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Responsiveness Summary
to Public Comments on the
Spitnale Pigs Ltd. Draft Permit to Install and
Draft Permit to Operate
April 28, 2015

On February 11, 2015, the Ohio Department of Agriculture (ODA) issued a public notice that Spitnale Pigs, Ltd., 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. Due to significant public interest, a public meeting was scheduled. A public notice for the public meeting was published on March 25, 2015, in the *Putnam County Sentinel*. This public notice stated that an open house and public meeting would be held at the Coverdale Town Hall located at 210 Mahoning Street, Cloverdale, Ohio 45827, on April 28, 2015. The 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 May 5, 2015.

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	*4/28/2015*	*Tim Britsch*		*706 S. Rivers St. Cloverdale, OH*
2	*4/28/2015*	*Tracie Chandler*		*21423 St. Rt. 694 Cloverdale, OH*
3	*4/28/2015*	*Timothy Fife*		*21338 St. Rt. 694 Cloverdale, OH*
4	*4/28/2015*	*Daniel Prowant*		*21486 Rd. I-17 Cloverdale, OH*
5	*2/23/2015(written)*	*Tim & Lori Fife*		*21338 St. Rt. 694 Cloverdale, OH*
6	*5/5/2015 (written)*	*Tracie Chandler*		*21423 St. Rt. 694 Cloverdale, Ohio*
7	*3/9/2015 (written)*	*Judy Spitnale*		*21148 Rd. J Cloverdale, Ohio*

All similar comments are summarized and grouped.

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Comment 1A. Permit to Install – Ground water and surface water quality:

When ground water is tested at the facility is it being tested at different levels…50ft, 100ft, etc.?

How often is the ground water being tested…once a day, every other day, once a week, every two weeks?

Who is performing these ground water tests at the farm?

When this is recorded is it available for the public to view?

Where would we find these records on the water being tested?

Is the testing of the ground water regulated by state agencies?

Who is going to pay for the loss of our use of water ***if it*** *is contaminated by this pig farm?*

We are worried about water quality…..

Run off, ground water is an issue. Not to mention the pollution that goes along with the operation.

Response:
The proposed fabricated manure storage structure (concrete deep pit) 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. 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 developed by a P.E. and is included in the PTI. The report concluded that all borings encountered a thick layer of very low permeability clay located directly below the planned bottom of the pit. 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 Spitnale Pigs Ltd. facility the production well will be used for sampling. This well is 240 feet deep and pulls water from the limestone aquifer. A copy of the certificate of analysis for a recent groundwater sample is included with the PTI. Spitnale Pigs Ltd. will be required to perform an annual groundwater quality test 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, the best place to sample is at the farm itself. The production well used at the site would likely pull more water from the aquifer than the surrounding individual homes. Therefore, any potential pollution from the facility should first appear in the production well due to the localized water drawdown from the production well, called the “cone of depression.”

If wells would 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 will be implemented. Liability for any contamination would be determined once the cause and source of contamination was defined.

The entire facility is designed to be “zero-discharge”, meaning that all manure is contained within properly designed manure storage structures to prevent any means of surface water contamination from manure runoff originating from the site.

Comment 1B. Groundwater Quantity

I wanted to ask questions about how exactly does the ground water, how much ground water exactly does the pig farm use? I mean I live right across the street, so the ground water is very, it is a concern of mine, I mean, whether it's there or not going to be there. I know I talked to the gentleman and he says they check it. I want to know about daily use. How much does a pig go through?

The ground water pollution, run off, not to mention the ground water usage. There are several other counties around that have had several mega farm type operations go in and people all around within a five mile radius have had to go in an drill their wells deeper and deeper.

How much ground water does an individual pig use per day?

How much ground water does the pig farm facility use in a day, week, month?

How much water will this extra barn going to use, and what happens if our water table drops also?

Response:
Spitnale Pigs Ltd. projects an average water usage of 7,761 gallons per day, which would be equivalent to 5.4 gallons per minute or 1.62 gallons per pig per day. The Ohio Department of Natural Resources (ODNR) Division of Soil and Water Resources has prepared a Ground Water Resources Map for Putnam County, which indicates the limestone aquifer supplying Spitnale Pigs Ltd. and the surrounding area is capable of delivering more than 100 gallons per minute at depths of more than 100 feet. 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 Soil and Water Resources, as required by ORC Section 1521.16. Spitnale Pigs, Ltd. estimates a daily withdrawal rate of approximately 7,761 gallons per day. Therefore, it is not required to register with ODNR Division of Soil and Water Resources. If there are additional concerns, local government officials, in cooperation with area residents, can request ODNR's Division of Soil and 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 1C. Permit to Install (PTI) – Manure Storage Structures

Where is the manure lagoon located on the property of the farm?

How big are the under pits at the farm?

How many gallons of manure can they hold?

How long are they allowed to hold the manure?

Are there any laws in place to regulate this?

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 Spitnale Pigs, Ltd. facility will store liquid manure in two concrete tanks, one located beneath the floor of each of the two barns. Each concrete tank is sized to hold more than a year's worth of manure, or about 1,073,000 gallons. No earthen manure storage structures or lagoons are proposed to be constructed with this permit.

Comment 2A. Permit to Operate (PTO) – Manure management: Land Application

How much manure does one pig produce a day or how much manure does the factory farm produce in one day?

If liquid manure is applied, are observations of subsurface drains recorded in the manure application record?

Are application rates and nutrients applied in accordance with ODA rules for nitrogen and phosphorus?

What about spreading after a rain?

Will the manure be incorporated within in 24 hours? If not, who do we call to get something done?

Doubling the number of hogs would also double the trouble as far as manure management. The one time I was aware of the barn being pumped out, the sludgy, [manure] stuff was put on the field directly across the road from my home. The operator pumped for at least four hours, all put on about sixty acres…I don't know where twice the amount of waste will be deposited.

Response:
Spitnale Pigs, Ltd. estimates that after the proposed expansion, the facility would generate about 1,176,000 gallons of manure per year or an average of about 0.67 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, a department 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 heavily restrict application on frozen or snow-covered ground, as provided in OAC 901:10-2-14(G).

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.

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 downward movement of manure nutrients through the

soil profile, and serves as a means to prevent groundwater 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 farm 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 (PTO) – Soil Testing of Land Application Fields

How often are soil samples taken at the farm?

Are they taken from various areas on the farm acres?

Who is involved in taking these samples?

When these samples are taken do they go to a laboratory?

Are these records on file to be viewed by the public?

Response:
ODA rules found in OAC 901:10-2-13 that each land application 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.

Comment 2C. Odor Concerns

Every time the wind blows, all I smell is hog crap, if the wind is out of the south.

We've got a dairy farm, right outside of Dupont, now we have a turkey farm in Cloverdale and they want to double their operation. You know, I mean, at some point in time there is not going to be a place where you can go to bed or wake up , you know, without smelling crap anywhere in the area.

Does Ohio State have odor regulations for the CAFO?

Are the factory farms allowed to spray liquid manure on the field allowing it to go into the air?

We have been unable to enjoy our outside space since the first barn went in, due to the smell. Just imagine the smell if another barn goes in!!!!!

Has our life-style changed? Of course! The cold has settled the odor, but the warmer the weather, the more it smells! Last summer we were no longer able to leave any windows or doors open or even put laundry outside to dry. We used to sit outside and watch for deer and turkeys, but now it is impossible due to the odor. It constantly smells. At times, it was best not to be out at all.

The odor was sharp, burning, and extremely bothersome. It lasted for probably three weeks, and by that time the odor had seeped into the house, into our clothing, and into the cars. If we went away, we were always apologizing for bringing in the smell.

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, Spitnale Pigs, Ltd. 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 2D. Facility Inspections and Enforcement

If you could tell me how often are these barns inspected after the livestock is in there. I mean is it once, is it every month, is twice a month, and when they do get inspected to they get prior notice? Are they notified ahead of time, a week ahead of time so.. that was a question I have.

How often are the pig farms inspected…daily, weekly, or monthly?

Who inspects these farms…County Agencies or State Agencies?

Same way with the policing every two years, every two months, twice a year. It's not enough. What's wrong with once a month?

Are there any regular inspections done by state officials of the lagoons and or the factory farm after the farm has been operational?

How many times are the barns inspected? Not once or twice a year. Should be weekly at least!

What happens if these farms have violations?

If there are any violations pertaining to the factory farm, are these records accessible to the public?

What kind of violations can a pig business be fined for?

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.

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 3. Emergency Response Plan

What happens if there is a lagoon spill or run off? What emergency plan is there in place?

Response:
As required by ODA rules, the PTO for Spitnale Pigs Ltd. includes a detailed Emergency Response Plan (ERP) that identifies the steps to be taken in the event of a spill or runoff event. The ERP includes the following information: the actions to be taken to contain or manage the spill; the authorities to be contacted; the equipment and clean-up materials that would be required and how they would be employed.

Comment 4. Regulation of CAFFs within Ohio

What constitutes a pig farm? I mean if you have one pig does that mean you have a pig farm?

… how many factory farms, livestock pig farms can be in one township?

How many factory farms are allowed in one area…Putnam County/Perry Township?

Is there a law as to how many factory farms can reside in one township?

Is there a law as to how many factory farms can reside in one county?

Is there a limit as to how many pigs/swine a facility can have?

What is the animal ratio to acres?

How many factory pig farms are currently in Perry Township?

How many factory pig farms are currently in Putnam County?

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. The design capacity of a CAFF is limited to what is clearly stated in the approved ODA permit. Spitnale Pigs Ltd. has a design capacity of 4,800 head and is limited to this capacity without the issuance of another PTI.

Each permitted CAFF is required to abide by their manure management plan (MMP), which identifies the land application fields to be used by that facility alone. The number of CAFFs in any geographic area would be limited by the total amount of manure nutrients generated and the availability of suitable and distinct land application fields not already included in an MMP.
In addition to Spitnale Pigs, Ltd. there are two other permitted swine CAFFs in Putnam County. Spitnale Pigs, Ltd. would be the only permitted CAFF in Perry Township.

Comment 5. Livestock Care Standards

Does the factory farm use electrical prods on the pig? If so what is the voltage?

Response:
Specific details of animal handling are not part of the facility permit. However ODA's Livestock Care Standards Board has established rules addressing livestock care issues under OAC Chapters 901:12-1 through 901:12-15.

Comments receiving no response

ODA does not have complete control over all aspects of livestock permitting in Ohio. The areas over which ODA 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
- Antibiotic use
- Impacts to roadways
- Transportation of livestock
- Noises
- Livestock previously housed at the site