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## **Powell Gardens wins protection from Valley Oaks CAFO**

**October 23, 2018, Kingsville, Mo.** – Powell Gardens' request to halt the expansion of the Valley Oaks Steak Co.'s confined animal feeding operation (CAFO) has been granted by Missouri's Administrative Hearing Commission (AHC).

On Tuesday, the AHC recommended to reverse the permit issued by the Missouri Department of Natural Resources to Valley Oaks CAFO, determining that it was not in compliance with Missouri law and was not protective of water quality near Kansas City's botanical gardens and the surrounding community. The AHC found that Valley Oaks Steak Co., failed to base its land application plan on realistic data, which would lead to the over-applying of manure on nearby fields, and Valley Oaks failed to provide adequate storage for the 106,000 tons manure that will be generated annually, among other violations.

"Powell Gardens is thrilled with the outcome after careful deliberation by the AHC. We are now calling on the Missouri Department of Natural Resources to step in and revoke the current operating permit," says Tabitha Schmidt, CEO and president.

The final decision on this appeal rests with the Missouri Clean Water Commission. Under state law, the CWC has until December 22, 2018, to adopt, change or vacate the recommended decision of the AHC. If the AHC's recommendation invalidating the permit is overturned by the CWC, state law requires the CWC to provide specific reasons for the change.

"We believe the AHC has interpreted Missouri law correctly and has reached the right outcome for the Gardens and area residents. Thus, we are hopeful that the CWC will respect the recommendation of its hearing commission in determining that this CAFO is not lawful." says Aimee Davenport, a partner at Stinson Leonard Street LLP.

If the recommendation is overturned by the CWC, the expansion will make Valley Oaks the largest beef CAFO in the state.

Powell Gardens has also filed for an injunction in July in Jackson County Circuit Court citing the potential for irreparable harm to its 970 acres of gardens and thousands of species of plants after Missouri Department of Natural Resources issued a permit to allow the feedlot to increase from 1,000 to 6,999 head of cattle.

Powell Gardens' concerns over the Class IB CAFO operations were voiced along with nearly 1,400 petitioners from Lone Jack and the surrounding community at a hearing last spring. Concerns included environmental and human health concerns related to water quality, air pollution, as well as increased traffic, strain on infrastructure and declining property values.

Powell Gardens remains vigilant concerning the negative effects of future CAFOs that may consider locating in Johnson County in the future.

“We continue to support the Johnson County Community Health Services’ work on a health ordinance or regulations to create more stringent guidelines for the protection of the health, environment and welfare of Powell Gardens and the surrounding community,” Schmidt says.

**Powell Gardens**

Powell Gardens, Kansas City’s botanical garden, is located on 970 acres of lush, rolling hills just east of Kansas City. Known for its world-class architecture and stunning display gardens, Powell Gardens attracts nearly 100,000 visitors per year and offers classes, performances and festivals year-round. In 2009, the Heartland Harvest Garden, a 12-acre expansion that encompasses the Nation’s largest edible landscape, opened to the public.