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## Missouri Sues Itself in Heated CAFO Proceedings

**August 27, 2018, Kingsville, Mo.** – Missouri Attorney General Josh Hawley is siding with the Missouri Department of Natural Resources -- against another state agency -- in a contentious CAFO debate.

Hawley's action attempts to void Missouri's Administrative Hearing Commission's stay order against Valley Oaks Steak Co. LLC to clear the way for the largest beef CAFO (confined animal feeding operation) in the state to operate without a valid permit.

On Aug. 16 -- echoing "Say No to Valley Oaks" yard signs that have sprouted up along 50 Highway near Powell Gardens in opposition to the CAFO's expansion -- the AHC said "NO" to a request by Valley Oaks to remove a stay order.

Powell Gardens' and Lone Jack Neighbor's request for a stay was granted on July 26. The stay was based on inevitable harm to Kansas City's botanical garden and the surrounding community, as well as inconsistencies in the DNR's process and Valley Oaks' expansion plan.



Valley Oaks and the MDNR sought to overturn the stay order, but the Commission declined a motion to lift or vacate the action. If Hawley's move is successful, the CAFO operation could expand, despite pending legal proceedings.

"After the Commission's stay order was issued, DNR or the AG's office should have ordered Valley Oaks to cease operating above 999 cattle," says Powell Gardens' lawyer Aimee Davenport, a partner at Stinson Leonard Street LLP. "Instead of respecting the Commission's stay order, as it does in other cases, the AG's office and DNR are trying to go around its own hearing commission to help Valley Oaks avoid compliance."

Valley Oaks received a permit from the DNR to ramp up its feedlot operation from under 1,000 to 6,999 head of cattle at its location 3 miles from Powell Gardens.

Powell Gardens and nearly 1,400 petitioners from Lone Jack and the surrounding community expressed their concerns about the proposed operation's impact on water, air quality and property values, including noxious odors caused by thousands of cattle and an on-site slaughterhouse, insects and other pests that will be generated, environmental and human health harm by particulates, ammonia and other air emissions and a loss of property value.

The 6,999 head of beef cattle housed in six open-air sheds will produce 111,134 tons of manure and urine per year. Valley Oaks is required to have 180 days (106,000 plus tons per year) of storage capacity for the waste.

But the Commission found the approved plan would stack compacted manure up to 2.3 feet high, the same height as the containment walls, burying the animals only source of drinking water and spilling outside of the six open-sided pens onto the soil, potentially contaminating local water sources.

A nutrient feeding plan submitted shows Valley Oaks would be over spraying surrounding acreage. The plan is also not based on accurate historical information or in compliance with Missouri laws

The stay order also contained information about legal violations by other business operations owned by David Ward, owner of Valley Oaks. They include falsified forms related to a storm waste permit to the EPA, for which he was fined \$90,000, and a civil penalty of \$13,500 for violations of the Missouri Clean Water Law.

Furthermore, the company's permit was issued to, Country Club Homes LLC, which does not exist.

The permit appeal hearing is currently set for Aug. 27-28.

### **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.