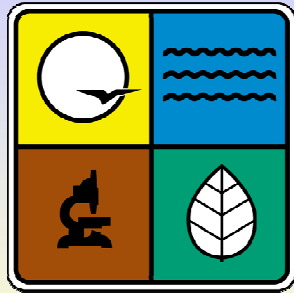


CAFO Workgroup Meeting on Phase II Rulemaking



Missouri Department of Natural Resources

September 28 - 2010

Two CAFO Rulemaking Projects

- **10 CSR 20-6.300 – CAFO Permit Rule**
Rule Coordinator: Darrick Steen
Proposed Rule to CWC March 2, 2011
- **10 CSR 20-8.300 – CAFO Design Standard Rule**
Rule Coordinator: Barbara Li
Proposed Rule to CWC on May 4, 2011

- Both rules to be effective by February 2012 -



Strawman proposal currently addresses:

- Conformance to 2008 EPA CAFO rule
- NPDES discharge permits
- State No-Discharge permits
- EPA Certification
- Updated & new definitions
- Updates/Clarification to existing provisions
- Anything missing, please let me know.



“Duty to Apply” for a CAFO Permit

All Class I CAFOs must obtain a permit.

NPDES Permit - CAFOs that “propose to discharge” (see EPA guidance).

- Certain rain induced discharges from open storages will be allowed.
- Must comply with NPDES permit issuance process.
- Individual public notice process for each permit.

State No-Discharge Permit – CAFOs that will not discharge

- Permit coverage obtained similarly as to the current general permit
- No-discharge standard; no allowable discharges
- Provides for EPA Certification



Class II and smaller operations

- Allows for voluntary permit coverage, state or NPDES
- Includes EPA CAFO “designation” process
- Class II Permit Requirements (ie, ELGs) -
Same as EPA medium and small AFO; “Best Professional Judgment”



EPA No Discharge Certification

In accordance with 40 CFR 122-23(i)-(j)

- Coverage is provided under State No-Discharge Permit
- Must maintain compliance/conformance with state permit
- Certification can limit liability under NPDES regs.
- No violation of the “NPDES requirement to seek NPDES coverage” prior to a discharge.
- Two strikes your out of state and into a NPDES permit.



10 CSR 20-6.300 - CAFO Permit Rule

New EPA ELG's

- 40 CFR 412 Subpart A-D incorporated by reference -

- Subpart C – Beef and Dairy Cows (no change from 2003)
No-Discharge, except during a catastrophic rainfall.

- Subpart D - Revised NSPS for Veal, Poultry, Swine
No-Discharge subject to tech evaluation that includes:
 - 1) Following 10 CSR 20-8.300
 - 2) AWM – NRCS storage software or equivalent
 - 3) SPAW – Must use for open storages



10 CSR 20-6.300 - CAFO Permit Rule

Chronic Weather Event:

Purpose: We can't predict or change adverse weather conditions, but we can be better prepared to deal with it when it happens.

- Proactive approach to prevent overflows during chronic weather. Will apply to all wastewater storage systems.
- Enables wet weather BMP's under the "Wet Weather Management Practices for CAFOs".
- Does not authorize discharges from storage or land application.
- Based on the "1 in 10 year" 10 day, 120 day and 365 day period
- MO Climate Center will determine.



Animal Thresholds

Objective: Consistency with Federal Standards

Conformance to EPA animal numbers (see handout).

- Distinctions between dry and wet systems for poultry.

Conformance to EPA CAFO classification standard.

- Based on the operating level of a individual animal type; not the sum of all types on a farm.



Definitions

New and revised definitions

- Chronic Weather Event; replaces chronic storm event
- AFO & CAFO
- Discharge or Propose to Discharge
- No Discharge Operation
- Dry Process Waste
- Wet Handling system



Letter of Approvals

**No longer administered and will
be deleted from rule altogether.**



Missouri Department of Natural Resources

Any Questions?

For More Information Contact:

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Water Protection Program
Agricultural Unit
P.O. Box 176 Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-1300**