Letter from the Commercial Agriculture Program Director

Owners of Class IB and IC permitted animal feeding operations will need to make some important choices related to their permit in the month of August. Farmers also need to know the record keeping requirements detailed in the new permit. This special issue of the Commercial Agriculture News will help the approximately 400 producers who currently have a Missouri General Permit understand their options and obligations.

We worked with staff from Missouri Department of Natural Resources (MDNR) including Keith Forck, Acting Agricultural Unit Chief, to ensure we are providing the most up-to-date information. This publication will help you prepare, but continue to monitor the situation to make sure you are aware of any additional changes to your permitting options.

We also will work with MDNR to hold a series of free educational sessions across the state in mid July (see article on this page). These sessions will include time for you to ask questions and get answers.

Two years ago we talked with many of you about no-discharge and NPDES permits in Missouri. Now in 2012, farmers must make choices about the type of permit they want for their operation. We hope that this publication and the informational meetings will help you make the best choice.

Thanks to MDNR for their help in putting together this publication. Please contact the Commercial Agriculture Program Team or MDNR if you have further questions.

Sincerely,

Dr. Rex Ricketts, Director
573-882-4553
RickettsR@missouri.edu

Information Meetings Scheduled

These free sessions will start with a 30-minute presentation on permit options for animal feeding operations and record keeping requirements. There will be plenty of time to have your questions answered by MDNR staff and University of Missouri faculty.

No reservations needed; just show up! Look forward to seeing you!

For more information about the sessions please contact Commercial Agriculture Program (573-882-0378).

The 2012 CAFO Calendar

This summer, there are two important deadlines for permitted animal feeding operations.

July 2012 – Obtain your Permit Renewal Form
» MDNR will notify all general permitted operations by mail of the requirement to submit a permit renewal form. You can get a copy of the permit renewal form online at http://dnr.mo.gov/env/wpp/cafo/.

Aug. 27, 2012 – Deadline for submitting your permit renewal form
» Submitting your renewal form on or before this deadline ensures continuous permit coverage in the transition from your current to your new permit.
  » When you submit your permit renewal form you must include:
    • The completed permit renewal form. You must select the type of permit you plan on acquiring on the permit renewal form.
    • A check for the appropriate permit fee ($150).
    • A completed “Land Application Information Form” (NPDES permits only).
    • A copy of your current Nutrient Management Plan (NPDES permits only).

Missouri has Two General Permit Options for CAFOs

Missouri regulations require all operations that confine 1,000 animal units or more of any one class of animals must have an operating permit. Recent rule changes expanded the number of general permit options in Missouri from one to two. Both permits are five-year operating permits.

Operations that currently have a general permit need to choose either the State No-Discharge General Operating Permit or the NPDES General Operating Permit.

The primary objective of this publication is to help farmers get the information they need to make an informed choice.

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Local Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, July 16</td>
<td>1:00PM</td>
<td>Friendship Room, First United Methodist Church, 1701 W 32nd, Sedalia, MO</td>
<td>Brent Carpenter, 660-827-0591</td>
</tr>
<tr>
<td>Tuesday, July 17</td>
<td>1:00PM</td>
<td>Barton Farm Campus, North Central Missouri College, 96 SE 8th Ave, Trenton, MO</td>
<td>Kevin Hansen 660-546-0811</td>
</tr>
<tr>
<td>Wednesday, July 18</td>
<td>1:00 PM</td>
<td>University Missouri Southwest Research Center, 14548 Highway H, Mt. Vernon, MO</td>
<td>417-466-2148</td>
</tr>
<tr>
<td>Thursday, July 19</td>
<td>1:30 PM</td>
<td>Audrain 4H Center, 21509 Highway D, Mexico, MO</td>
<td>Heather Smith 573-642-0755</td>
</tr>
</tbody>
</table>

CONTACT US FOR ADDITIONAL INFORMATION
http://nmplanner.missouri.edu

http://agebb.missouri.edu/commag/
By August 27, 2012, farmers who currently have a General Permit will need to choose what type of permit they want for their operation. Farmers will be choosing between two options: 1) the State No-Discharge General Permit or 2) the NPDES General Permit.

Your choice will be based largely on managing the risk of your manure storage over-flowing due to a large precipitation event. If you believe that rainfall will never cause your manure storage to overflow you would be a good candidate for the Missouri No-Discharge General permit. Examples of these types of operations include poultry buildings raising birds on litter, hogs or dairy cows in deep-pack buildings or covered slurry storages for hog or dairy operations.

If you expect that your manure storage will overflow at some point due to extreme precipitation events you could choose the NPDES General Permit. No properly designed and operated manure storage facility in Missouri is designed to regularly discharge manure or other effluent. However, extreme weather events can occur that exceed the designed capacity of an open storage. The NPDES General Permit defines the situations where such releases are allowed under this permit. Examples of operations that should consider getting the NPDES General Permit include any operation with a lagoon or slurry storage open to precipitation. Farms with open lots draining into a lagoon or other manure storage are strongly encouraged to consider the NPDES General Permit.

What happens if you choose the No-Discharge permit and then have a precipitation-based discharge to waters of the state? You will get a notice of violation and the matter will be evaluated for further enforcement action. You also will be required to provide MDNR detailed information on how the spill occurred and corrective actions taken to prevent a future discharge for the same cause. If you have a second discharge for the same reason within five years you will be required to apply for to an NPDES General Permit.

Use the table on page three to help understand many of the differences and similarities between the two permits.

Current Nutrient Management Plan Good for New Permit?


Permitted operations must have a current nutrient management plan when they renew their permit. Your plan is current if it meets the following conditions: 1) is compliant with the Nutrient Management Technical Standard; 2) you have followed your plan, 3) your record keeping is up to date and 4) the plan expiration date is after February 2013.

Many permitted operations have a nutrient management plan that meets these criteria. If you are getting the State No-Discharge General permit we recommend updating your plan based on its expiration date; you must get a new plan at least once every five years. Continue to follow the current plan and keep the appropriate records as you transition to your new permit. Please be aware that you must get a new plan before the current plan expires. Developing a new plan may take several months so plan ahead! When you get your new nutrient management plan, note that the plan has been updated in the annual report you submit to MDNR that year.

Farmers with a State No-Discharge General Permit do not need to send a copy of the new plan to MDNR but you must keep it on site and available for inspections.

Farmers who obtain the NPDES General Permit can use their current plan when they renew the permit. But you should recognize that getting a new plan part way through the permit cycle could be an involved process with the NPDES permit. With the NPDES permit, you will be required to submit any new plan to MDNR along with an updated Nutrient Management Plan Information Form. If there are any changes to the information on the Nutrient Management Plan Information Form the new plan will be considered a modification of your permit. Significant changes to this form include adding new fields, any change in spreadable acres for a field, any change in nutrient basis for a field (N or P based application), any change in the potential crops that could be planted on a field or any change in expected yields.

Permit modifications of the NPDES permit require paying the associated permit fees and undergoing an MDNR public notice process. The public notice process will likely be a 15-day posting of the revised Nutrient Management Plan Information Form on the MDNR web site (it does not include neighbor notification). Any document submitted to MDNR is public information so the general public will be able to obtain a copy of any nutrient management plan you submit to MDNR with your NPDES permit. Allow sufficient time for MDNR to approve your new plan before your current plan expires.

So farmers getting the NPDES permit have to make a choice in how they handle their nutrient management plan. They can continue to follow their current plan and get a new plan based on the expiration date of their current plan part way through the permit cycle. Farmers who use this approach will need to pay permit fees and undergo an MDNR public notice process if the new plan includes significant changes to the Nutrient Management Plan Information Form. Alternatively, farms using the NPDES general permit may choose to get a new nutrient management plan this fall or winter. This plan will coincide with the permit cycle, minimizing the need to re-open your permit due to a new nutrient management plan.

A nutrient management plan is not needed for dry manure operations that export all manure and compost off their farms. If you are an “Export Only” operation, be sure to check “yes” in section 4.2 on the permit renewal form and complete sections 5-11 of the form as this meets the requirements of a nutrient management plan for “Export only” operations.

Both Permits Require Annual Manure Testing

Farmers also expected to use information in the new manure test results to appropriately adjust manure application rates on their farm. Your crop consultant that wrote your nutrient management plan can help with this.

The Commercial Agriculture Program will have a new website available this winter to help farmers adjust application rates based on new manure tests.

Do not forget to sample your manure every year. Failure to do so is a violation of your permit and could lead to a notice of violation and potentially further enforcement action.
# Choosing the Right Permit: State versus NPDES Permit

<table>
<thead>
<tr>
<th>Question</th>
<th>State No-Discharge General Permit</th>
<th>NPDES General Permit</th>
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<tbody>
<tr>
<td><strong>Nutrient Management Plan</strong></td>
<td></td>
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<tr>
<td>Does the nutrient management plan need to meet the criteria of the Missouri CAFO Nutrient Management Technical Standard?</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Will land application elements of my nutrient management plan be part of the terms and conditions of my permit?</td>
<td>No, but you are required to follow a plan that meets the requirements of the CAFO Nutrient Management Technical Standard.</td>
<td>Yes. Terms of the permit will include the Nutrient Management Plan Information Form that lists fields that can receive manure, potential crops, yield goals, and results of the phosphorus loss assessment tool.</td>
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<tr>
<td>Will I need to submit my plan to MDNR?</td>
<td>No. You must keep it on-site and provide it to MDNR upon request.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Will my plan undergo a formal public comment period as part of getting my permit?</td>
<td>No.</td>
<td>Yes. Similar to the original plan comment period. You will incur a permit fee ($150).</td>
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<tr>
<td>After I get my permit, will significant changes in my NM plan require a public comment period?</td>
<td>No.</td>
<td>Adding a new field to your nutrient management plan is a significant change and will require permit modification and a public comment period before you can apply manure on that field.</td>
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<tr>
<td>How can I apply manure on a field that I control that is not in my current nutrient management plan?</td>
<td>Update your nutrient management plan to include the new field and apply manure to the field based on your updated plan.</td>
<td>Complete a new nutrient management plan and submit a copy to MDNR, including an updated Nutrient Management Plan Information Form. (See article on page 2)</td>
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<tr>
<td>What do I do if my Nutrient Management plan is about to expire.</td>
<td>Get a new nutrient management plan and maintain the new plan on site. Report the expiration date for your new plan in your annual report.</td>
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<tr>
<td>If I am building a new operation or expanding an existing operation, do I need to submit a nutrient management plan to MDNR as part of the Construction Permit application?</td>
<td>Yes.</td>
<td>Yes.</td>
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<tr>
<td><strong>Spills</strong></td>
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<td>If I have an accidental spill during land application that discharges to waters of the state, how will I be treated under my permit?</td>
<td>You will be liable, at a minimum, for an unauthorized discharge.</td>
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<tr>
<td>If I have a discharge of my manure storage facility solely due to a precipitation event in excess of its design standard how will I be treated under my permit?</td>
<td>You will be liable, at minimum, for an unauthorized discharge. In some cases you may be required to apply for an NPDES General Permit based on a determination by MDNR.</td>
<td>Your permit allows this type of discharge when the CAFO is operated and maintained appropriately.</td>
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<tr>
<td><strong>Other Issues</strong></td>
<td></td>
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<tr>
<td>What is the fee to obtain this permit?</td>
<td>$150</td>
<td>$150</td>
</tr>
<tr>
<td>Can I use emergency land application practices during declared chronic rainfall events?</td>
<td>Yes.</td>
<td>Yes.</td>
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<tr>
<td><strong>Which Permit is Best For Me?</strong></td>
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<tr>
<td>If all my animals and manure storage facilities are under roof which permit should I use?</td>
<td>100% roofed or otherwise covered facilities will find the state permit should meet their needs. Examples of these types of facilities include typical broiler dry litter buildings, high rise layer buildings and hog buildings with an under-floor manure pit.</td>
<td>No benefit is provided by the NPDES permit because no precipitation enters the system.</td>
</tr>
<tr>
<td>If my operation has an uncovered manure storage or open animal holding pens or lots which permit should I use?</td>
<td>If you have an uncovered storage first consider if your facilities have ever discharged or if you find it challenging to manage manure levels in your uncovered facilities during periods of excessive or chronic rainfall. • If the answer to this is yes, the NPDES permit may be the better choice for a permit for your operation. The NPDES permit is not a license to discharge but does protect you against penalties if you have a discharge due to extreme weather conditions and you have been managing your facility properly. • If you never have had a discharge and you rarely or never have trouble managing the manure level in your manure storage facility a State permit may still be appropriate. Examples of these types of facilities include an operation with an anaerobic lagoon, an operation with an open slurry storage and operations with any animal holding pens that are not under roof. All these types of storages could have a discharge if there is a precipitation event that exceeds the design criteria for the facility.</td>
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All Permitted Operations are Required to Keep Records

All permitted operations have the same inspection and record keeping requirements. There is no difference in these requirements between the two general permits. These requirements include:

1. records of all spills and overflows,
2. weekly records of manure storage level,
3. records of manure transfers off the farm,
4. daily precipitation records,
5. records of disposal method for all mortalities,
6. records of all manure and soil test results obtained during the permit cycle,
7. records of required weekly inspections of storm water diversion structures and manure containment structures and daily inspection of water lines, and of any repairs to these systems,
8. records of all land application of manure on your farm, and
9. an annual accounting of the nitrogen and phosphorus applied to every field in the nutrient management plan.

MDNR has developed CAFO Record Keeping Forms (available at http://www.dnr.mo.gov/forms/780-2153-f.pdf) that documents all the specific records CAFOs are expected to maintain. It is important to keep these records up to date because these records document your compliance with your permit and nutrient management plan and will be checked in any MDNR or EPA inspection. We strongly recommend you download these forms and develop a plan that insures these forms are updated daily with the required information.

Your records do not have to be submitted to MDNR but must be maintained at your location for at least five years.

Annual Report Requirements More Detailed for NPDES General Permit

All permitted operations will be required to submit an annual report by February 15 of each year. The annual report form supplied by the MDNR, or equivalent form, will detail what needs to be included.

Annual reports for all permitted operations will include information such as animal inventory, amount of manure (including litter, process wastewater, and mortality by-products) generated, amount of manure transferred off the operation, and if there was discharge.

Annual reports for NPDES general operating permits will be more detailed. NPDES permitted operations will be required to report substantially more detail about their nutrient management activities including crops planted and expected yields, the amount and nutrient analysis results for the manure, litter, and process wastewater, and any soil testing form the previous twelve months. All operations will need to keep nutrient management records on their farm; only NPDES permitted operations will need to submit some of these nutrient management records as part of the annual report.

Who Needs a Permit?

If you currently are not required to have a permit, you do not need a permit under the new rules. In Missouri, all Class I concentrated animal feeding operations must have an operating permit. Class size is based on the number of confined animals on your farm; a beef cow on pasture is not confined. You need a permit if any one category of animals on your farm meets or exceeds 1000 animal units.

There will be poultry operations that have been Class I operations that will now be Class II operations because of changes in some regulatory thresholds. These changes include increasing the regulatory threshold to 125,000 broilers, pullets or turkey pouls (brood phase) on litter, 82,000 layers or 55,000 turkeys (growout phase) on a dry system, and 30,000 for all poultry with wet manure handling systems. Operations with inventory less than these numbers are Class II operations and no longer need a permit and can apply to have their permit terminated.

I don't need a permit. Do I need a nutrient management plan?

Unregulated operations that land-apply manure are encouraged to have some type of nutrient management plan that defines the rates of manure application on each field based on crop need and manure testing, and defines manure application setbacks around sensitive features. A plan that meets the Missouri Nutrient Management Technical Standard is recommended, but not required on unregulated operations.

My operation exports all the manure generated on the farm and applies no manure to fields we own or rent. Do I need a nutrient management plan?

You do not need to submit an updated nutrient management plan if: 1) all the manure is dry manure (>25% dry matter content), 2) manure and compost is never applied to their fields or the fields they control, and 3) all the manure and compost on the operation is exported off the farm. Instead, indicate on the permit renewal form that you are an “export only” operation and complete sections 5-11 of the form as this meets the requirements of a nutrient management plan for an “export only” operation.

Export only operations must test all sources of manure (e.g. litter, mortality compost), at least annually, provide everyone who receives manure an appropriate manure analysis report and keep the required records for exported manure.

Class I operations with an export only permit that choose to land apply manure in the future will need to get a nutrient management plan that meets the requirements of the Missouri Nutrient Management Technical Standard and apply for a modification to their permit prior to land application.

Commonly Asked Questions