



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

AUG 12 2015

Name
Address
City, State Zip

RE: Comments on Operating Permit Application

Dear Mr./Mrs Name,

Thank you for your comments concerning the application of Trenton Farms RE, LLC Concentrated Animal Feeding Operation (CAFO). The application is for an operating permit for the operation of a new Class IC swine CAFO. This letter contains the comments or a summary of comments received during the thirty-day neighbor comment period and the concerns identified in a petition along with the Missouri Department of Natural Resources' response to the comments. Also included are the department's responses to comments by Kathy J. Martin, PE. submitted on behalf of Hickory Neighbors United. Please note that the department does not have jurisdiction to address comments regarding "nonwater quality related items" [10 CSR 20-6.020(1)(H)].

Comments were received regarding the size classification of Trenton Farms RE, LLC.

Response: Regulations in 10 CSR 20-6.300 establish class size categories for Animal Feeding Operations (AFO) based on the number of animal units in confinement. The number of animals that make an animal unit varies with animal type, animal size, and the type of waste management system. The class size category is used to determine the regulatory and permitting requirements for an operation. Trenton Farms RE, LLC is proposed as a Class IC CAFO.

Comments were received regarding the effect the proposed CAFO may have on groundwater levels.

Response: There are no statutes or regulations that specify how much water may be used. Missouri is a riparian water rights state which means all landowners generally have a right to a reasonable use of their water resources.

Comments were received about the potential for contamination of ground and surface water.

Response: CAFOs in Missouri are required to be designed, constructed, operated and maintained as no discharge facilities. They must be designed by a Professional Engineer registered in the state of Missouri in accordance with the Clean Water Commission's CAFO design regulations for the protection of groundwater and surface water, and constructed according to those design plans. The permit Trenton Farms RE, LLC applied for does not allow discharges to waters of the state for any reason. The animals must not have contact with waters of the state and the manure cannot be exposed to precipitation or stormwater without runoff containment. The proposed facility meets the regulatory setback distances to features such as streams, ponds, wetlands, and wells. The no discharge requirement is the most restrictive effluent limitation that can be placed on a permitted facility and is protective of water quality.

Comments were received regarding monitoring of water quality.

Response: The Department's Water Protection Program periodically tests, assesses, and classifies streams within Missouri. If water quality standards in a stream are being exceeded, it can be placed on the impaired waters 303(d) list. This will identify the section of the stream that is impaired and the contributing pollutant(s) to help state and federal agencies to address the water quality issues of that stream. This list can be accessed online at <http://dnr.mo.gov/env/wpp/waterquality/303d.htm>.

Comments were received about odor from the proposed CAFO.

Response: Trenton Farms RE, LLC has complied with the 1000 foot buffer distance between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence as required under Section 640.710 RSMo. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The Department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA CAFOs.

Comments were received about the location of the proposed CAFO, buffer distance requirements and plans to build a home in the area.

Response: As previously stated, Trenton Farms RE, LLC has complied with the buffer distance requirements in Section 640.710 RSMo. The department also reviews the confinement building location for the regulatory requirements of setback distances, geohydrological evaluation if required, and protection from a one hundred year flood event. These are the only regulations regarding location that fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law.

A public building or occupied residence is considered existing if it is being used prior to the start of the neighbor notice requirements or thirty days prior to the submittal of the operating permit application, whichever is later. The department received the operating permit application on April 6, 2015. Given there was not an occupied residence in existence within the buffer distance 30 days prior to department receiving the operating permit application, the proposed CAFO has met the buffer distance requirements for a Class IC operation.

Comments were received regarding the manure calculations to estimate the amount of manure produced annually.

Response: Multiple sources are available that operations can use for this purpose however, there are no statutory or regulatory requirements that specify which source or size of animal is to be used for calculating the estimated amount of manure produced. Manure production values use by Trenton Farms RE, LLC are from the Midwest Plan Service – 18, Section 1, Second Edition, published by Iowa State University.

Comments were received regarding the manure produced by the operation and what is to be done with it.

Response: Land application is widely used and is the preferred method of disposing of animal manure. Domestic and industrial wastewater and sludge are also commonly land applied.

Comments were received regarding Trenton Farms RE, LLC development of their Nutrient Management Plan (NMP).

Response: State and federal regulations require all permitted CAFOs to develop and implement a NMP that addresses elements in 10 CSR 20-6.300. Proposed land application areas that are under the operational control of the CAFO owner or operator whether owned, rented, or leased must be included in the operations NMP in order to receive manure applications. Land application fields not their under operational control are not required to be included in their NMP. The department has reviewed the required elements of the Trenton Farms RE, LLC NMP and it meets regulatory requirements. Compliance with their NMP is reviewed during inspections.

Comments were received that land application fields are in a floodplain and there should be alternative fields identified.

Response: There is no state or federal regulations prohibiting the use of fields in a floodplain for land application of manure or requiring operations to identify alternative fields for land application during wet weather periods.

Comments were received regarding land application in relation to flooding, wetlands, wet soil conditions, gumbo soils, and precipitation.

Response: Land application of manure to fields under the operational control of the CAFO owner or operator must be done according to their NMP and in compliance with the Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS) which contains best management practices for land application.

Weather, wet soil conditions, and certain soil characteristics can limit opportunities and pose special management concerns for land application. For this reason, state regulations in 10 CSR 20-8.300 require manure storage structures to be designed with a minimum of 180 days of storage. The manure storage structures proposed at Trenton Farms RE, LLC meet this requirement. The NMTS requires setback distances from streams, wetlands, wells, property boundaries and public roads.

The NMTS also prohibits manure from being surface applied during frozen, saturated or snow covered soil conditions, or within 24 hours of a precipitation event that is likely to produce runoff. This is the only regulation regarding land application in relation to soil type and condition, or precipitation events.

Comments were received about stormwater runoff and flood waters from land application fields.

Response: As previously stated, the permit Trenton Farms RE, LLC has applied for does not allow for discharges of manure. In accordance with 40 CFR Part 123 and 10 CSR 20-6.300, when manure is applied according to the operations NMP and the NMTS a precipitation related discharge is an agricultural stormwater discharge which is exempt from stormwater regulations.

Comments were received that land owners of some fields in the NMP have not given permission for land application and that some property boundary setbacks are inaccurately placed and other setbacks are missing on maps of land application fields.

Response: Mr. John Everly of the Pinnacle Group was contacted regarding the ownership of the proposed land application fields. Mr. Everly stated one of the properties in the Grundy County Plat Book was mislabeled as Lae Z Coal which is owned by Mr. Don Davis. Those fields on the mislabeled property have been removed from the NMP.

10 CSR 20-6.300(5)(F) requires the NMP to identify setback distances for land application. The NMP in several locations includes a table identifying the setback distances which meets this requirement. Maps land application areas showing setbacks are not required by regulation. Landowners should ensure that property boundaries are clearly and accurately identified in the field.

Comments were received that some of the land application maps in the NMP did not show the 1000 foot setback from a residence.

Response: The 1000 foot buffer distance is required only for confinement buildings and wastewater storage structures. Setback distances for land application are listed in the NMTS.

Comments were received relating to the manure being land applied containing antibiotics, pathogens, pesticides, and metals.

Response: Antibiotics and pathogens such as E. coli, can be a concern in both animal and domestic waste. Antibiotics are not listed as water contaminants in 10 CSR 20-7.031 or 40 CFR Part 412. Therefore, they do not have effluent limitations and are not subject to sampling requirements. Pathogen survival rates vary with the type of pathogen. Exposure to ultraviolet radiation, drying of the manure, and soil remediation helps to reduce pathogen concentrations. Injection or incorporation of manure into the soil can extend pathogen survival rate but reduces the risk of being transported by erosion from the land application field.

Pesticide content of animal manure is dependent on pesticide usage at each individual CAFO. Pesticides can also be land applied as part of crop production.

The amount of metals in manure can vary and is primarily dependent on the metal content in the feed. Research shows the metal content in manure is below the ceiling concentration and loading rates in 40 CFR Part 503 for land application of sludge.

There is no state or federal regulations that require manure to be tested for antibiotics, pathogens, pesticides, or metal content.

Comments were received regarding discharges resulting from accidents or spills of manure.

Response: Under the MOGS10000 general permit, any discharge is a violation and is subject to compliance and enforcement actions. The permittee must report any discharge to the Department within 24 hours of the operation becoming aware of the discharge. In the event of a discharge, the permit also requires the CAFO to submit a detailed explanation of the steps taken by the CAFO to permanently address the cause of the discharge to ensure a discharge from that cause does not occur in the future. If environmental issues are suspected, citizens can contact the Departments' Northeast Regional Office in Macon at (660)-385-8000 to report an environmental concern.

Comments were received regarding the design and construction of buried pipelines and pump stations and Trenton Farms RE, LLC should submit a plan for the transport of manure.

Response: Trenton Farms RE, LLC has not proposed the construction of any buried pipelines or pump stations. If in the future, the CAFO decides to construct buried pipelines or pump stations to transport animal wastewater they must be designed by a Professional Engineer registered in Missouri in accordance with 10 CSR 20-8.300 and constructed according to those design plans. Plans for how manure is to be transferred from storage structures to land application fields is not required to be submitted with an operating permit application. Above ground hoses and drag lines are not subject to the requirements of 10 CSR 20-8.300.

Comments were received regarding the fact that CAFO Owner does not live on-site.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received relating to health issues.

Response: The Clean Water Commission has developed Water Quality Standards in 10 CSR 20-7.031. This regulation establishes ambient water quality standards for those water contaminants for the protection of groundwater and surface water for the purposes of aquatic life protection, human health protection-fish consumption, drinking water supply, irrigation, livestock and wildlife watering, groundwater, and whole body and secondary contact recreation. The Clean Water Commission has also developed regulations regarding the design of manure storage structures and permit requirements for the operation of CAFOs that established a no-discharge effluent limitation. Health issues not related to water quality do not fall within the scope of this permit action and are outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding potential effects on the Poosey Conservation Area.

Response: As previously stated, the department has established the no discharge requirement for CAFO's. Trenton Farms RE, LLC is located in the Hickory Creek Hydrologic Unit and the Poosey Conservation Area is located in the Gees Creek and Indian Branch Hydrologic Units.

Comments were received relating the use of antibiotics.

Response: The use of antibiotics and disease prevention at CAFOs does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, it may fall under the jurisdiction of other state or federal agencies.

Comments were received relating to potential increase of flies.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of the Missouri Department of Health and Senior Services.

Comments were received concerning the possibility of an Indian burial ground at the proposed site.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of other state or federal agencies.

Comments were received about local traffic conditions and maintenance of roads and bridges due to the traffic from Trenton Farms RE, LLC.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received that animal feeding operations may have impacts on residential property values.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were received regarding the quality of life.

Response: The department acknowledges the community's concern; however, this issue does not fall within the scope of this permit action and is outside the jurisdiction of the Missouri Clean Water Law.

Comments were made regarding impacts on fish and wildlife and the possibility of endangered species in the area.

Response: As previously stated, the Clean Water Commission has developed water quality standards for the purpose of aquatic life protection and livestock and wildlife watering. The no discharge requirement for CAFOs is protective of these water quality standards. This is the only state law or regulation regarding the protection of fish and wildlife, and endangered species that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. However, this may fall under the jurisdiction of other state or federal agencies.

Comments were received that the application should be evaluated in accordance with the National Environmental Act, Endangered Species Act, and the Missouri State Historic Preservation Office.

Response: These are not part of the Missouri Clean Water Law and do not fall within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. However, they may fall under the jurisdiction of other state or federal agencies, or division of the department.

Comments were received that requested the department deny the application and not issue a permit to Trenton Farms RE, LLC.

Response: The department's responsibility is to protect water quality through the administration of state and federal environmental laws and regulations. As required by state law, the department must promptly review CAFO general operating permit applications for compliance with laws and regulations and if met, issue the permit within sixty days of receiving a complete application.

The following is a summary of comments received by Ms. Kathy Martin, PE and the department's responses.

Comment 1: Owner/Operator – The application states the manager of this facility is located in Minnesota. The manager cannot ensure the day-to day operations will be protective of public health and the environment if they are not on site.

Response: All CAFO's must be operated and maintained in compliance with regulatory and permit requirements. If not complied with, this is a violation and subject to compliance and enforcement actions. It is the responsibility of the permittee to ensure those requirements are met.

Comment 2: The State of Missouri has developed a Total Maximum Daily Limit (TMDL) for Hickory Creek. How will MoDNR incorporate special conditions into the CAFO permit to protect beneficial use of Hickory Creek?

Response: A TMDL has been developed and approved for Tributary to Hickory Creek in 2010. The pollutant causing the impairment is listed as unknown and source of the pollutant causing the impairment is not given. The no discharge requirement for CAFO's is the most restrictive effluent limitation that can be required of a permitted facility and is protective of water quality standards and beneficial uses.

Comment 3: The applicant claims there will be no chemicals on site.

Response: 10 CSR 20-6.300 requires the operations nutrient management plan (NMP) to ensure that chemicals and other contaminants within the production area not to be disposed of in manure, process wastewater or stormwater unless the system is designed to handle and treat such chemicals. Trenton Farms RE, LLC is identified in their NMP that no chemicals will be stored on site.

Comment 4: Land application in floodway of Thompson River. The "Guide to Animal Feeding Operations" states "Areas with flood frequencies greater than once in 10 years should not be the only land available for land application of animal waste."

Response: There is no state or federal regulations prohibiting the use of fields in a floodplain for land application of manure. The department's fact sheet "Guide to Animal Feeding Operations" is an informational publication and is not incorporated into state regulations or permit requirements.

Comment 5: Nutrient Management Plan proposes an over-application of nitrogen and phosphorus for corn and soy beans. The corn yield was based on a county average plus 10% not actual yields.

Response: Manure application rates are based on the nutrient needs of the crop and the nutrient content of the manure. These rates are calculated annually using the Plant Available Nitrogen (PAN) calculation. With nitrogen based applications, phosphorus is typically over applied. As a result of this comment the proposed nitrogen application rates for corn have been revised not to exceed the nitrogen recommendation. The Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard (NMTS) allows for manure applications to legume crops that supply the nitrogen removal rate of the expected yield. The amount of nitrogen supplied by manure applications to soybeans is below the minimum nitrogen removal rate in the University of Missouri Extension Guide WQ202 for the expected yield.

There is no state or federal regulation that requires yields to be based on actual crop history. The NMTS allows for application rates to exceed the recommended rate by 10%. Many NMP developers account for this by adding 10% to the expected yield. Nitrogen that is not utilized in the year it is applied is taken into account in the PAN calculation for application rates in the following year.

Comment 6: Facility water source – Permit application did not identify water source. The only well is about 60 feet south of the old driveway along a fence line along the state road. The Trenton Farms RE, LLC operation proposes to use more wash water than Callaway Farrowing application which was signed by the same person. What has changed between the operations?

Response: The operations water source is not required to be submitted with an operating permit application. All existing wells within 300 feet of confinement buildings and manure storage structures must be identified on a facility map. Wells outside the 300 foot setback are not required to be identified. New wells must be constructed in accordance with 10 CSR 20-3 Well Construction Code.

There is no regulatory requirement for operations to use specific calculations to estimate the amount of extraneous water that enters manure storage structures. The Callaway Farrowing LLC application was signed by a different person and designed by a different engineering company.

Comment 7: Engineering drawing does not show where domestic septic system will be located.

Response: The collection and disposal of domestic wastewater is not required to be submitted with an operating permit application. On-site disposal of domestic sewage is regulated by the Missouri Department of Health and Senior Services.

Comment 8a & 8b: Animal mortality composter does not follow Chapter 269 RSMo. or University of Missouri Extension Guides.

Response: There are no requirements in 10 CSR 20-6.300, 10 CSR 20-8.300 or the Missouri Clean Water Law for the design of mortality composters. Chapter 269 RSMo. is a Missouri Department of Agriculture statute and is not part of the Missouri Clean Water Law.

Comment 8c: Failure to prepare a catastrophic mortality disposal plan and did not mention PRSS or PEDv swine diseases.

Response: There are no regulatory requirements for CAFOs to develop, implement, or submit catastrophic mortality or biosecurity plans.

Comment 9: Engineering drawings not signed and sealed and do not show cross sections of the manure storage pits. There is no proof that the manure storage pits were designed according to NRCS Conservation Practice Standards

Response: The engineering drawings are not required to be submitted with an operation permit application. Applications are to include documentation that is sealed by a Professional Engineer registered in Missouri that states the project was designed in accordance with 10 CSR 20-8.300. Trenton Farms RE, LLC has submitted documentation that meets this requirement. The NRCS Conservation Practice Standards are not part of the Missouri Clean Water Law.

Comment 10: Operation and Maintenance plan was not submitted that shows how it will be operated according to the requirement of the regulation and NRCS Conservation Practice Standards.

Response: An Operation and Maintenance Plan is not required to be submitted with an operating permit application. As previously stated all permitted CAFOs must be operated and maintained in compliance with regulatory and permit requirements.

Comment 11: The application did not address efforts that will be made to prevent degradation of Hickory Creek which is known habitat for the Topeka Shiner

Response: The Clean Water Commission has developed Water Quality Standards in 10 CSR 20-7.031 for the purpose of aquatic life protection. The no discharge requirement for CAFOs is protective of those water quality standards. This is the only state law or regulation regarding aquatic life protection that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. However, the protection of endangered species may fall under the jurisdiction of other state or federal agencies.

Comment 12: Grundy does not have any zoning ordinances so the facility location is only controlled by state setbacks. The application does not address adverse impacts to neighbors, air emissions, location of main driveway, or limited sources of fresh water.

Response: Trenton Farms RE, LLC has complied with the minimum 1000 foot buffer distance between the nearest confinement building or wastewater storage structure, and existing public building or occupied residence as required under Section 640.710 RSMo. This is the only state law or regulation regarding odor or air pollution for Class IC CAFOs that falls within the scope of this permit action and the jurisdiction of the Missouri Clean Water Law. The Department's Air Pollution Control Program regulates odor. However, with respect to CAFOs, odor regulations apply only to Class IA facilities.

There are no requirements in the Missouri Clean Water Law for the location of the main driveway to the facility.

In Missouri, there are no statutes or regulations that specify how much water may be used. Missouri is a riparian water rights state which means all landowners generally have a right to a reasonable use of their water resources.

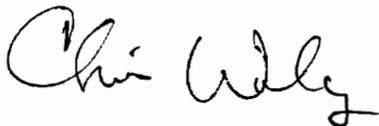
Conclusion

The department has carefully reviewed the Trenton Farms RE, LLC application for a new permit along with the public's comments and concerns. The department is obligated to review each application equally in respect to compliance with regulations set forth by the Clean Water Commission. Based upon this review we have determined that the operating permit application is complete and that the operation meets the requirements as outlined in the State's Clean Water Law. In accordance with Missouri's regulations found in 10 CSR 20-6.300 and 10 CSR 20.8.300, an operating permit will be issued to Trenton Farms RE, LLC.

Thank you for taking the time to become involved in our efforts to protect our environment and preserve our water resources. Your comments were fully considered as this matter was reviewed. We hope that this letter was valuable in providing answers to your questions, and if you have further questions, please contact Greg Caldwell at (573) 526-1426 or by mail at P.O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink that reads "Chris Wieberg". The signature is written in a cursive, flowing style.

Chris Wieberg, Chief
Operating Permits Section

CW:gcn

c: Trenton Farms RE, LLC
Northeast Regional Office

T:_NERO\Grundy 079\MOGS10500 - Trenton Farms\2015 New CAFO\Trenton Farms NN comment addresses

Name	Address	City	State	Zip	email
Matt & Carissa Swank	1007 Liv 519	Trenton	MO	64683	
Delbert Prothero	101N Locust St.	Jamesport	MO	64648	
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Dean and Cathy Rice	193 Plum Lane	Trenton	MO	64683	
Claude & Nadine Eckart	1987 Hwy. W	Trenton	MO	64683	
Terri L. Reid	240 SW Hwy. W	Trenton	MO	64683	
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Margaret Carrol Key	355 SW 45 th Ave	Trenton	MO	64683	
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Patricia Wendt	388 SW Hwy. WW	Trenton	MO	64683	
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Andy & Alicia Kidd	470 SW Oak Lane	Trenton	MO	64683	
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Richard & Connie Key	495 SW Oak Lane	Trenton	MO	64683	
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Ed Rice	663 Hwy. W	Trenton	MO	64683	
David & Anita Tatum	663 SW 40 th St	Trenton	MO	64683	
Loretta M. Ray	678 SW 40 th Ave.	Trenton	MO	64683	
Harold & Doris Baker	702 Avalon	Trenton	MO	64683	
Norman & Chris Ropp	704 SW Hwy.W	Trenton	MO	64683	
Logan Woldridge	709 SW Hwy. W	Trenton	MO	64683	
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?? Fletcher					
Bonnie Moore					
Brenda Smith					
Carol Beth Kennedy					

Carol Lovell
Charlotte J. Hoskins
Dennis Toney
Dottie ????
Eva Henderson
Evelyn Goodrich Trickle
Henry & Venna Brush
Howard Oneal
James Williams
Jerry Henderson
Lance Whorton
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