

Simmons, Liz - FSIS

From: Thompson, Eric - FSIS
Sent: Thursday, May 30, 2013 1:00 PM
To: Engeljohn, Daniel - FSIS
Cc: Bane, Robert - FSIS; Cornett, Julie - FSIS; Kiecker, Paul - FSIS; Gilmore, Keith - FSIS; Clarkson, Robert - FSIS
Subject: RE: Need for you to follow-up with the State....

Good Afternoon Dr. Engeljohn,

I spoke with Amanda Sappington with the Missouri Department of Natural Resources (DNR), Water Protection Program, in Jefferson City, MO. She indicated that yes, her department issues general permits to facilities to meet the following objectives. If you click on the hyperlinks it will give you an incredibly detailed description of the Clean Water Act, the criteria for inspection, classified waters, types of permits, regulations, and lists of permits.

The objective of the Clean Water Act of 1972 along with its amendments are to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The first national set of water quality standards were published in 1983 and codified in 40 CFR Part 131. These regulations allow individual states to construct their own water quality standards framework providing there is no reduction in protection compared to federal guidelines.

Water quality standards provide a means by which attainment of water quality objectives can be measured. The objective is protection of designated uses through the application of narrative or numeric criteria. The level of protection given to a stream, lake, or river is dependent on the expected or "designated use(s)," of that water. Classified waters in Missouri have been assigned the designated uses that are listed in 10CSR 20-7.031(C) page 10. The antidegradation section requires actions to maintain existing uses. Attainment frequency of water quality standards are used in identifying and characterizing waters of the state for purposes of compiling the 303(d) list and 305(b) report. In addition, effluent limits contained in National Pollution Discharge Elimination System (NPDES) permits are frequently derived using water quality standards.

These general permits are good for a period of 5 years. Ms. Sappington looked up Rains Natural Meats in Gallatin MO and said they were issued a "draft" permit that was not finalized. The normal process is for the Water Protection Program to perform an inspection, submit the "draft" to the DNR, and the permit is issued. In the case of Rains, all she has on file is the inspection report, along with the lagoon certification, and "draft" permit. She said she would call the DNR and get back with me on the status of Rains' "draft" permit. I will let you know the findings from the follow-up call. That is all.

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From: Kiecker, Paul - FSIS
Sent: Thursday, May 30, 2013 12:17 PM
To: Thompson, Eric - FSIS
Subject: FW: Need for you to follow-up with the State....

I need you to work on this immediately. This will take priority over any other duties today.

Thanks,

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From: Sprouls, Dawn - FSIS
Sent: Thursday, May 30, 2013 9:38 AM
To: Engeljohn, Daniel - FSIS; Kiecker, Paul - FSIS
Cc: Gilmore, Keith - FSIS; Williams, Charles - FSIS
Subject: RE: Need for you to follow-up with the State....

I have contacted the state DNR—they were all in meetings this AM so left a message and hope to get a call back yet today. Thanks.

From: Engeljohn, Daniel - FSIS
Sent: Thursday, May 30, 2013 7:42 AM
To: Kiecker, Paul - FSIS; Sprouls, Dawn - FSIS
Cc: Gilmore, Keith - FSIS; Williams, Charles - FSIS
Subject: Need for you to follow-up with the State....

I need your office to follow-up with the State in which you have a current grant of inspection request for equine (e.g., Iowa and Missouri). Specifically, I need you to ascertain how the State would deem that Section 401 (21 U.S.C. 1341) of the Federal Water Pollution Control Act (aka "Clean Water Act") is in compliance for the grant requestor. As you know, our out-dated regulation (9 CFR 304.2) pre-dates the formation of EPA and hasn't been updated to reflect current EPA law. Regardless, before we can issue an equine grant, we are taking steps to ensure that we meet the expectations of the FSIS regulation. Thus, we need a certification that the applicant for the grant doesn't conduct activity that may result in any discharge into navigable waters. You will need to maintain documentation as to what you find out from your State office, and the certification will be part of the administrative record maintained for each grant. Keep me posted on your progress. Thanks.

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