

I. All proposed Concentrated Feeding Operations that are designed to accommodate Class I and Class II concentrations of animal units shall be subject to site plan review. The site plan submittal shall demonstrate how the following conditions are met:

- (1) All wastes from a concentrated animal feeding operation should be controlled so that there is no discharge of waste (including storm water runoff that comes in contact with animal waste) from the property; and no discharge of wastes, directly or indirectly, to surface or subsurface waters, including sinkholes, dry stream beds, flowing streams, wet weather tributaries, and drainage ditches.
- (2) The no-discharge requirements of the Missouri Department of Natural Resources (MDNR), Division of Environmental Quality, under the Missouri Clean Water Law, shall be met.
- (3) A copy of the Missouri Department of Natural Resources (MDNR) "Letter of Approval", if required, shall be submitted with the Site Plan Review.
- (4) Separation requirements of the Missouri Department of Natural Resources (MDNR) for Concentrated Feeding Operations shall be met.

Such reviews shall be placed as an item on the regular meeting schedule of the Planning and Zoning Commission. A notice of the meeting shall be sent to all landowners in the notification area as prescribed by the Missouri Department of Natural Resources (MDNR) rules.

Definitions

1. **Animal unit (AU).** A unit of measurement to compare various animal types and weights. One AU equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15* nursery pigs weighing under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens; or an equivalent animal unit. All animal units are totaled for each operating location.

* Note: Number of nursery pigs is based on animal unit equivalents by comparing to the average weight of finishing hogs.
2. **Animal unit equivalent.** An equivalent animal type and weight that has a similar amount of manure produced as one of the listed animal unit categories.
3. **Concentrated Animal Feeding Operation (CAFO).** A confined animal feeding operation that meets each of the following three (3) criteria:
 - a. Animals are confined for a total of forty-five (45) days or more in any twelve (12)-month period; and
 - b. A ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area; and
 - c. One of the following size criteria is met:
 - (1) Class IA or IB operation (greater than 1000 AU); or
 - (2) Class II operation (between 300 & 999 AU) that discharges through a man-made conveyance into waters of the state or where pollutants are discharged directly into waters of the state which originate outside of and pass through the facility.
4. **Discharge.** Wastewater released directly or indirectly into surface or subsurface waters of the state.
5. **Operating location.** All contiguous land under the same owner or operator; or noncontiguous land if they use a common area for the disposal of wastes. State and county roads are not considered property boundaries.
6. **Waters of the State.** All rivers, streams, lakes and other bodies of surface and subsurface water which are not entirely confined and located upon land owned by one person or 2 or more persons jointly or as tenants in common.
7. **Wet handling system.** Handling of manure that contains less than 50% dry matter or has free draining liquids.

8. Concentrated animal feeding operation. An operating location where animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12)-month period, and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area and meets one (1) of the following criteria:

A. Class I operation: or

B. Class II operation that discharges through a man-made conveyance or where pollutants are discharged directly into waters of the state which originate outside of and pass over, across or through the operation or otherwise come into direct contact with the animals confined in the operation;

9. Critical watersheds—defined as the following:

A. Watersheds for public drinking water lakes (L1 lakes defined in 10 CSR 20-7.031 and identified in Table G);

B. Watersheds located upstream away from the dam from all drinking water intake structures on lakes including the watershed of Table Rock Lake;

C. Areas in the watershed and within five (5) miles upstream of any stream or river drinking water intake structure, other than those intake structures on the Missouri and Mississippi Rivers; and

D. Watersheds of the Current (headwaters to Northern Ripley County Line), Eleven Point (headwaters to Hwy. 142) and Jacks Fork (headwaters to mouth) Rivers;

10. Dry litter—A waste management system where the animals are confined on a floor that is covered with wood chips, rice hulls or similar materials and the resulting litter/manure mixture has at least fifty percent (50%) dry matter and is not exposed to precipitation or storm water runoff during storage;

11. Facility—Any Class IA concentrate animal feeding operation which uses a flush system;

12. Flush system—Any animal waste moving or removing system utilizing liquid as the primary moving and removal force from animal containment buildings, as opposed to a primarily mechanical or automatic device;

13. Man-made conveyance—A device constructed by man and used for the purpose of transporting wastes, wastewater or storm water into waters of the state. This includes, but is not limited to, ditches, pipes, gutters, emergency overflow structures, grass waterways, constructed wetland treatment systems, overland flow treatment systems or similar systems. It also includes the improper land application of process wastes so as to allow

runoff of applied wastewater during land application;

14. Mechanical or automatic device—A method or mechanical invention to remove animal wastes, such as screw augers, scrapers, etc., that does not use liquid as the primary removal force;

15. No-discharge operation—An operation designed, constructed and operated to meet each of the following conditions:

A. To hold or irrigate, or otherwise dispose without discharge to surface or subsurface waters of the state, all process wastes and associated storm water flows except for discharges that are caused by catastrophic storm events;

B. Process wastes are not land applied during frozen, snow covered or saturated soil conditions; and

C. Basins are sealed in accordance with 10 CSR 20-8;

16. Occupied residence—A dwelling place for people which is inhabited at least fifty percent (50%) of the year;

17. One-in-ten (1-in-10) year precipitation—The wettest precipitation expected once every ten (10) years for a three hundred sixty-five (365)-day period, based on at least thirty (30) years of records from the National Climatic Data Center;

18. Operating location—All contiguous lands owned, operated or controlled by one (1) person or by two (2) or more persons jointly or as tenants in common or noncontiguous lands if they use a common area for the disposal of wastes. State and county roads are not considered property boundaries for purposes of this rule;

19. Process wastes—Process waste includes manure, wastewater and any precipitation which comes into contact with any manure, litter or bedding or any other raw material or intermediate or final material or product used in the production of animals or direct products. It includes spillage or overflow from animal watering systems; washing, cleaning or flushing of pens, barns, manure pits or other associated animal operations; washing or spray cooling of animals; dust control; storm water runoff from animal confinement areas and loading and unloading areas; storm water runoff from deposits of airborne dust from building ventilation systems or spillage of feed or manure; discharges from land application fields that occur during land application; and storm water runoff from land application fields if wastes are applied during frozen, snow covered or saturated soil conditions or if application rates exceed the maximum nitrogen utilization of the vegetation grown;

20. Public building—A building open and used routinely by the public for public purposes;

21. Wet handling system—Wet handling system is the handling of manure that contains less than fifty percent (50%) dry matter or has free draining liquids. Wet handling includes the storage of dry manure or dry litter so that it is exposed to rainfall or storm water runoff. Wet handling system also includes all gravity outfall lines, recycle pump stations, recycle force mains and appurtenances.

(2) General.

(A) All persons who build, erect, alter, replace, operate, use or maintain operation for generation, storage, treatment, use or disposal of process wastes from concentrate animal feeding operations shall obtain permits as follows:

1. Class I concentrated animal feeding operations;

2. Class II concentrated animal feeding operations which discharge through a man-made conveyance; or

3. An operation designated on a case-by-case basis under subsection (2)(C) of this rule.

(B) Exemptions.

1. Small scale pilot projects or demonstration projects for beneficial use that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority, provided the facilities are three hundred (300) animal units or smaller. The department may extend the permit exemption for up to one (1) additional year after review of the first year's results. . . permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation.

2. A permit is not required for animal feeding operations of less than three hundred (300) animal units when the operation utilizes applicable best management practices approved by the department.

3. Permits are not required for the composting of dead animals at Class IC or smaller operations when—

A. The compost operation and raw materials storage are located in enclosed buildings with impermeable floors; or

B. The unroofed compost area covers less than five thousand (5,000) square feet and is underlain with an impermeable floor and raw materials are covered by a tarp or impermeable cover.

4. Permits are not required for storage buildings for dry litter, compost or similar

Cass County, Missouri Zoning Ordinance -- Appendix A

Listing of Uses By Zoning District

GRP NO.	SIC NO.	USE DESCRIPTION	ZONING DISTRICTS									
			A	R-A	R-1	R-2	R-3	C-1	C-2	I-1	I-2	
1	1	AGRICULTURE, FORESTRY & FISHING										
1	1	AGRICULTURAL PRODUCTION - CROPS										
1	13	Field Crops	P	P	P	P	P	P	P	P	P	P
1	16	Vegetables and Melons	P	P	P	P	P	P	P	P	P	P
1	17	Fruits & Tree Nuts	P	P	P	P	P	P	P	P	P	P
1	18	Horticultural Specialties	P	P	P	P	P	P	P	P	P	P
1	19	General Farms, Primarily Crops	P	P	P	P	P	P	P	P	P	P
2	2	AGRICULTURAL PRODUCTION - LIVESTOCK										
2	21	Livestock, Except Dairy & Poultry	P	S	N	N	N	N	N	N	N	N
2	24	Dairy Farms	P	S	N	N	N	N	N	N	N	N
2	25	Poultry and Eggs	P	S	N	N	N	N	N	N	N	N
2	27	Animal Specialties	P	S	N	N	N	N	N	N	N	N
2	29	General Farms, Primarily Animal	P	S	N	N	N	N	N	N	N	N
2	211	Feedlots, Commercial	S	N	N	N	N	N	N	N	N	N
7	7	AGRICULTURAL SERVICES										
7	71	Soil Preparation Services	S	N	N	N	N	S	S	P	P	
7	72	Crop Services	S	N	N	N	N	S	S	P	P	
7	74	Veterinary Services	S	N	N	N	N	S	S	P	P	

P=PERMITTED - N= NOT PERMITTED S= SPECIAL USE PERMIT REQUIRED.