

**Responsiveness Summary to public comments on the
Pitstick Pork Farm draft Permit to Install and draft Permit to Operate
September 28, 2009**

On August 5, 2009, the Ohio Department of Agriculture (ODA) issued a legal notice of the Pitstick Pork Farm draft Permit to Install (PTI) and draft Permit to Operate (PTO). This legal notice opened the public comment period on the draft permits and informed the public that a public meeting would be held on Sept. 10, 2009, to accept comments. The comment period ended at 5 p.m. on Sept. 17, 2009.

The director's final decision on these draft permits must be made in accordance with the laws regulating and facts contained in the permits. In accordance with the Ohio Administrative Code 901:10-6-04, information presented during the public comment period shall be limited to the criteria and information that are applicable to the permit application that is the subject of the public meeting. Ohio Revised Code Section 903.09 stipulates that the director is to hear comments pertinent to the draft permits. The department considers pertinent comments to be those relating to the draft permits and the way in which the draft permits comply with 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 Permit to Install and the Permit to Operate are environmental permits covering issues pertaining to water pollution control such as manure management, construction of manure containment structures, containment of stormwater 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.

Oral and written comments are taken word for word with no editing (other than some corrected spelling and grammar). Similar comments are grouped and summarized.

No.	Date Received	Name	Organization, if any	City, State
1	9/10/09	Kathleen Boutis		Yellow Springs, OH
2	9/10/09	James Adkins		Fairborn, OH
3	9/10/09	Richard Naragon		Fairborn, OH
4	9/10/09	Jim Heider		Fairborn, OH
5	9/16/09	George & Barbara Voehringer		Yellow Springs, OH

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1. Water Table

I also have concerns about the water table in our area.

Response:

The comment is vague but, if the concern is about the local aquifer, the ODA requires the results of a recent well water test be submitted as part of this permit. Pitstick Pork Farms’ well water sample results showed no detectible nitrates or fecal coliform. Additionally, the department requires that a well water sample be drawn at least once a year and tested in a laboratory. These results must be kept in the facility’s operating record and will be checked by an ODA inspector.

The department does not have regulatory authority over the amount of water used by the facility, but the ODNR-Division of Soil and Water Resources groundwater availability shows adequate groundwater supplies in the area, and the fact that the farm has been an operation swine farm for over 40 years without groundwater availability problems should be noted.

2. Manure and Chemicals

(I also have concerns about) the effect of the manure and chemicals used at that operation.

Response:

The Pitstick Pork Farm Manure Management Plan (MMP) includes “the total summary of acres of land to be used for land application sites,” as provided in OAC 901:10-2-09. Pitstick Pork Farm has verified that this land is useable for land application by submitting soil sampling data for the acreage. The MMP does not preclude the use of other additional land for manure application or distribution to other users as the facility is operating.

Pitstick Pork Farm will be required to follow the ODA’s land application restrictions. These land application restrictions require setbacks from surface waters of the state, including roadside ditches, wells and neighboring residences. Other land application restrictions are associated with the volume of manure applied to fields. Liquid manure is to be applied using best management practices and in accordance with ODA rules. The liquid manure is to be applied at rates that do not exceed the available water capacity of the soil. This allows for the nutrients and effluent to be absorbed by the soil material for

use by crops to be grown, or that would be currently growing during application. Proper measures have to be taken prior to and during application to make sure no preferential pathways to field tiles exist. The rate of manure application must allow for proper absorption and attenuation of the liquid manure prior to reaching any tile. All tile outlets must be visually inspected during and after application, and if for some reason liquid manure would reach tile lines, tile plugs or tile stops must be available and utilized to block the tile lines and avoid impact on waters of the state. Also, Pitstick Pork Farm must keep records of the weather forecast and may not apply manure if the forecast shows that there is a 50% chance or more of ½-inch or more of rain in the next 24 hours.

Pitstick Pork Farms is required to immediately notify the department of any discharge and allow ODA to inspect and test. Enforcement measures, including fines and penalties, are provided in rules and statute to address violations.

The comment about concern about chemicals was very vague, but any chemicals utilized for crop or animal production are regulated by U.S. EPA or FDA for use in crop production or livestock production. There have not been any violations noted in the background check performed.

3. Odor

The odor given off from the hogs and/or manure raised at this location is, at times, unbearable.

Response:

Odor minimization required by ODA rules in the Manure Management Plan of the draft Permit to Operate, has identified specific best management practices listed in Ohio Administrative Code Rule 901:10-2-12 to minimize odor, including removal, transfer and application of manure when wind direction is less likely to affect neighboring residences and injecting and incorporating manure when at all possible; i.e., not on a growing crop, etc.

Odor is something that will be evaluated during routine 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 enforcement action by ODA.

Dust, noise and odors in agriculture are acknowledged in the Ohio Revised Code and provisions have been in place for many years, exempting agriculture from nuisance suits when farms are following accepted best management practices.

No Response

4. Comments of Support

ODA received four separate comments of support for issuance of the Permit to Install and Permit to Operate to the Pitstick Pork Farm.