) permit shall obtain and maintain coverage under this general permit. CAFOs that are eligible for coverage under this permit are those that have a design capacity of less than 7,000 animal units. Missouri Class II and smaller size animal feeding operations that would not otherwise be required to have a NPDES permit, may also voluntarily obtain coverage under this permit. Once an operation obtains coverage under this permit, the requirements set forth herein apply to all manure, litter, process wastewater, or mortality by-products generated within the CAFO production area.

3. In accordance with 10 CSR 20-6.300, CAFOs must have developed and implemented a Nutrient Management Plan (NMP) that meets the requirements of 10 CSR 20-6.300(3)(G)1, 10 CSR 20-6.300(5) and the Nutrient Management Technical Standard (NMTS), upon the effective date of coverage of this permit.

4. This permit authorizes the operation of a no-discharge CAFO. A discharge, regardless of the reason, is prohibited and is a violation of the permit.
   a. In the event a discharge occurs at a CAFO covered under this permit, the CAFO will be allowed to maintain coverage under this permit when the following two conditions are met:
      (1) The Department determines that the specific cause has been appropriately corrected so that the CAFO does not discharge; and
      (2) The CAFO has not had two discharges at a given site for the same cause in any five year period.
   b. If a CAFO has two separate discharge events brought about by the same cause, the Department may terminate this permit and the CAFO will be required to seek coverage under a NPDES permit.

5. If at any time the owner or operator of the operation should desire to apply for a general NPDES or site specific permit, the owner or operator may do so.

6. If at any time, the Department determines that a general NPDES or site specific permit is necessary to ensure protection of the waters of the state, the Department may require the CAFO to apply for one.

7. Duty to Reapply and Continuation of this permit.
   a. If the permittee wishes to continue activities covered under this permit after the expiration date of this permit, the permittee must apply for a new permit 30 days prior to the expiration of this permit.
   b. When this permit expires, the terms and conditions of this permit will be continued automatically pending issuance of a new permit if the permittee has submitted a timely and complete renewal application for a new permit under this rule and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit. Permits continued under this paragraph will remain fully effective and enforceable.

8. This permit applies only to requirements under the Missouri Clean Water Law and their implemented regulations and does not apply to other environmental laws and regulations.

9. All wastewater systems and major system modifications shall be constructed in accordance with 10 CSR 20-6.300, 8.300 and a construction permit unless specifically exempted by the Department.

GENERAL REQUIREMENTS

1. DEFINITIONS:

   a. Discharge - The causing or permitting of one or more water contaminants to enter waters of the state. A CAFO is said to discharge when it is designed, constructed, operated, or maintained such that a discharge of process waste to surface waters of the state will occur.
   b. Process wastewater – Water which carries or contains manure, including manure commingled with litter, compost, or other animal production waste materials used in the operation of the CAFO. Also includes water directly used in the operation of the CAFO for any or all of the following: spillage or overflow from confined animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other CAFO facilities; and water resulting from the washing, or spray cooling of confined animals.
   c. Production Area - The non-vegetated portions of an operation where manure, litter, or process wastewater from the AFO is generated, stored, and/or managed. The production area includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and the manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, feed and silage silos, pads, and bunkers. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing operation and any area used in the storage, treatment, or disposal of animal mortalities.
   d. Waters of the state – All rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common. These waters also include water of the United States lying within or adjacent to the state.
   e. Additional definitions are listed in the "Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard" and in 10 CSR 20 Chapter 2, Chapter 6.300, and Chapter 8.300.

2. AUTHORIZATION:

This permit authorizes operation of the CAFO waste management system as described in the "Facility Description", permit application and associated engineering plans. The waste management system includes all structures and equipment used to collect, store or transfer manure, litter, process wastewater or mortality by-products, from the time of initial collection through land application. This permit authorizes the CAFO to operate at an animal unit level not to exceed its respective Class size (i.e. Class IC or IB) as listed in the "Facility Description". When determining the appropriate classification a rolling 12 month average will be used. The rolling 12 month average shall at no time exceed the upper threshold limit of the CAFO's designated class size. The CAFO may change animal numbers and weights within its respective class size; however, such changes must not adversely impact the storage and handling capacities of the waste management system.

3. TERMINATION OF PERMIT:

If activities covered by this permit have ceased, and the operation has been closed in accordance with the regulations and this permit, the permittee shall request termination of this permit.

GENERAL REQUIREMENTS (continued)

4. REOPENER CLAUSE:

This permit may be reopened and modified, or alternatively revoked and reissued, to:

a. Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
   (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
   (2) controls any pollutant not limited in the permit.
b. Incorporate new or modified State of Missouri Statutes or Regulations.
c. Incorporate new or modified Best Management Practices (BMP) or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
d. Incorporate new or modified BMP or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

SPECIAL REQUIREMENTS AND STANDARD CONDITIONS

1. NO-DISCHARGES

This permit does not authorize discharge of manure, litter, process wastewater, or mortality by-products to surface waters of the state. Any discharge of manure, litter, process wastewater, or mortality by-products to surface waters of state or release crosses property boundaries shall be reported to the Department as soon as practicable but no later than 24 hours after the permittee becomes aware of the discharge.

2. CAFO PRODUCTION AREA REQUIREMENTS:

Requirements applicable to all CAFO production area(s):

a. There shall be no discharge of manure, litter, process wastewater, or mortality by-products to surface waters of state or release that crosses property boundaries from the production area.
b. A chronic weather event is a series of wet weather events and conditions that can delay planting, harvesting, and prevent land application and dewatering practices at wastewater storage structures. When wastewater storage structures are in danger of discharging due to a chronic weather event, CAFO owners shall take reasonable steps to lower the liquid level in the structure through land application, or other suitable means, to prevent an overflow from the storage structure. Reasonable steps may include, but are not limited to following the Department's current guidance (PUB2422) entitled "Wet Weather Management Practices for CAFOs". This guide was designed specifically to help minimize or eliminate water quality impacts from CAFOs during extreme wet weather periods. The Chronic Weather determination will be based upon an evaluation of the 1 in 10 year return rainfall frequency over a 10-day, 90-day, 180-day, and 365-day operating period.
c. Stockpiling of uncovered solid manure within the production area, without runoff collection, is not allowed.

SPECIAL REQUIREMENTS AND STANDARD CONDITIONS (continued)

d. Additional Requirements for Uncovered Liquid Storage Structures.
   (1) The storage structure must be properly operated and maintained to contain all manure, litter, process wastewater plus runoff and direct precipitation.
   (2) Upper and Lower Storage Operating Levels:
      (a) During normal weather conditions, the liquid level in the storage structure shall be maintained below the upper operating level, so that adequate storage capacity is available for use during adverse weather periods when conditions are not suitable for proper land application. The lower operating level shall be used as an operational guideline; however, under normal operating conditions the level in an earthen basin should not be lower than two feet above the earthen basin floor.
      (b) The liquid level in the storage structure should be lowered on a routine schedule based on the design storage period and Nutrient Management Plan. Typically this should be accomplished prior to expected seasonal wet and winter climate periods.
      (c) The upper operating level for uncovered storage structures is one foot below the emergency overflow level unless specified otherwise.
   (3) The required safety volume shall be maintained between the overflow level and the upper operating level except during chronic and catastrophic weather events.

3. CAFO LAND APPLICATION AREA REQUIREMENTS

The *Land Application Area* is agricultural land which is under the control of the CAFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, process wastewater, or mortality by-products from the production area is or may be applied.

Requirements applicable to all CAFO land application area(s):

a. There shall be no discharge of manure, litter, process wastewater, or mortality by-products to surface waters of the state or release that crosses property boundaries from a CAFO as a result of the land application of manure, litter, process wastewater, or mortality by-products to land application areas under the direct control of the CAFO, except where it is an agricultural storm water discharge. When manure, litter, process wastewater, or mortality by-products has been land applied in accordance with this permit, the NMP and the NMTS, a precipitation related discharge of manure, litter, process wastewater, or mortality by-products from land areas under the control of the CAFO is considered to be an agricultural storm water discharge.
b. All land application area(s), as defined in 10 CSR 20-6.300, must be included in the CAFO's nutrient management plan. When the permittee applies dry process wastes or process wastewater to agricultural lands that are not owned, rented, leased or otherwise under the control of the CAFO owner or operator, the permittee shall do so in accordance with Section 4 below.
c. Temporary stockpiling of solid manure within the land application areas shall be in accordance with 10 CSR 20-8.300(10)(B). No location shall be used for stockpiling for more the two weeks unless the stockpile is covered.

4. TRANSFER OF MANURE, LITTER, AND PROCESS WASTEWATER TO OTHER PERSONS:

In cases where CAFO-generated manure, litter, process wastewater, or mortality by-products is sold, given away, or applied on land not under the direct control of the CAFO, the permittee must comply with the following conditions:

a. Maintain records showing the date and amount of manure, litter, and/or process wastewater that leaves the permitted operation;
b. Record the name and address of the recipient (The recipient is the broker or end user, not merely the truck driver);
c. Provide the recipient(s) with the current nutrient analysis of the manure, litter, and/or process wastewater;
d. Provide the recipient with a copy of the NMTS; and
e. These records must be retained on-site, for a period of five (5) years and made available upon request.

SPECIAL REQUIREMENTS AND STANDARD CONDITIONS (continued)

5. MORTALITY MANAGEMENT

   a. Mortalities must not be disposed of in any liquid manure or process wastewater system that is not specifically designed to treat animal mortalities. Animals shall be disposed of in a manner to prevent contamination of waters of the state or creation of a public health hazard. Class I operations may not use burial as their primary mortality management method to dispose of routine mortalities.
   b. There shall be no-discharge from dead animal collection areas or holding areas (dumpsters, holding tanks, stockpiles within livestock production buildings, refrigeration units, etc).
   c. Operations shall first receive approval from the Department before burying significant numbers of unexpected mortalities and shall conduct the burial in accordance with the Missouri Department of Agriculture requirements. Rendering, composting, incineration or landfilling, of mass mortalities shall be in accordance with Chapter 269.020 RSMo shall be considered acceptable options and do not require prior approval.

6. INSPECTIONS:

   The following minimum visual inspections shall be conducted by the CAFO operator.
   a. Daily inspections must be conducted of water lines including wastewater, drinking water, and cooling water lines that can be visually observed within the production area. The inspection of the drinking water and cooling water lines shall be limited to the lines that possess the ability to leak or drain to wastewater storage structures or may come in contact with any process waste.
   b. Weekly inspections of all BMP, including storm water diversion devices, runoff diversion structures, and devices that channel contaminated storm water to the process wastewater storage, and divert storm water runoff away from the production area.
   c. Weekly inspections of the manure, litter, process wastewater, or mortality by-products impoundments. The inspection will note the level in liquid impoundments as indicated by the depth marker.
   d. Periodically conduct leak inspections on equipment used for land application.
   e. Monitoring of the perimeter of the application fields to ensure that applied wastewater does not run off the fields where applied.
   f. Monitor for drifting from spray irrigation.
   g. Hourly inspections of aboveground irrigation pipelines when in use.

   Any deficiencies found as a result of inspections shall be documented and corrected as soon as practicable.

7. RECORD KEEPING FOR PRODUCTION AREA:

   The following records shall be maintained on-site by the CAFO operator for a period of five (5) years from the date they are created and shall be made available to the Department upon request:
   a. A copy of permits, permit applications, and a current copy of the CAFO's NMP.
   b. The visual inspections required in Special Requirement and Standard Condition #6 shall be recorded once per week.
   c. Weekly records of the depth of process wastewater in the liquid impoundments as indicated by the depth marker. Report the liquid level as feet below the emergency overflow level.
   d. Records documenting any actions taken to correct deficiencies. Deficiencies not corrected within thirty (30) days shall be accompanied by an explanation of the factors preventing immediate correction.
   e. Records of mortalities management and practices used by the operation to verify compliance with Special Requirements and Standard Conditions #5.
   f. Records of the date, time, location, duration, estimated volume and corrective actions taken for any discharge of manure, litter, process wastewater, or mortality by-products to surface waters of state or release that crosses property boundaries. Monitor a discharge at the point immediately prior to entering the receiving stream or a release at the property boundary.

SPECIAL REQUIREMENTS AND STANDARD CONDITIONS (continued)

Report flow as cubic feet per second (CFS) based on an instantaneous estimate of the flow at the time of sampling. CFS = flow width in feet x flow depth in feet x flow velocity in feet per second. Estimates of stream channel width and depth may be used and flow velocity can be measured by timing how many feet a floating object moves within a one-second interval. Small flows may also be estimated based on gallons per minute (GPM) measurement using a container and stop watch; 450 gpm = 1.0 CFS. Other similar means of estimating may be used.

g. For open liquid manure storages only, record the inches of precipitation received daily near the production site. CAFOs may use nearby weather reporting station data to satisfy this requirement.

8. RECORD KEEPING FOR LAND APPLICATION AREA:

The following records shall be maintained on-site by the CAFO operator for a period of five (5) years from the date they are created and shall be made available to the Department upon request:

a. Expected and actual crop yields;
b. The date(s) and rates of manure, litter, process wastewater or mortality by-products is applied to each field;
c. Weather conditions at time of application and for twenty-four (24) hours prior to and following application;
d. Test methods used to sample and analyze manure, litter, process wastewater or mortality by-products, and soil;
e. Results from manure, litter, process wastewater or mortality by-products and soil sampling;
f. Explanation of the basis for determining manure application rates, as provided in the NMTS;
g. Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater or mortality by-products;
h. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
i. The method used to apply the manure, litter, process wastewater or mortality by-products;
j. Date(s) of manure application equipment inspection.
k. Additional record keeping requirements are found in NMTS that document implementation of appropriate NMP protocols.

9. REPORTING REQUIREMENTS:

a. An annual report shall be submitted by the 15th day of February for the previous calendar year. The first report is due on the next annual report date after permit issuance including partial report periods. Annual Report forms, supplied by the Department, or other equivalent forms, may be used. The report shall include:
   (1) The number and type of animals confined at the operation.
   (2) The estimated amount of manure, litter, process wastewater, or mortality by-products generated in the previous twelve months.
   (3) The estimated amount of manure, litter, and process wastewater transferred to other persons in the previous twelve months.
   (4) The total number of acres for land application covered by the NMP.
   (5) The total number of acres under control of the operation that were used for land application of manure, litter, process wastewater, or mortality by-products in the previous twelve months.
   (6) The date the soil tests were taken that was used in development of the NMP.
   (7) The date, time, location, duration and estimated volume of any process wastewater discharges to surface waters of state or release that crosses property boundaries. Report as no-discharge, if there was discharge during the monitoring period.
b. All reports or information submitted to the Department shall be signed by the owner or operator of the CAFO.

SPECIAL REQUIREMENTS AND STANDARD CONDITIONS (continued)

10. NONCOMPLIANCE REPORTING REQUIREMENTS:

a. Any discharge of manure, litter, process wastewater, or mortality by-products to surface waters of state or release that crosses property boundaries shall be reported to the Department as soon as practicable but no later than 24 hours after the permittee becomes aware of the discharge.
b. If a discharge occurs the owner or operator must submit to the Department for review and approval within fifteen days the following documentation:
   (1) The date, time, cause, duration, and approximate volume of the discharge,
   (2) A detailed explanation of the steps taken by the CAFO to permanently address the cause of the discharge that will ensure that a discharge from this cause does not occur in the future.
c. All reports or information submitted to the Department shall be signed by the owner or operator of the CAFO.

11. NUTRIENT MANAGEMENT PLAN:

In accordance with 10 CSR 20-6.300(3)(G)1, the permittee shall implement and maintain a current Nutrient Management Plan. A portion of a CAFOs nutrient management plan includes the engineering design and construction related documents within a CAFO's construction and operating permit application. The plan also includes annual reports and updates submitted to the Department. This plan must comply with the requirements found within the Nutrient Management Technical Standard (See # 13 below). The plan must, at a minimum, address the following areas:

a. Ensures adequate storage of manure, litter, process wastewater, or mortality by-products, including procedures to ensure proper operation and maintenance of the storage facilities.
b. Ensures proper management of mortalities.
c. Ensures that clean water is diverted from the production area. This shall include as necessary, controls, measures, or BMPs to properly manage storm water runoff in or around the production area and land application areas that is under control of the CAFO. Activities that should be addressed include, but are not limited to, winter feeding areas, stockpiling of raw materials, manure, litter or other animal feeding related items that have the potential to contribute pollutants to waters of the state.
d. Prevents direct contact of confined animals with waters of the state.
e. Ensures that chemicals and other contaminants handled within animal production facilities are not disposed of in any manure, litter, process wastewater, mortality by-products, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
f. Identifies appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the state.
g. Identifies protocols for appropriate testing of manure, litter, process wastewater, mortality by-products, and soil.
h. Establishes protocols to land apply manure, litter, or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.
i. Identifies specific records that will be maintained.

The NMP shall be submitted to the Department upon request.

12. GROUNDWATER MONITORING PLAN:

When groundwater monitoring is required by the Department, the permittee shall prepare and fully implement a Department approved "groundwater monitoring plan". An approved groundwater monitoring program may be required around the perimeter of a manure storage site and/or land application areas to facilitate groundwater monitoring. The necessity of a groundwater monitoring program, which may include monitoring wells and/or lysimeters, will be determined by the Water Protection Program based on a recommendation by the Division of

SPECIAL REQUIREMENTS AND STANDARD CONDITIONS (continued)

Geology and Land Survey on a case-by-case basis and be based on the potential to contaminate a drinking water Page aquifer due to soil permeability, bedrock, distance to aquifer, etc. Where the Department's Division of Geology and Land Survey has deemed groundwater monitoring necessary, geohydrological site characterization will be required prior to the design of the groundwater monitoring program.

13. NUTRIENT MANAGEMENT TECHNICAL STANDARD:

The permittee and the permittee's Nutrient Management Plan, shall follow "*Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard*", dated March 4, 2009, which is hereby incorporated as though fully set forth herein. The NMTS is available on the Department's website at http://dnr.mo.gov/env/wpp/cafo/.

14. CLOSURE OF WASTE STORAGE STRUCTURES:

Class I CAFOs which cease operation shall continue to maintain a valid operating permit until all lagoons and waste storage structures are properly closed according to a closure plan approved by the Department. CAFOs that plan to close a lagoon or other liquid waste storage structure shall submit for Department review and approval a closure plan that complies with the following minimum closure requirements:

a. Lagoons and waste storage structures shall be closed by removal and land application of wastewater and sludge.
b. The removed wastewater and sludge shall be transferred or land applied at agricultural rates not to exceed the maximum nutrient utilization of the land application site and vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state.
c. After removal and proper land application of wastewater and sludge, the earthen basins may be demolished by removing the berms, grading, and revegetating the site; or the basin may be left in place for future use as a farm pond or similar uses when water quality monitoring shows such uses are attainable.

15. ADVERSE IMPACT

The permittee shall take all necessary steps to minimize any adverse impacts to waters of the state resulting from noncompliance with any effluent limitations specified in this permit or set forth in the Missouri Clean Water Law and Regulations, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

16. RIGHT OF ENTRY

For the purpose of inspecting, monitoring , or sampling the point source, water contaminant source for compliance with the Clean Water Law and regulations, authorized representatives of the Department, shall be allowed by the permittee at reasonable times, upon presentation of credentials and following the operations biosecurity plan;

a. to enter upon permittee's premises in which a point source, water contaminant source is located or in which any records area required to be kept under terms and conditions of the permit;
b. to have access to, or copy, any record required to be kept under terms and conditions of the permit;
c. to inspect any monitoring equipment or method required in the permit;
d. to inspect any collection or treatment facility covered under the permit; and
e. to sample any wastewater at any point in the collection system or treatment process.

SPECIAL REQUIREMENTS AND STANDARD CONDITIONS (continued)

17. PERMIT TRANSFER

This permit may be transferred to a new owner by submitting a "Concentrated Animal Feeding Operation (CAFO) Operating Permit Application" along with the appropriate modification fee.

18. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Section 308 of the Act, and the Law and Missouri Clean Water Commission Regulation for Public Participation, Hearing and Notice to Governmental Agencies 10 CSR 20-6.020, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by statute, effluent data shall not be considered confidential. Knowingly making any false statement on any such report shall be subject to the imposition of criminal penalties as provided in Section 201.076 of the Law.

Missouri Department of Natural Resources
Concentrated Animal Feeding Operation
State No-Discharge Master General Permit Factsheet
MO-GS1

The Federal Water Pollution Control Act ("Clean Water Act" Section 402 Public Law 92-500 as amended) established the National Pollution Discharge Elimination System (NPDES) permit program. This program regulates the discharge of pollutants from point sources into the waters of the United States, and the release of storm water from certain point sources. All such discharges are unlawful without a permit (Section 301 of the "Clean Water Act"). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Permits in Missouri are issued by the Director of the Missouri Department of Natural Resources (Department) under an approved program, operating in accordance with federal and state laws (Federal "Clean Water Act" and "Missouri Clean Water Law" Section 644 as amended).

A Factsheet gives pertinent information regarding the applicable regulations, rational for the development of the Missouri State Operating Permit (operating permit), and the public participation process for operating permit listed below.

A Factsheet is not an enforceable part of an operating permit.

This Fact Sheet is for a Major ☐, Minor ☐, Industrial Facility ☐; Variance ☐;
Master General Permit ☒; and/or permit with widespread public interest ☐.

General Comments:

The revised state CAFO regulation 10 CSR 20-6.300 and a new CAFO Manure Storage Design Regulation 10 CSR 20-8.300 became effective April 30, 2012. These regulations incorporate revisions in the 2008 EPA CAFO rule. The EPA rule requires all Class I CAFOs that discharge to seek coverage under a NPDES permit. New state regulation requires all Class I CAFOs that do not discharge and that do not apply for a NPDES permit, to obtain and maintain coverage under a State No-Discharge Permit. This State No-Discharge Master General Permit is not a NPDES permit and has been developed to comply with the new state regulations. This permit will be issued for a 5 year period.

The new regulation also changed the animal numbers for poultry based on the type of manure handling system. There are approximately 65 poultry operations that are permitted as Class IC CAFOs, based upon their design capacity. Due to this, change, these are now Class II operations, which are not required to be permitted. These operations can request termination of their current permit during the renewal process or by submitting a Form H at any time.

The new State regulation also changed the way Class I and Class II operating size is determined. Animal units of different animal types are no longer added together to determine if an operation is Class I. It is now based upon the operating level in animal units of an individual animal type at one operating location. Once an operation becomes a Class I CAFO, the animal units of all confined animals at the operating location, will be added together to determine whether the operation is Class IA, IB or IC.

Missouri has approximately 500 CAFOs covered under the current CAFO Master General Permit, which expires on February 23, 2013. It is expected that about 75% of permitted CAFOs will apply for the State No-Discharge permit. The renewal application will allow the owner/operator of each CAFO to decide which permit they want to apply for, or Class II operations can request termination of their permit.

Part I - Facility Information

The following facility information shall appear on the coverage document issued to a General Permit Covered Facility.

Facility Type: Industrial
Facility SIC Code(s): 0211, 0213, 0214, 0241, 0251, 0252, 0253, 0272
CAFO Class Size
Animal Units

State No-Discharge Concentrated Animal Feeding Operation - Process wastes are collected and managed as fertilizer by spreading onto agricultural fields at agricultural rates in accordance with this permit.

Detailed Operation Description

The current General Permit includes an Attachment A "Detailed Operation Description" for this information. This attachment will not be used for this permit and some of the information will be added into the Detailed Operation Description. Information will include; animal number and type(s), storage structure type(s), days of storage and a General Description.

Part II - Receiving Stream Information

Please mark the correct designated waters of the state categories of the receiving stream.

- Missouri or Mississippi River [10 CSR 20-7.015(2)]: ☒
- Lake or Reservoir [10 CSR 20-7.015(3)]: ☒
- Losing [10 CSR 20-7.015(4)]: ☒
- Metropolitan No-Discharge [10 CSR 20-7.015(5)]: ☐
- Special Stream [10 CSR 20-7.015(6)]: ☒
- Subsurface Water [10 CSR 20-7.015(7)]: ☒
- All Other Waters [10 CSR 20-7.015(8)]: ☒

10 CSR 20-7.031 Missouri Water Quality Standards, the Department defines the Clean Water Commission water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and/or 1st classified receiving stream's beneficial water uses are to be maintained in accordance with 10 CSR 20-7.031(3).

Part III - Rationale and Derivation of Effluent Limitations & Permit Conditions

Permit Applicability

This general permit covers Concentrated Animal Feeding Operations (CAFOs) subject to state regulations 10 CSR 20-6.300, 10 CSR 20-8.300, and the Missouri Clean Water Law. CAFOs that may be covered by this general permit are Class I CAFOs that have a design capacity of less than 7,000 animal units. Class II and smaller operations can also seek voluntary coverage under this permit. For a facility to receive coverage under the general permit an owner or operator of a CAFO must submit an application for permit and permit fee, to the Missouri Department of Natural Resources for review and approval prior to coverage under the general permit.

State regulations require CAFOs to developed and implement a Nutrient Management Plan (NMP) upon issuance of the permit. CAFOs applying for this permit will not be required to submit the NMP to the Department, unless requested. The CAFO is also required to maintain a current NMP.

The permit requires the CAFO to operate and maintain the production area and land application areas in a manner such that they will not discharge to surface waters of the state or have a release that crosses property boundaries. Any discharge or release is prohibited by this permit and is a violation, regardless of the cause.

In the event a discharge occurs at a CAFO covered under this permit, the CAFO will be allowed to maintain coverage under this permit when the following two conditions are met; the Department determines that the specific cause has been appropriately corrected so that the CAFO does not discharge and the CAFO has not had two discharges at a given site for the same cause in any five year period. If a CAFO has two separate discharge events brought about by the same cause, the Department can terminate this permit and the CAFO will be required to seek coverage under a NPDES permit.

General Requirements

The CAFO is authorized to operate at an animal level not to exceed the Class size designated in the permit. The CAFO may change animal numbers and weights within its permitted class size, however such changes must not adversely impact the storage and handling capacities of the waste management system. When determining the appropriate CAFO classification, the Department will average the weekly facility wide inventory on a rolling 12 month average (i.e., the animal unit operating level will be determined using a "rolling 12 month average" of the "weekly facility-wide average inventory"). The rolling 12 month average should at no time exceed the upper threshold limit of the CAFO's designated facility class size. While the Department will utilize the 12 month rolling average, the permit does not require the permittee to maintain a rolling 12 month average of weekly inventories within their records, though this may be a useful record keeping exercise for a CAFO that is operating in and around a threshold boundary. The purpose of this is to set the protocol that the Department will follow when determining the classification of a CAFO. Please note that this will only be used to determine the classification of a Class I CAFO (ie IA, IB, or IC). It will not to be used to determine whether a facility is an AFO or CAFO (i.e. class II or Class I) as those criteria are already included in state and federal regulation.

Special Requirements and Standard Conditions

This permit does not authorize the discharge of manure, litter, process wastewater, or mortality by-products from the production area(s) at a CAFO. This permit also does not authorize the discharge of manure, litter, process wastewater, or mortality by-products from the land application areas at a CAFO, except when it is an agricultural storm water discharge. Where manure, litter, process wastewater, or mortality by-products has been land applied in accordance with this permit and the facilities Nutrient Management Plan, a precipitation related discharge of manure, litter, process wastewater, or mortality by-products from land areas under the control of the CAFO is considered to be an agricultural storm water discharge.

Discharges due to Chronic Weather Events or Catastrophic Storms are not allowed under this permit. When wastewater storage structures are in danger overflowing due to a chronic weather event, CAFO owners are required to take reasonable steps that may include, but are not limited to, following the Department's current guidance (PUB2422) entitled "Wet Weather Management Practices for CAFOs". This guide was designed specifically to help minimize or eliminate water quality impacts from CAFOs during extreme wet weather periods. A chronic weather event is a series of wet weather conditions that can delay planting, harvesting, and prevent land application and dewatering practices at CAFO wastewater storage structures. The Department relies on the assistance of the University of Missouri's "Missouri Climate Center" to help determine when a chronic weather event is occurring for a given county in the state. The Climate Center's determination will be based upon an evaluation of the 1 in 10 year return rainfall frequency over a 10-day, 90-day, 180-day and 365-day operating period.

New regulations prohibit stockpiling of solid manure within the production area without runoff collection and also prohibit stockpiling of uncovered solid manure in the land application area for more than two weeks.

An annual report will be required to be submitted to the Department by February 15 for the previous calendar year. The reporting requirements for submitting manure test analysis, soil test result, land application summary and a statement indicating if the NMP was developed or approved by a certified nutrient management planner, have been removed. Reporting the date of soil tests used in development of the NMP has been added.

State regulation requires that if a discharge does occur at a CAFO covered under this permit, the CAFO must submit to the Department for review, the following documentation: the date, time, cause, duration, approximate volume of the discharge, and a detailed explanation of the steps taken by the CAFO to permanently address the cause of the discharge to ensure that there will be no future discharges from the same cause.

CAFOs are required to develop and implement a NMP upon issuance of the permit that complies with requirements in 10 CSR 20-6.300(3)(G)1, 10 CSR 20-6.300(5) and the NMTS. NMPs were submitted for all permitted CAFOs during the 2011 renewal and new CAFOs permitted since that time were required to submit a NMP with the construction permit application. Revisions or updates to a CAFOs NMP will not need to be submitted to the Department unless requested.

The regulations also require the NMP to include controls, measures or Best Management Practices (BMPs) to properly manage storm water runoff for activities in or around the production area and land application areas that are under the control of the CAFO owner or operator, whether it is owned, rented, or leased. Examples of such activities could include winter feeding areas, stockpiling of manure and raw materials or any other regulated CAFO activity that will contribute pollutants to waters of the state.

Many NMPs developed for the 2011 permit renewal did not address this, since it was not required until after development and submittal of their NMP. The Department will rely on issues identified during CAFO inspections and review of construction permits to request a facility to incorporate the requirement in the operations NMP; otherwise it will be included when the existing NMP expires and is updated. CAFOs will be given ample time to update NMPs when directed to do so by the Department.

Since this is not a NPDES permit, the Standard Conditions for NPEDS Permit Part 1, as a whole, could not be included as part this permit, however, some sections are applicable. The following sections from the Standard Conditions for NPDES Permits Part 1 were incorporated into the permit: Noncompliance Notification part b, Adverse Impact, Right of Entry, Availability of Reports, Duty to Reapply, Signatory Requirement.

ANTIDEGRADATION ISSUES:

As there shall be no-discharge of process wastewater the terms and conditions in this draft permit will maintain and protect the designated uses of the various receiving stream(s) as well as the level of water quality necessary to protect said water uses. With proper implementation of Best Management Practices (BMPs) at both the CAFO production area(s) and land application site(s) as well as other minimum standards, protection of water quality will be provided for a particular water body where the water quality exceeds levels necessary to protect fish and wildlife propagation and recreation on and in the water. This also includes special protection of waters designated as outstanding natural resource waters. Antidegradation plans are adopted by each State to minimize adverse effects on water.
Because this permit applies only to no-discharge facilities, no degradation is proposed. Antidegradation review does not apply to facilities which cause no degradation.

ANTI-BACKSLIDING:

A provision in the Federal Regulations [CWA §303(d)(4); CWA §402(c); CFR §122.44(I)] requires a reissued permit to be as stringent as the previous permit with some exceptions.

☒ - All limits in this Factsheet are at least as protective as those previously established; therefore, backsliding does not apply.

☐ - Backsliding proposed in this Factsheet for the reissuance of this permit conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 § CFR 122.44.

COMPLIANCE AND ENFORCEMENT:

Action taken by the Department to resolve violations of the Missouri Clean Water Law, its implementing regulations, and/or any terms and condition of an operating permit.

Applicable ☐;

Not Applicable ☒; The permittee/facility is not under enforcement action and is considered to be in compliance with the Missouri Clean Water Law, its implementing regulations, and/or any terms and condition of an operating permit.

PUBLIC NOTICE OF COVERAGE FOR AN INDIVIDUAL FACILITY

The need for an individual public notification process shall be determined and identified in the general permit. [10 CSR 20-6.020(1)(C)5.]

Applicable ☐; Issuance of coverage to an individual facility under this Master General Permit shall be placed on Public Notice for 30 days in accordance with 10 CSR 20-6.020(1)(B) & (C).

Not Applicable ☒; Public Notice is not required for issuance of coverage under this Master General Permit to individual facilities for the first time.

Public Notice of the reissuance of coverage is not required unless the facility has been found to be in significant noncompliance [10 CSR 20-6.020(1)(C)4.].

PUBLIC NOTICE:

The Department conducted a Public Notice period for this Master General Permit from September 21, 2012 to October 22, 2012.

Date of Factsheet: November 27, 2012.