

## **PROPOSED CAFO OPERATING PERMIT PROCESS WHEN A CONSTRUCTION PERMIT IS NOT REQUIRED**

House Bill (HB) 28, which became effective on August 28, 2013 contained provisions that changed construction permitting requirements. Construction permits are now only required for the construction of an earthen storage structure to hold, convey, contain, store, or treat domestic, agricultural, or industrial process wastewater. Domestic WWTFs of all types require a construction permit. Construction of all other point source systems designed to hold, convey, contain, store, or treat domestic, agricultural, or industrial process waste must be designed by a professional engineer registered in Missouri in accordance with design regulations. HB 28 also changed the fee for non-substantive permit modifications such as operation name change or ownership transfer from \$150 to \$100.

In response to these changes, the Department of Natural Resources has implemented an interim process for applications for a new or modified CAFO operating permit that does not require a construction permit. This document will serve as guidance until regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 can be revised. This interim process includes changes as to when applications are to be submitted and the additional supporting documents that are required. The requirements for buffer and setback distances and neighbor notice have not changed.

### **Prior to Starting Construction**

CAFO Owner/Operator Responsibilities:

- 1) Project must be designed by P.E. licensed in Missouri, in accordance with design regulations in 10 CSR 20-8.300 and meets buffer distance and neighbor notice requirements in 10 CSR 20-6.300(3)(B) & (C). Obtain land disturbance permit if required.
- 2) Construction can begin at any time; however, the department recommends that the owner/operator receives the effective CAFO operating permit prior to the start of construction.

### **Prior to Submitting Operating Permit Application**

CAFO Owner/Operator Responsibilities:

- 1) Develop a Nutrient Management Plan (NMP).
- 2) Send neighbor notice letters to neighbors, county and department. Prepare Form W and other required permit documents.

Department Responsibilities:

- Review neighbor notice letter for compliance. Inform applicant if it does not meet requirements.
- Start a file for neighbor notice comments.

### **Operating Permit Application Requirements and Permit Issuance**

CAFO Owner/Operator Responsibilities:

- 1) Submit Form W and appropriate permit fee;
  - a) General permit applications should be submitted at least 90 days prior to the proposed starting date of operation, or
  - b) Site specific permit applications should be submitted at least 180 days prior to the proposed starting date of operation.

These timelines should allow for issuance of the permit prior to the proposed starting date of operation. However, if any of the required documents are missing or if additional information is required; the issuance time can be longer. The department recommends that an application be submitted prior to the start of construction to avoid potential problems and delays in permit issuance.

- 2) Submit other required supporting documents,
  - a) Title/cover page of engineering report or similar document including name of the operation, date prepared, name and address of firm preparing the report, seal and signature of the engineer, and a statement indicating the project was designed in accordance with 10 CSR 20-8.300.
  - b) Narrative project summary. This shall include a summary of the operation with number of confinement buildings, the design capacity in animal units and animal numbers for each type of animal, and an explanation of the manure management system and any proposed modifications
  - c) Calculations showing the amount of manure generated annually, storage volume calculations and days of storage of all manure storage structures, including mortality composter,
  - d) An aerial or topographic map showing the extent of the production area including;
    - i) all confinement buildings, open lots, manure storage structures,
    - ii) surface water and areas subject to a one hundred year flood event within or adjacent to the production area, and
    - iii) production area setback distances in accordance with 10 CSR 20-8.300(5)(B).
  - e) Nutrient Management Plan;
    - i) NPDES permit – applications for a new or modified permit shall include the operations nutrient management plan, or
    - ii) State no-discharge permit – applications for a new permit shall include the operations nutrient management plan.
    - iii) For export only operations, completing parts 5-11 of Form W meets this requirement.
  - f) Applications for Class I CAFOs shall also include;
    - i) Proof of neighbor notice to all parties listed in 10 CSR 20-6.300(3)(C)2 and a maps that meets the requirement of 10 CSR 20-6.300(3)(C)4; and
    - ii) All comment letters received in response to neighbor notice by the CAFO owner, operator or their representative in accordance with 10 CSR 20-6.300(3)(C).
- 3) Correct any permit application deficiencies identified in comment letter.

Department Responsibilities:

- Neighbor comment period will end thirty days after application is received.
- Review application and permit documents for completeness and for compliance with regulations. Send letter to owner and/or P.E. confirming that application is complete or requesting additional information.
- Prepare NPDES permit Attachment A and land application Information for 15 day public comment period. No public comment is required for State no-discharge permit.
- Place NPDES permit on 15 day public comment period after completion of neighbor comment period.
- Respond to comments received during neighbor notice and 15 day public comment period.
- May conduct site inspection prior to issuance of permit.
- When application is complete and complies with regulations, permit can be issued.

Submission of as-built engineering certification or Statement of Work Complete form upon completion of construction is not required for those projects that do not require a construction permit.

Confinement areas and buildings cannot be populated until an operating permit has been issued.

The neighbor notice will expire if an operating permit application has not been received by the department within twelve (12) months if initiating the neighbor notice requirement.

For further information you may contact Amanda Sappington at (573) 751-8728.