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Responsiveness Summary
to Public Comments on the
Draft Permit to Install and Draft Permit to Operate
for
Arnold Road Farm
February 29, 2016

The Ohio Department of Agriculture (ODA) issued a public notice that Arnold Road Farm had been issued a draft Permit to Install (PTI) and a draft Permit to Operate (PTO). This public notice opened the public comment period on the draft permits and gave notice of a scheduled public meeting to occur on February 29, 2016. This public notice was published on January 27, 2016 in *The Daily Advocate.* This public notice stated that an open house and public meeting would be held at the Darke County Commissioner's office located at 520 South Broadway, Greenville, Ohio 45331. An open house began at 6:30 pm. The public meeting to accept public comments began at 7:00 pm. The comment period ended at 5:00 p.m. on March 7, 2016.

The Director's final decision on the draft permit must be made in accordance with the laws regulating and facts contained in the permits. According to Section 901:10-6-04 of the Ohio Administrative Code (OAC), persons, including applicants, who believe any condition of a draft permit is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public meeting). Ohio Revised Code (ORC) Section 903.09 states that the Director is to hear comments pertinent to the draft permits. The ODA considers pertinent comments to be comments relating to the draft permit and the way in which the draft permit complies with the ODA rules. Public comments also need to relate to issues under the regulatory control of the Director of Agriculture. The Ohio General Assembly has not given the Director of Agriculture unlimited control. The permits cover environmental issues pertaining to water pollution control such as siting, geological explorations, facility design, construction, water quality and quantity, manure management, containment of storm water runoff, insect and rodent control, mortality, and emergency response.

Comments about large-scale farming in Ohio, about other farms in Ohio, or other permits will not be considered as comments that pertain to these draft permits. Comments about roads, taxes, property values, and air quality are not under the regulatory control of the Director of Agriculture and will not be considered as comments that pertain to these draft permits.

Public Comments Submitted by:

No.	*Date Received*	*Name*	*Organization, if Any*	*Address, City, State*
1	*2/12/2016 (written)*	*Jeanette Jenkins*		*6879 Woodland Dr. Greenville, OH*
2	*2/29/2016*	*Roger Van Frank*	*Darke Cnty Park Dist.*	*4267 State Rt. 502 W. Greenville, OH*
3	*2/29/2016 (written)*	*Eileen Litchfield*		*3808 Beanblossom Rd. Greenville, OH*
4	*2/29/2016*	*Steve Shalfry*		*3927 State Rt. 571 Greenville, OH*
5	*2/29/2016*	*Alex Mangen*		*3306 State Rt. 571 Greenville, OH 45331*
6	*2/29/2016*	*Tonia Mangen*		*3306 State Rt. 571 Greenville, OH*
7	*2/29/2016*	*Brenda Stump*		*3304 State Rt. 571 Greenville, OH*
8	*2/29/2016(written)*	*Gary&Debra Coblentz*		*7487 McMecham Rd. Greenville, OH*
9	*2/29/2016*	*Daniel Berger*		*411 Ave. B Greenville, OH*
10	*2/29/2016*	*Aleene Cromwell*	*Act. 1 Realty*	*101 W. Main St. Greenville, OH*
11	*3/6/2016*	*Robert Meier*		*4118 Beanblossom Rd. Greenville, OH*
12	*3/6/2016*	*Robert Cain, Jr.*		*1106 Seiler Road Greenville, OH*
13	*3/7/2016*	*Daniel Berger*		*411 Ave. B Greenville, OH*
14	*3/7/2016*	*Rowan Reece Nickol*		*3235 Ziegler Rd. Piqua, OH 45356*
		Karen M. Nicko1		*3235 Ziegler Rd. Piqua OH 45356*
15	*3/7/2016*	*Jim Kelly*	*Simoniz USA, Inc.*	*3695 Beanblossom Rd. Greenville, OH*
16	*3/7/2016*	*Steve Bowman*		*1662 Hillgrove- Woodington Rd. Union City,OH*
17	*3/7/2016*	*Patricia Moorman*		*7404 McMecham Rd. Greenville, OH*
18	*3/7/2016*	*Isabel Culbertson*		*323 N. Broadway Greenville, OH*
19	*3/7/2016*	*Elaine Kitchen*		*3299 Bechtol Rd. Greenville, OH*
		Theodore P Kmiec		*3299 Becholt Rd. Greenville, OH*
20	*3/7/2016*	*Daniel Meyers*		*7184 State Rt. 49 N. Greenville, OH*
	3/7/2016	*Lacie Meyers*		*7184 State Rt. 49 N. Greenville, OH*
21	*3/7/2016*	*Carey Driscoll*		*3891 Beanblossom Rd. Greenvillle, OH*
	3/7/2016	*Dan Driscoll*		*3891 Beanblossom Rd. Greenville, OH*

All similar comments are summarized and grouped.

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Comment 1A. Permit to Install – Surface Water Quality

Our first and biggest concern is the effect that this hog farm may have on the local water. There is a protected wetlands that is shared on our and the neighboring property. These wetlands drain into the Greenville Creek. It is hard to imagine that they will not be contaminated with 8,000 hogs living next door.

The proposed Arnold Rd site is next to a protected wetland owned by the family of R. Reece Nickol M.D. Jim Bennett from the USDA was the principle party in the restoration of this wetland. Will this proposed facility place this wildlife treasure at risk?

We own a 50 acre Wetlands Reserve Program wetlands east of McMecham Road, west of Greenville, OH. This property is adjacent to the Arnold farm on the south and east sides. During heavy rain or snow this wetland overflows into a drainage system which drains directly into the Greenville Creek about a mile upstream from the pumping station for Greenville.

Response:
The proposed fabricated manure storage structure (concrete tank) was designed in accordance with ODA rules and the American Concrete Institute standards. ODA Rules require that a licensed professional engineer (P.E.) develop the design in accordance with these rules and standards. As required by ODA rules and federal law, the Arnold Road Farm facility is designed to be "zero-discharge", meaning that all manure is contained within properly designed and roofed manure storage structures to prevent any means of surface water contamination from manure runoff originating from the site. The PTO requires that the facility maintain records of manure levels in the tanks and that a minimum freeboard is maintained within the tanks to prevent possibility of a discharge. In addition the PTO includes an Emergency Response Plan indicating how the facility would respond in the event of a spill to prevent a discharge from the site.

During the permit review process, ODA consulted with The City of Greenville Water Superintendent, Mr. Gary Evans. As a precaution, the facility's Emergency Response Plan in the

PTO includes the 24/7 contact information for the Water Superintendent as well as the Water Treatment Plant Operations.

Comment 1B. Permit to Install - Groundwater Quality and Well Contamination

Does the Ohio Department of Agriculture know how to clean up groundwater once it is contaminated with phosphates and nitrates and whatever metals like Copper and Mercury which can be found in these wastes?

You know, the water, we all have wells. A lot of us have shallow wells.

I am against it for the simple fact I know all the contamination that can be done.

Our well is another major concern. What will happen if our well should become contaminated or even go dry? It's going to take a significant amount of water to keep 8,000 hogs. Most of the wells in this area are shallow. We know our is only 40 feet. Who will be responsible for the cleaning up or drilling of new wells if these things should become a reality in the future?

There is growing credible evidence that concentrated animal facilities have numerous adverse health consequences…contaminated surface and deep water… to name a few. Who will protect the public?

They don't even live close to this place, so they have no concern with the runoff of 8,000 hogs will get in our wells!

…our wells will end up like St. Marys Lake!

I have lived here since1961-and I hope to stay as long as God lets me-but with <u>bad</u> water can I?

Thank you for your time and <u>Please</u>- <u>Please-</u> <u>Stop</u> this man from ruining our wells!

Too much waste for the water table.

My fear is concerning our water supply. Water has to be protected; it is a very valuable commodity; more important than oil.

This location is near some long established residential areas in Greenville Township, all of which are dependent on wells and the quality of the groundwater. From what I have learned about CAFO's, I am concerned that this and other nearby residential areas are well within the geographic area that could potentially be subjected to significant health and environmental risks from such a concentrated hog feeding operation.

If the decision of your agency is to approve the Arnold Road Farm PTI/PTO, can you assure us and our neighbors that there is no danger of pollution to our source of well

water from the operation of the proposed CAFO from either accidental pollution or long-term exposure to this operation.

What will be the impact on shallow wells in the area? Will the Drews pay for new wells, for those of us with shallow wells, if they poison our water?

We are concerned about its proximity to nearby families and the negative impact it may have on their health due to poor air quality and potential well water contamination from the large quantity of manure and the toxic gases it emits. It is not right for families to not be able to breathe clean air or have access to uncontaminated water in their own homes.

Response:

The proposed fabricated manure storage structure (concrete tank) was designed in accordance with ODA rules and the American Concrete Institute standards. ODA Rules require that a licensed professional engineer (P.E.) develop the design in accordance with these rules and standards. The design includes a perimeter tile located around the base of the tanks. This tile would drain to an inspection port that is required to be inspected regularly. A sump pump in the inspection port would discharge to a vegetated discharge area which would provide both the facility and ODA inspectors an early indication if any leakage were to ever occur from the concrete storage tanks.

In addition, the PTI requires a geological exploration and an accompanying report to demonstrate the proposed site for the manure storage structures meets ODA rules intended to protect groundwater quality (found in OAC Section 901:10-2-02). The geological exploration report was also authored by a P.E. and is included in the PTI. The report's findings are based in part on the on-site investigation and soil borings drilled to characterize the site's subsurface conditions. The report demonstrated that a thick layer of very low permeability clay material is located directly below the planned bottom of the tank. Further information on the subsurface conditions at the site is included in the PTI.

ODA rules require that facility has a ground water sample tested annually from a well that is properly installed, located, protected and operated. At the Arnold Road Farm facility the production well will be used for sampling. This well has not yet been installed. Upon completion of the well, a copy of the well log and an initial groundwater sample must be analyzed for nitrates and total coliform bacteria to establish the initial ground water quality at the site prior to stocking of animals. Arnold Road Farm will be required to perform annual groundwater quality testing for nitrates and total coliform bacteria as part of their Permit to Operate and the test results will be maintained in the facility operating record. For concerns associated with groundwater quality, the best place to sample is at the farm itself. The production well used at the site will pull more water from the aquifer than the surrounding individual residences. Therefore, any potential pollution from the facility should first appear in the production well due to the localized water drawdown called the "cone of depression." To date we have not had any occurrences of water quality contamination exceeding drinking water standards for both Nitrates and Bacteria from facilities and wells constructed to the above standards.

If wells should ever become contaminated around the facility after it becomes operational, then the source of the contamination would be researched. Once the source of contamination is

confirmed, appropriate remedial actions could be implemented. Liability for any contamination would be determined once the cause and source of contamination was defined.

No matter the location of a private well system in Ohio, annual water sampling is recommended by the Ohio Department of Health, the National Groundwater Association, the Centers for Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency. The regularly recommended sampling of private wells in Ohio is solely the owner's responsibility. The local Health Department is an excellent resource for how to best sample and safeguard a private well system.

Comment 1C. Permit to Install – Subsurface Geologic Conditions

In my personal efforts to evaluate the pollution potential, I have reviewed the document Ground Water Pollution Potential of Darke County, Ohio, prepared by the Ohio Department of Natural Resources, Division of Water, Ground Water Resources Section, in 1991, have talked with one of the geologists at the ODNR, Division of Soil and Water Resources, and have also looked at the geological information included in the Draft Arnold Road Farm PTI/PTO. In this process I learned that the geologic structure of this area of Greenville Township, including the land area of the Arnold Road Farm, is a groundwater recharge area. I am not an engineer or a geologist, but my understanding is that groundwater recharge means that surface water infiltrates through the permeable soil into the underground saturated geologic structures (limestone, gravel, sand, etc.) that hold the groundwater. If this infiltration of surface water carries contaminates with it through the soil it could negatively affect the quality of the ground water. It is also a fact that the deposits of tillable soil, clay, sand, gravel, and other components of the geological sub structure of an area like this can be highly variable and as a result the depth to water can also be highly variable. We and our neighbors are very concerned about the potential for pollution of surface water and especially groundwater, because all of us who live in this area, as mentioned above, are dependent on wells and some of these wells are less than 40 feet deep which may put some wells (and people) at additional risk of pollution.

Prior to any approval of the Arnold Road Farm PTI/PTO, will ODA require independent verification of the conclusions stated in the "Subsurface Geological Exploration and Siting Report" included in the draft PTI/PTO that could have a bearing on the potential for groundwater pollution?

Prior to any approval of the Arnold Road Farm PTI/PTO, due to the close geographic proximity of the long established residential areas will ODA require any geologic study, in addition to the minimum required by the permit approval process, to evaluate the potential for ground water contamination and require additional sampling of ground water, perhaps including some existing wells of various depths within the residential neighborhoods around the area to establish baseline information? It seems to me that this would be a prudent and welcomed course of action by ODA in this case, both

because there are many residential wells in the area and also because there is widespread community concern about the potential for contamination.

You are quite aware of the risks of deep water contamination with nitrates. Some of the wells within a one mile radius to the Arnold Road site are in a shallow gravel aquifer and are less than 40 feet deep. Does this or could this gravel aquifer connect with the same gravel layer noted on the geological report (page 89 of the draft permit to install)?

Response:

The "Subsurface Hydrogeologic & Siting Report" included in the PTI meets the ODA requirements for a geological exploration report described in OAC 901:10-2-03. This report demonstrates the proposed site for the manure storage structures meets ODA rules intended to protect groundwater quality (found in OAC Section 901:10-2-02). The geological exploration report was authored by a P.E. registered in the State of Ohio. The report's findings are based on an on-site investigation with soil borings, laboratory analysis of soil samples retrieved from the borings, and a review of the following resources included with the report:~~:~~ area ODNR water well logs; OEPA Public Water Systems and Drinking Water Source Protection Areas Map for Darke County; the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM); the ODNR Ohio Karst Area Map; the ODNR Underground Mines Map; the ODNR Ground Water Pollution Potential Report and Map for Darke County; and the ODNR Ground Water Resources Map for Darke County.

The ODNR Pollution Potential Report and Map for Darke County shows that the depth to water is highly variable across Greenville Township, as is the relative potential for groundwater pollution. Such variability is the reason that ODA rules require site-specific information from on-site borings and laboratory testing of soils between the waste placement location and the uppermost aquifer.

The "Subsurface & Siting Report" mentions on page 4 of 16 (which is page 89 of the draft permit) that boring B-1 shows a 5-foot thick layer of sand and gravel was encountered at a depth of 23 to 28 feet. The report concludes that due to the shallow depth and limited vertical extent, it is doubtful this sand and gravel layer is a usable aquifer. The report points out that this sand and gravel layer could not legally be used as a water source at this location under Ohio laws pertaining to well construction and development. However, even if this sand and gravel layer were to be considered a usable aquifer, boring B-1 still shows 15 feet of very low permeable clayey material located between this formation and the concrete tank, which meets or exceeds ODA requirements intended to protect ground water resources. The laboratory testing of soils retrieved from below the proposed concrete tanks demonstrates that these clayey soils located below the proposed tanks are three times less permeable ("tighter") than what would be required for construction of a clay liner for an earthen storage pond.

Comment 1D. Permit to Install - Groundwater Quantity and Usage

How many pigs, how much can they use in the way of water….?

Our well is another major concern. What will happen if our well should become contaminated or even go dry? It's going to take a significant amount of water to keep 8,000 hogs. Most of the wells in this area are shallow. We know ours is only 40 feet. Who will be responsible for the cleaning up or drilling of new wells if these things should become a reality in the future?

Who will regulate/decide if there is enough ground water in the area to sustain the aquifers to feed all of these hogs and allow the over 100 residential water wells within a mile to continue to operate properly?

If those who say there is enough water is wrong, who will pay for all of the residential wells to be re-done??

The quantity of water required for thousands of hogs is also concerning, particularly if there is a drought.

Response:
Arnold Road Farm projects an average water usage of 10,776 gallons per day. The Ohio Department of Natural Resources (ODNR) Division of Soil and Water Resources has prepared a Ground Water Resources Map for Darke County, which indicates the limestone aquifer supplying Arnold Road Farm and the surrounding area is capable of delivering yields of up to 100 gallons per minute. Based on the rating of the supplying aquifer, there should be no adverse effects to the neighboring wells due to the projected water usage by the swine facility.

ODA has no regulatory authority over groundwater withdrawal. If a facility has the capacity to use greater than 100,000 gallons of water per day, it is required to register with the ODNR Division of Water Resources, as required by ORC Section 1521.16. Arnold Road Farm estimates a daily withdrawal rate of approximately 10,776 gallons per day. Therefore, it is not required to register with ODNR Division of Water Resources. If there are additional concerns, local government officials, in cooperation with area residents, can request ODNR's Division of Water Resources to assist in conducting detailed studies. ODA does not, nor does any state agency, have the authority to allocate quantities of ground water among all actual or potential users because Ohio law allows for the reasonable use of ground water for beneficial purposes.

Comment 1E. Permit to Install – Manure Storage Structures

…2 million gallon is not significant enough, I don't think, for a 12-month supply of manure, when last year farmers didn't put it on. They didn't have time to put their manure on and get their crops out. So, now these facilities are all maxed to the max right now, you know, and that something that they have to look at for spillage.

Too much waste; 1,767,119 Gallons of liquid swine manure per year.

Response:
Fabricated liquid manure storage structure must be sized, designed and constructed in constructed in accordance with ODA rules found in OAC 901:10-2-01 through 901:10-2-05. The Arnold Road Farm facility will store liquid manure in two concrete tanks, one located beneath the floor of each of the two barns. The two concrete tanks are sized to hold a combined total of 3,534,238 gallons, which is more than a year's worth of estimated manure production.

Comment 1F. Permit to Install – Siting Criteria

I am very concerned about … the location of the hog operations.

It seems that there are several, less populated areas that these barns could be placed.

This is not the right place for a hog farm of 8,000 hogs weighing more than 55 pounds each.

Yes, this is agricultural land--but any MANUFACTURING facility has to be sited where local zoning puts FACTORIES, not in the midst of small farms, residential plates, federally-funded wildlife wetlands and adjoining Darke Count Parks trailways. These are all longtime prior uses in this neighborhood.

As a nature lover, and a Darke Countian proud of our splendid County Park System, I am appalled that this facility should be permitted next to our long-planned trailway (the old railroad bed on the south side of the proposed farm facility).

If you review the soil map for the proposed location of this project, you will see evidence of a mature strip of trees, in excess of 200 feet wide, just to the east of the proposed buildings. This line of trees would have represented an excellent visual screen, and more importantly an effective biological barrier to lift the gaseous effluent from the barns when the wind was from the southwest and west. This would have been beneficial for the most populated areas surrounding this facility. I think even a novice in looking at site placement would have recognized this, and in my opinion the recent removal of this entire tree line represents a disregard for the welfare of the numerous neighbors to this proposed site. It would take decades to restore such a barrier. Was your department consulted prior to the removal of these trees?

Response:
The proposed fabricated liquid manure storage structures (concrete tanks) would be located in accordance with ODA siting criteria found in OAC 901:10-2-02.

Construction of a CAFF is considered an agricultural land use, not manufacturing or industrial. If the area is zoned agricultural, it is an allowable land use.

ODA was not consulted prior to removal of any trees nor was the applicant required to do so. Though it may be an encouraged practice, ODA rules do not require the planting of new tree lines or maintenance of existing tree lines.

Comment 2A. Permit to Operate – Manure management and Land Application

> ***...****and the production of waste that we don't want to have stuck in the ground to lay there and not contribute to the future use of that soil?*
>
> *The swine in these large buildings will generate millions of gallons of sewage which will then be spread of knifed into the soil of our county and other nearby countries. How many applications can this soil hold the nutrients in place before they are carried away to surface and groundwater? The EPA and Army Corps of Engineers are already concerned for the movement of nutrients runoff into streams which will travel to the Miami River and on to the Ohio River which will in turn stimulate the growth of blue algae which may make fresh waters unusable for recreation, drinking, and some cases industrial use. Just ask the people living near or at Grand Lake St. Mary what the algae blooms do to the pocketbook and property values. Ask the people of large municipalities who draw their freshwater from bodies of water affected by algae bloom what happens to their lives. Why even residents of Greenville get a majority of their drinking water from Greenville Creek!*
>
> *Where is the control of the amount of nutrients our soils will be able to hold? What is the saturation level?*
>
> *Does Ohio really have to risk the quality of our soil and water of our future generations all for the short term reward of a few?*
>
> *A hog facility of this size and this much farmland draining into a wetlands and water supply creates significant risk. That farmland will only accept about 75% of the expected manure.*
>
> *Our present laws have not protected Grand Lake St. Mary's, Buckeye Lake or Lake Erie from livestock runoff very well. This risk is real.*
>
> *Much of the water that drains the field they will use to disperse their sewage drains on our property.*
>
> *Also, what effect with this large amount of manure have on my family's residential water well?*

Response:

Arnold Road Farm estimates the facility would generate about 1,927,200 gallons of manure per year or an average of about 0.66 gallons per pig per day.

Manure would be applied using best management practices (BMPs) and in accordance with ODA rules, with the intent to replace more soluble commercial chemical fertilizers that would otherwise be used to provide the same nutrients on the same cropland. OAC 901:10-2-13 requires that soil samples be taken at least every three years for the lesser of 25 acres or the planned land application area. The most recent results of these samples are provided in the permit in the Manure Management Plan (MMP). The land application of manure under the control of a concentrated animal feeding facility (CAFF) must also follow setbacks to protect waters of the state. For instance, a setback of 35 feet of vegetative buffer, or 100 feet if not vegetated, is required for all surface manure application to protect waters of the state. See, OAC 901:10-2-14, Appendix A, Table 2.

ODA also requires that the results of manure sample analyses be kept in the operating record and provided to all persons receiving or applying manure. Twice each year, an ODA inspector conducts a full inspection and correlates the MMP with the data recorded in the Operating Record, such as the crop yields, annual manure analysis, and new soil samples collected. See OAC 901:10-2-10 for manure and OAC 901:10-2-13 for soils and testing frequency.

Application rate criteria are set forth in ODA's rules, and all of these criteria are evaluated to determine what the most limiting factor for the field is at the time of application. The application rate criteria include, but are not limited to, the nitrogen needs of the crop being grown, phosphorus levels as stated in required soil tests, and the available water capacity of the soil at the time of application. Refer to OAC 901:10-2-14. Based on this evaluation, the permitted application rate is determined and that application rate is used for that period of application. Generally, the most limiting factors are the nutrients evaluated and, for liquid manure, the available water capacity (AWC) of the soils in the field. The AWC is often the most limiting factor for a single time liquid manure application because the water holding capacity of the soil may be achieved in a single application before the allowable nutrients are applied. Limiting liquid applications to the AWC ensures that soils are not over-saturated and limits the downward movement of nutrients through the soil profile. This serves as a means to prevent groundwater contamination from manure application events. For further analysis of the available water capacity chart, refer to OAC 901:10-2-14, Appendix B. In addition, depending on the time of year, additional nitrogen limitations are evaluated, as provided in OAC 901:10-2-14(D). Additional criteria also prohibit application on frozen or snow-covered ground, as provided in OAC 901:10-2-14(G) unless they are able to be incorporated or injected or there is an emergency and prior ODA approval.

As described in OAC 901:10-2-14(E), the application rate for phosphorus is determined using soil test data, the phosphate requirements for the planned crops or crop rotations, and either the phosphorus index risk assessment procedure in Appendix E, Table 1 or the phosphorus soil test risk assessment procedure in Appendix E, Table 2 of the rule.

As required in OAC 901:10-2-13, each land application field must be represented by soil samples that are not more than three years old and each soil sample can represent not more than 25 acres. Samples must be analyzed by a laboratory in accordance with Publication 221, "Recommended Chemical Soil Test Procedures for the North Central Region; Published by the North Central Regional Committee on Soil Testing and Plant Analysis (NCR-13), North Dakota Agricultural

Experiment Station." Copies of current soil test reports are included in the PTO. Any updated soil test reports will be maintained in the facility's operating record.

Weather must be recorded for a period 24 hours before, during and 24 hours after manure applications to ensure that rainfall will not cause manure to leave the application site. As noted in OAC 901:10-2-14(C)(6), land application of manure shall not occur if the forecast contains a greater than 50% chance of precipitation of an amount of one half inch or more for the period of 24 hours after the start of land application. Though weather forecasting is not an exact science, limiting liquid manure applications ahead of anticipated precipitation events provides some measure of protection against the potential off-site movement of manure nutrients through the soil profile or over the surface, and serves as a means to prevent groundwater and surface water contamination from manure application events.

As described in OAC 10-2-16(A)(3), when liquid manure is applied to a land application field with subsurface drains and concentrated flow areas, the operator must document in the operating record the periodic observations of the subsurface drain outlets and concentrated flow areas for liquid manure flow during and after application.

Following these BMPs and department rules will minimize any potential impact to the watersheds where the manure will be utilized. However, in the event of a discharge, the facility is required to immediately notify ODA of any discharge, begin immediate remediation and corrective measures to stop further discharges, collect samples of discharges and allow ODA department to inspect and test. Enforcement measures, including fines and penalties, are provided in rules and statute to address violations.

Comment 2B. Permit to Operate - Odor Concerns

> *You know I bought my property and I moved to this property to get away from, you know, the farm. I didn't want to live around it. I didn't want the smell.*
>
> *We don't want to have to put up with the smell. It's not right for us to have to do that. It's going to lower our property values and if we decide we want to sell, nobody is going to want to buy there because of that stink. I don't want it. I am against it. And I hope they don't get the permit.*
>
> *The smell from the existing barns is so overwhelming on somedays that we can't imagine the impact of addition additional barns in such close proximity. The smell can and will carry for miles, affecting more that immediate neighbors.*
>
> *Cool nights on the patio may now include noxious and potentially harmful odors.*
>
> *Too much smell…*
>
> *I have COPD cannot take odors with that!!!*

White Springs Golf Course is less than a mile away from the proposed farm. The business will be in jeopardy as the game is played outside in the "fresh" air. Because of the relative closeness to the ARF the fresh air atmosphere will be perverted with the stench generated from the hog farm. Families close to or living downwind of the [Arnold Road Farm] will be less enticing to host family parties, get-togethers, or any other social gathering.

The barns at 3676 Bechtol Road already carry the rank stench of death, not the smell of a properly maintained swine finishing operation. I know; I was raised with hogs that were efficiently cared for.

Response:

Odor minimization is required by ODA rules and the conditions of the PTI and PTO. In the Manure Management Plan of the draft PTO, Arnold Road Farm has identified specific Best Management Practices listed in OAC Rule 901:10-2-12 to minimize odor. These include removal and land application of manure when wind direction is less likely to affect neighboring residences and injection or incorporation of manure when at all possible.

Odor is something that will be evaluated during routine ODA inspections and complaint investigations. Inspectors would determine if the permit was being followed and if the odor was occurring as a result of the producer not following Best Management Practices. If the permits are not followed, the farm could be subject to an ODA enforcement action.

Comment 2C. Permit to Operate - Facility Inspections and Enforcement

It costs them $30,000 to pump it out. The state will go if they have a spill and fine them $30,000. They don't care. They got to spend the money either way. That's all I got to say.

Response:

ODA inspectors typically perform two routine inspections each year. If there are complaints or concerns at a farm then ODA inspectors will perform additional partial inspections. Routine inspections are usually scheduled in advance to coordinate and accommodate bio-security protocols and to ensure appropriate farm personnel will be on site with the appropriate records readily available for inspection. Unannounced inspections are at the discretion of the ODA inspector.

If the facility fails to comply with ODA rules and regulations, then it will be subject to enforcement action described in OAC 901:10-5-04. Enforcement documents and proceedings are public records. Penalties include the factors of costs of avoidance of following the laws, the type of actions, including deliberate, knowing or accidental and the frequency of occurrences.

Inspections by the Ohio Department of Agriculture occur much more frequently than required by the U.S. EPA, which recommends one inspection every five years.

Comment 2D. Permit to Operate - Mortality Management

There is a lot of animals back there on that watershed. Coyotes are pretty fierce back in there and you're aren't going to get coyotes to stay out of the compost pile. There is no way. The State should know this. They are going to dig four or five foot down to get to these animals. It is going to be a feeding ground for them. The only other way they can do it is to incinerate them. And you know, that is something that they should think about if it gets approved.

I know the coyotes will take kid's lives, animal's lives, I have seen it already. And it's like a feeding ground and you are not going to stop them. Once they get the taste for blood they just keep coming back. They dig them out. We worked at a farm; we are not there now, where they had open compost. Coyotes came for the dead and they were all over the yard.

The wetlands is controlled by a permanent government easement which states it cannot be burned, built upon, cut or treated in any way which will limit its intended purpose which is to benefit wildlife, especially migratory birds. It has been very successful in this regard. Some of those birds nest and raise young in the surrounding grass and on the wetlands. If the composted dead livestock attracts coyotes as some predict this will limit nesting success for these birds. Increased coyote presence will likely decrease the deer population too.

This proposed facility is very close to a federally-funded wildlife wetlands area harboring large numbers of waterfowl, as well as small game, herds of deer, and an unfortunately increasing number of coyotes. I have seen coyote in my yard, and heard them, all around, often, at night. How can 84,000 pounds of dead, perhaps diseased, pig carcasses possibly be safely buried (composted) in this area? (Proposed annual mortality capacity.) How many holes, how deep, how often, would be needed in a year to entomb these bodies beyond reach of all these local wild scavengers? What a food source for local vermin! This farm will create public health risks both by unearthed decomposing remains, and the increasing population of coyotes and other scavengers. Coyotes tend to run in packs. Will I need to carry a gun to protect myself in the garden or back yard?

Is there a vermin control plan for coyotes? How seriously will this all affect the local balance of wildlife?

We are also concerned about the potential increase in flies, rodents and coyotes.

Response:

Under Ohio law the available methods for disposing of dead livestock are as follows: burning, burial, composting, rendering, and landfilling. See rule 901:10-2-15 of the Administrative Code and Sections 941.14, 953.26, 1511.022, and 3734.02 of the Ohio Revised Code. Mortality disposal must be performed using best management practices that are consistent with these sections.

Composting is similar to the process of natural decomposition except that it is enhanced and accelerated by mixing organic waste with other ingredients in a manner that optimizes microbial growth. Owners or operators who use composting are required to be certified by Ohio State University Extension or a local Soil and Water Conservation District.

Arnold Road Farm proposes to compost mortality in a covered concrete structure, which will be subject to regular inspections by ODA. If scavenging animals become a problem, additional BMPs would be required to minimize negative effects and improve site bio-security.

Comment 2E. Permit to Operate - Insect and Rodent Control

I don't want the flies and the environment they are going to ruin.

We have a nice yard. We like to be able to get out with our family and have a cookout and spend time in the yard. We don't want to have to put up with the flies.

Insect and rodent control could release all kinds of dangerous chemicals, which would then work downhill into the wetlands area nearby.

The proposed barns will also be very close to the future county park bike trail, bringing an increased number of pests (rodents, flies, coyotes) and poor air quality to anyone who wishes to use the trail.

Response:

The Insect and Rodent Control Plan is required in order to minimize the presence and negative effects of insects and rodents at the farm and in surrounding areas, including land on which the manure may be stockpiled or applied. The Insect and Rodent Control plan shall comply with the requirements in rule 901:10-2-19 of the Ohio Administrative Code (OAC) and shall be incorporated into the Permit to Operate. Those plans include construction to minimize areas of insect and rodent habitat, regular housekeeping practice, monitoring and treatment of insect and rodent activity and emergency treatment if activity reaches excessive levels. Regular ODA inspections include noting the effectiveness of the Insect and Rodent Control Plan and requiring additional control measures if so warranted.

Comment 3. NPDES Permits

After reviewing the PTI, PTO during the open meeting, I had a few concerns. I did not see a NPDES permit. According to section 903.01 (M) (4) of the Ohio revised code, the ARF 8,000 head hog farm should be considered a Large CAFO. The Electronic Code of Federal Regulations title 40 part 133 subpart 23 designates the farms required obtain an NPDES permit.

…I believe that the [Arnold Road Farm] should be required to hold a NPDES permit.

The spirit of the NPDES permit is to ensure the proper disposal of waste produced from the farm. Being a large operation so close to so many families, strict government regulations should be followed to ensure the quality of life is maintained for the surrounding community.

Response:

A new CAFF is not required to obtain an NPDES permit unless a constructed discharge is proposed. Arnold Road Farm does not propose to construct a discharge and is being constructed and operated to prevent discharges. All manure storage is under roof and not subject to rainfall.

The Arnold Road Farm facility has submitted necessary paperwork for coverage under a general construction storm water NPDES permit from OEPA. This permit is only required during the period of construction and relates to storm water and sediment control only. A construction storm water permit is not part of the draft PTI or PTO issued by ODA.

Comment 4. Operation of other AFFs

I am pleased that the Drew family has sought a permit for their Arnold Rd. farm. I truly hope that the other 3 unpermitted AFF's (S.R. 49, Bechtol Rd. and S.R. 502) will become permitted as well.

The manure from these animals, if you will notice that the Drews have enough property to handle 75% of this manure bear in mind that that they have the capacity for 16,000 other hogs now that are not under any permit. So you can ask yourself where is that manure going to go and who's going to look after that manure?

As you are aware, the Drew family currently operates 8 unpermitted barns with a total capacity of 16,000 swine. The present draft application states that 25% of the manure from this newly proposed facility will be outsourced to other cooperating farmers. Due to ODA oversight, I am confident that this manure will be managed in a responsible manner. What does not make sense to me is to permit a new facility with 8,000 hogs, while allowing the waste from 16,000 hogs to go unregulated. If a certified livestock manager is currently used, that does provide some protection, but I understand that the Drew family has no legal obligation to do this. While I understand that a farmer can be held responsible for polluting, such an act must first be identified. For example, if manure is applied to a field already replete with phosphorus and/or nitrogen, how is a citizen to know this in order to report it? It makes no reasonable sense to highly regulate human waste, yet allow a family to self-regulate the waste of 16,000 hogs- almost 4 million gallons of unregulated liquid manure per year (.66 gallons/animal/day). The Ohio Department of Agriculture is given the charge to protect the citizens of this state. In my opinion, as a citizen and a health professional, your department is not fulfilling that mandate if you do not do use every available legal channel to bring these unpermitted facilities under permit. Will you use every power of your office to make this happen?

Who will control/regulate the amount of manure that's put on the surrounding fields and does the proposer have enough acreage there locally to dispose of the manure responsibly? Keeping in mind that the same owners own at least 3 other large operations almost within eye sight?

In looking at the new PTI for Drew Farms in Darke County, I could not find any facts as to where they apply their current 16,000 head of swine manure. If they farm 900+ acres of land and can only apply 75% of the new facility to this acreage what are they doing with their current production? Did I miss something?

Response:

ORC Chapter 903.01 defines an animal feeding facility (AFF) as any lot, building, or structure where livestock are housed for at least 45 days out of a year. A concentrated animal feeding facility (CAFF) is defined as an AFF above a certain animal design capacity threshold for which a permit must be obtained from ODA. For swine weighing more than 55 pounds, any facility with a design capacity exceeding 2,500 head would require a permit from ODA. This is also the same definition that US EPA utilizes for their NPDES permits.

ODA previously received complaints regarding the construction of these other AFFs owned by various members of the Drew family. Upon review of the available information, ODA determined that due to the parceling and ownership of the barns, these other AFFs do not appear to meet the legal definition of a CAFF.

As part of the review of the draft permits, the applicant made maps and soil tests for the fields used for the land application of manure (about 2,000 acres) from these other AFFs available to ODA staff. This information is not included or required as part of the draft permits since these other AFFs are not part of Arnold Road Farm.

Comment 5. Background/ Compliance Check

On November 6, 2015 Eileen Litchfield, a friend and former neighbor on Beanblossom Rd, made a Federal Freedom of Information Act (FOIA) request pertaining to the Drew family farming practices from 2011-present. On February 25, 2016 a response was received (attached with Ms. Litchfield's permission). Out of the 40 pages of available information, all were withheld with exception to an email that I had sent to Jim Bennett, a local USDA agent who was instrumental in developing the current federal wetland that is immediately northwest of the proposed CAFF. I have recently been made aware that your department does have access to this material. While I understand that some information legitimately should not be made public, will you please confirm that your department has had access to such information and that it has been reviewed?

The attached is letter from the Darke Co. Dept. of Health regarding the Drew farm on the east side of Arnold Rd. which is part of a continuing investigation.

Response:
The draft permits included the required Compliance Information Forms for owners or operators of the proposed CAFF, meeting the requirements of Section 903.05 of the Ohio Revised Code (ORC) and rules 901:10-1-02, 901:10-1-03, and 901:10-1-08 of the Ohio Administrative Code (OAC). ODA conducted a review and contacted several other local, state and federal government agencies as necessary to verify the pertinent information with no civil or criminal violations found.

In response to public comment, ODA staff contacted the Darke County Health Department and determined that there is no longer an open investigation regarding the Arnold Road Farm facility site.

Comments receiving no response

ODA does not have complete control over all aspects of livestock permitting in Ohio. The areas over which ODA Division of Livestock Environmental Permitting has been granted authority are very limited and are covered under the Permit to Install and Permit to Operate. ODA has not been given any statutory authority to regulate the following subject areas:

- Property values
- Air emissions
- Use of antibiotics/growth hormones
- Other agency's rules outside of ODA's regulatory authority

All public comments