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Animal Feeding Operation/Water Enforcement: Missouri Department of Natural Resources/Wilson Feed Lot Abatement Order on Consent

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The Missouri Department of Natural Resources ("DNR") issued a November 9th Abatement Order on Consent ("AO") to Wilson Feed Lot, Inc. ("Wilson") because of alleged violations of the Missouri Clean Water Law ("MCWL").

The AO states that Wilson owns and operates a Class II Animal Feeding Operation ("AFO") located in Audrain County, Missouri.

The AFO is stated to be:

... designed to house 700 head of cattle in three confinement buildings. Animal waste is removed from the buildings by a gutter flush system into two settling ponds and then into two no-discharge lagoons using recycled lagoon water. Animal waste is pumped from the lagoons and land applied on the property.

The AO alleges that DNR staff had conducted a May 10, 2014 investigation of the AFO (and its immediate surroundings) observing animal waste discharging from a tile train outlet on Wilson's property into a tributary to Youngs Creek. It also alleges:

From the tile drain outlets, staff traveled east onto the Respondent's property and discovered a drop inlet that was surrounded by pools of water and animal waste-stained ground, which was located west of an uncapped riser. The broken cap to the riser was observed nearby. Staff observed dead fish in several sections of Youngs Creek that were impacted by the animal waste. Staff collected several water samples from Youngs Creek and the tributary to Youngs Creek affected by the animal waste discharge. Sample No. 149118, which was collected 20 feet upstream (west) of the confluence of Youngs Creek and the tributary, had a Dissolved Oxygen(DO) concentration of 13.66 milligrams per liter (mg/L), a conductivity reading of 336 microsiemens (uS) and an Ammonia concentration of 0.097 mg/L. Sample No. 149119, which was taken at the confluence, had a DO concentration of 12.4 mg/L, a conductivity reading of 404 uS and an Ammonia concentration of 4.99 mg/L (the acute criteria is 2.7 mg/L). Sample 14920, which was taken from the tributary to Youngs Creek approximately 10 feet upstream from the confluence, had a DO concentration of 0.39 mg/L, a conductivity reading of 4,080 uS and an Ammonia concentration of 236 mg/L (the acute criteria is 5.51 mg/L).

The AO describes a Missouri Department of Conservation investigation of fish kill allegedly caused by the animal waste discharge.

Wilson's President allegedly stated that animal waste was land applied on two dates and during that time, the animal waste line suffered a loss of pressure and had to be shut off. Also described was repressurizing of the animal waste line and discovery that the cap had blown off the riser and animal waste was discharging from the riser. A follow up inspection by DNR allegedly identified tall vegetation on the lagoon berms and trees growing on the outer slopes of certain berms. Further, DNR allegedly observed manure solids adjacent to the tile drain outlet that was previously observed by staff during the May 10, 2014 investigation.

The AO notes the previous issuance of a NOV and documents alleged costs and expenses incurred by the MDR.

The violations alleged by the AO include:

- Operated, used or maintained a water contaminant source, animal waste from a Class II Concentrated Animal Feeding Operation (CAFO), which intermittently discharges through tile drains into an unnamed tributary to Youngs Creek, waters of the state, without a Missouri State Operating Permit in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-3.010(1)(A) and (5)(A).
- Discharged water contaminants into an unnamed tributary to Youngs Creek, waters of the state, which reduced the quality of waters of the state below water quality standards established by the Clean Water Commission in violation of Sections 644.051.1(2) and 644.076.1, RSMo.
- Caused pollution of an unnamed tributary to Youngs Creek, waters of the state, or placed or caused or permitted to be placed, a water contaminant, animal waste from a Class II CAFO, in a location where it is reasonably certain to cause pollution of waters of the state in violation of Sections 644.051.1(1) and 644.076.1, RSMo.

The AO provides that Wilson pay a voluntary civil penalty of \$8,000.00, along with DNR's investigative costs and damages, which are specified in the document.

[Click here to download a copy of the AO.](#)