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**Responsiveness Summary  
to Public Comments on the  
Draft Permit to Operate Renewal for  
River Bend Sow Complex  
May 12, 2016**

The Ohio Department of Agriculture (ODA) issued a public notice that River Bend Sow Complex had been issued a draft Permit to Operate (PTO) renewal. This public notice was published on April 6, 2016 in *The Paulding Progress*. The comment period ended at 5:00 p.m. on May 6, 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 permit covers environmental issues pertaining to water pollution control such manure management, containment of storm water runoff, insect and rodent control, mortality management, 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:

<i>No.</i>	<i>Date Received</i>	<i>Name</i>	<i>Organization, if Any</i>	<i>Address, City, State</i>
1	4/7/2016 (written)	Sandy Bihn	Lake Erie Waterkeeper, Inc.	3900 N. Summit Bldg 2, Toledo, OH 43611



All similar comments are summarized and grouped.

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### Comment 1A. Permit to Operate – Manure Management and Land Application

*Iowa State University has a hog manure calculator that for 2400 hogs needs 246 acres. There is a huge difference in the Iowa hog manure calculator which appears would require 350 acres for the hog manure for River Bend rather than the 126 acres that River Bend and ODA propose. Please explain why there is such a huge discrepancy for acreage required for Iowa hog manure, and how the acreage for manure is calculated in Ohio.*

*Also, in Ohio are soil tests required before the permit is issued to insure that there is a phosphorus need in the soil for the manure to be used to grow crops?*

#### **Response:**

The commenter appears to be referring to a digital tool available for free download from the Iowa State University Extension and Outreach website at: <https://www.extension.iastate.edu/agdm/livestock/html/b1-65.html>. This tool is a Microsoft Excel spreadsheet which has been pre-populated with a default manure analysis and application rate that would be typical of the higher-nutrient manure from a deep pit swine finishing barn. If the commenter had input the lower-nutrient analysis and application rate of the treated wastewater from the draft permit, then this same tool would have informed the user that 125 acres was “required” based on the example crop rotation. Note that ODA rules do not prescribe a minimum amount of acres required, but the applicant must demonstrate adequate acres are available to apply manure in accordance with ODA rules. The draft permit demonstrates that an adequate land base is available on which to apply nutrients in accordance with ODA rules.

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.



### **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 Operate. ODA has not been given any statutory authority to regulate the following subject areas:

- University Funding

All public comments

