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12 MR. CARLIN: Dwayne Miller, Missouri  
13 Stream Teams.

14 MR. MILLER: Yes. I was told I could  
15 bring these to you. Hi, I'm Dwayne Miller and I  
16 represent numerous Stream Teams in southwest  
17 Missouri and a lot of concerned citizens in the  
18 area of the large corporate farms and the impact  
19 itÆs had on our environment.

20 Growth in the CAFO industry according to  
21 the Missouri Department of Conservation from  
22 1982 to 1998 has increased 4,400 percent. That's  
23 an exponential growth beyond belief for many  
24 industries. Continued growth right now in the  
25 state of Missouri is unchecked because animal

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1 unit farms less than a thousand animal units get a  
2 permit -- or they do not get permitted. They just  
3 are allowed to start up.

4 It's known that as of 2004 there were 160  
5 million poultry in the Elk River and the Spring  
6 River watersheds of Southwest Missouri and they  
7 created 400,000 tons of manure to be placed on  
8 the land or has to be deposited somewhere. This  
9 number of poultry used at least 4.8 billion gallons  
10 of water, the majority of that coming from the  
11 aquifer in the Southwest Missouri area.

12 An ongoing study by the Tri-State Water  
13 Coalition points to that the aquifer will be  
14 depleted by 2025, possibly sooner depending on  
15 how much is being withdrawn. These are best  
16 guess estimates because the state of Missouri does  
17 not really regulate withdraw and monitor how  
18 much is withdrawn from their aquifer. They  
19 pointedly said we're a riparian state and you're  
20 allowed to do just about whatever you want to and  
21 so much for any neighboring state and their use of  
22 the underground aquifer system.

23 If this aquifer is depleted, we're looking  
24 at not only -- we've heard about a corn problem or  
25 a feed problem, we're also talking about a water

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1 problem. This industry is going to collapse or  
2 implode upon itself because of their demand  
3 placed upon a certain area and its ability to  
4 perform and service this industry. It's not  
5 regulated by the DNR, as I said, except for the  
6 very major largest -- the most large CAFO's.

7 The state of Missouri regulates  
8 approximately 400 CAFO's. Newton County Health

9 Department has identified 174 exist in one county  
10 and that's all sizes, whether it's an AFO, CAFO,  
11 any kind of thing. It's still something that does  
12 create a source of nutriment problem and water  
13 withdrawal.

14 The USGS has repeatedly stated that they  
15 cannot give a good estimate on this water  
16 withdrawal for these agencies. Anything over  
17 100,000 gallons a day is to be reported to the  
18 USGS or the DNR, but it's all strictly on a  
19 voluntary basis and is not done for the most part.  
20 They are the first ones to admit that.

21 Direct application of this manure,  
22 400,000 tons of it and the increase in the cattle  
23 production, and this is strictly the 400,000 tons  
24 comes from the poultry industry and the cattle  
25 production has caused all the waters to be

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1 eutrophic. The EPA lists the .1 part per million of  
2 phosphorous in the water in some testing that has  
3 been done. It's routine for this to be exceeded  
4 three to five to ten times as stated by Oklahoma.  
5 It's causing algae problems, which will degrade the  
6 water making an odor problem or a taste problem  
7 for any commercial -- or I should say municipal  
8 users.

9 The heave application of manure has been  
10 shown to cause infiltration of some of the  
11 nutriments into the groundwater because of the  
12 carst geology that exists in this area. Carst  
13 geology is a fractured limestone type structure  
14 that has numerous voids and fractures in it.  
15 Anything applied to the surface if it doesn't run  
16 off into the creeks, it will probably infiltrate and  
17 goes rapidly down into the upper aquifer. There is  
18 an impermeable layer, but it's at four to 500 feet.  
19 So people using wells down to two to 300 feet are  
20 seeing increased nutriments in their well and fecal  
21 contamination.

22 A study funded by the EPA and the Shoal  
23 Creek Watershed, the upper Shoal Creek Watershed  
24 in Barry County, shows that fecal foreign levels  
25 average 5,000 colonies per 100 milliliters over a

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1 seven year study. This report details that 87  
2 percent of these bacteria were attributed to cattle  
3 and poultry.

4 A study completed in Newton County this  
5 last summer revealed that six major streams of  
6 that county exceeded the level of E. coli

7 considered safe for whole body contact at 70  
8 percent of the time during the recreational season.  
9 So essentially the county is off limit for safe use  
10 of the streams.

11 If you're familiar with this area, it's  
12 gravel bottom. It's clear water. I spent a lot of  
13 time in Kansas and I've had some students from  
14 Emporia State University come over to my place  
15 and they just didn't understand how come you  
16 could see the bottom at eight feet of water. As a  
17 student at Emporia State University, I also was  
18 witness to one of the largest fish kills in the world  
19 because of Iowa beef producers. That's not a  
20 pretty sight when you see that and Mr. Carlin is  
21 probably quite aware of that. And, of course,  
22 because of that the beef industry has moved out to  
23 western Kansas where it probably causes a  
24 problem but a much lesser one.

25 As a result of the study we did in Newton

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1 County for the Newton County Health Department,  
2 four of the six major streams in the county have  
3 been proposed for the 303D listing impaired for  
4 bacterial contamination. TMDL, of course, will  
5 have to be arrived at before they can be removed,  
6 but I believe right now that the chances of them  
7 being removed is very slight because TMDL will not  
8 correct the litter application. During heavy  
9 rainfall, the litter application, of course, will run  
10 off and then the resulting bacteria contamination  
11 levels is zooming skyward.

12 Some estimates of CAFO's, like I said, are  
13 four to 500. We have a lot of it and I can say  
14 probably we expect that they have over 2,000 of  
15 these industries in Missouri unregulated. A 2004  
16 report by the Missouri Department of Natural  
17 Resource states that 50 percent of the surface  
18 miles of river and 30 percent of the surface acres  
19 of lakes are not supported for beneficial use. This  
20 is unacceptable from anybody's standpoint.

21 I feel that these numbers are probably low  
22 because they ignore some of the testing. Newton  
23 County was never tested so obviously we have a lot  
24 of miles in Newton County that were not on this  
25 report.

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1 I realize our culture -- our production is  
2 important, but at what cost to our health and  
3 citizens and the environment. I kind of equate  
4 some of the rise in poultry production in this area

5 is we were typically a heavily forested area down  
6 in Southwest Missouri. The chip mill industry  
7 came in, bought land, clear-cut it, took all the  
8 trees off of it, therefore, the watershed now is  
9 being lost. We have these bare acres so what  
10 better thing to do then plant grass and we put  
11 cattle on them.

12 Now all of a sudden, this is kind of like  
13 an army coming in and cutting the trees.  
14 Reconstruction came in during the Civil War and  
15 said, hey, we can take care of this. We'll put some  
16 cattle on here and you'll be able to raise cattle.  
17 Now the carpetbaggers came in, pardon me, but the  
18 poultry industry said we have little to enhance  
19 your fields of grass and it's not working. There's  
20 way too much coming down the pipe.

21 The Newton County Health Department  
22 will be posting the six streams in the county as  
23 hazardous and not supported for recreation.  
24 Legislation backed by the Corporate Farming and  
25 Farm Bureau in the state of Missouri was to

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1 prevent county health departments from regulating  
2 this industry, a very blatant misuse of their power  
3 to use the state legislature to override things.  
4 And there is evidence, I've heard, they haven't  
5 mentioned it, but there is evidence that litter is  
6 moved from Arkansas to Missouri without oversight  
7 by the DNR.

8 And lastly, I'd like to say we are talking  
9 about food production for the United States, but  
10 what amount of this poultry production is leading  
11 the country along with our crops and our water.  
12 Thank you.

13 MR. CARLIN: Thank you. Mike?

14 MR. BLACKWELL: Thank you for your  
15 presentation. My question is regarding the wells.

16 MR. MILLER: Yes.

17 MR. BLACKWELL: You mentioned  
18 contaminated wells.

19 MR. MILLER: Pardon me?

20 MR. BLACKWELL: Contamination.

21 MR. MILLER: Yes.

22 MR. BLACKWELL: You're speaking of  
23 bacterial contamination?

24 MR. MILLER: Yes.

25 MR. BLACKWELL: And my question has

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1 to do with what the county and state health  
2 departments are doing about that. I thought I

3 heard you say nobody is doing anything and I  
4 just --

5 MR. MILLER: They aren't. It's just like  
6 -- some of that contamination can be probably  
7 attributed to bad septic systems, et cetera. Some  
8 of them can be attributed to surface  
9 contamination. 33 percent of the wells in Newton  
10 County have been found contaminated with fecal  
11 coliform or E. coli.

12 The process to identify some of these  
13 bacterium is a very lengthy -- you have to get a  
14 DNA workup and the present cost, MUL workup,  
15 they can identify the DNA in water from E. coli and  
16 trace it back to the source, but it's \$12,000 for  
17 each test, for each animal. In other words, if you  
18 want cattle DNA identified, \$12,000 and will test it  
19 for you and if you want poultry, they have to do  
20 200 replicates at \$60 a sample. So wells, the  
21 shallow wells, are the ones getting contaminated  
22 and they're also going dry because of the draw  
23 down.

24 MR. CARLIN: Mary?

25 MS. WILSON: What two or three

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1 measures do you think would be the most effective  
2 and where would you start?

3 MR. MILLER: Probably a moratorium. I  
4 don't think we need any more right there. I think  
5 we need to sit back. The state of Kansas has done  
6 that, a moratorium, no new wells, and that's one  
7 aspect of it, a moratorium on any more poultry  
8 producers, a better look at their processes, a very  
9 strict control of litter placement and removal.  
10 Everybody has to be accounted for.

11 I mean, the producer, the way it stands  
12 right now in the state of Missouri if you produce  
13 litter, once it leaves your property, you're not  
14 responsible. It's whoever took it, but we don't  
15 know who took it. And they may say, okay, we sold  
16 it to so-and-so. Well, then he'll give it to  
17 somebody else and maybe turn it over to somebody  
18 else.

19 There is -- I mean, it's a tremendous  
20 effort has to be placed because his stuff is being  
21 spread over hundreds of thousands of acres and  
22 nobody can be there when they're spreading it, so  
23 you don't know how close they're getting to the  
24 streams, you don't know if they're over applying it.  
25 And suggestions are by the DNR that it's being

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1 over applied just to get rid of it because it is a  
2 problem. It stacks up.

3 That's about it, just water reuse,  
4 instigate things and make mandatory monitoring of  
5 how much water they're using. The whole state  
6 needs to do this. The state of Missouri needs to  
7 come into compliance with a good neighbor policy  
8 and that is basically as we all know what that's  
9 going to -- how much you're going to get  
10 accomplished on that.

11 It's also been suggested to dam up all  
12 water in the state of Missouri to make sure that we  
13 have enough. Don't let it cross the state line.

14 MR. CARLIN: That could create some  
15 interest.

16 MR. MILLER: That could.

17 MR. CARLIN: Other questions? Thank  
18 you, sir, very much.

19 MR. MILLER: Thank you. I appreciate it.