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**Responsiveness Summary to public  
comments on the  
Wilker Eggs and Grain Farm, LLC Draft Permit  
to Install and Draft Permit to Operate  
January 30, 2015**

On December 4, 2014, the Ohio Department of Agriculture (ODA) issued a public notice of Wilker Eggs and Grain Farm, LLC 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 informed the public that an open house and public meeting would be held on January 6, 2015 at the Saint Marys Township Building, located at 10572 State Route 364, Saint Marys, Ohio 45885. The open house began at 6:30 pm, with the public meeting to accept public comments beginning at 7:00 pm. The comment period ended at 5:00 p.m. on January 13, 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 Ohio Department of Agriculture 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 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.

Public Comments Submitted by:

<b>No.</b>	<b>Date Received</b>	<b>Name</b>	<b>Organization, if Any</b>	<b>City, State</b>
1	1/6/2015	Kate Anderson	Guardians for the Grand Lake St. Marys	St. Marys, OH
2	1/6/2015 & 1/13/2015	Peggy Sheaks		St. Marys, OH
3	11/28/2014 & 1/6/2015	Gary Kersten		St. Marys, OH
4	1/6/2015	Sue Brannon		St. Marys, OH
5	1/6/2015	Pat Hammer		St. Marys, OH
6	1/6/2015	Marilyn Pohlman		Russia, OH
7	1/6/2015	Mary Rampe		Spencerville, OH
8	11/27/2014	Sharon Gottschalk		St. Marys OH
9	11/26/2014	Tammy Kennedy		St. Marys, OH
10	11/28/2014	Lisa Grant		St. Marys, OH
11	11/27/2014	Gerald & Mildred Vanderhorst		St. Marys, OH
12	11/28/2014	Jack Layman		St. Marys, OH
13	11/28/2014	Rick Morrow		St. Marys, OH
14	11/28/2014	Richard Zepernick		St. Marys, OH
15	11/28/2014	Beverly & Mark Brueggeman		St. Marys, OH
16	11/28/2014	Mrs. Bidwell		St. Marys, OH
17	11/28/2014	Patrick Moran		St. Marys, OH
18	11/28/2014	Frank & Martha Kuhlman		St. Marys, OH
19	11/28/2014	Jon Heyne		St. Marys, OH
20	11/28/2014	Tom * Last name not legible on	fax received	St. Marys, OH
21	11/28/2014	Marjorie Stienecker		St. Marys, OH
22	11/28/2014	Mr. & Mrs. DeWayne Marsee		St. Marys, OH
23	11/28/2014	William Walfreft		St. Marys, OH
24	11/28/2014	Carol Raymond		St. Marys, OH
25	11/28/2014	Frankie Mcelfersh		St. Marys, OH
26	11/28/2014	Mr/Mrs Baucher * First name	not legible on fax rec'd	
27	11/28/2014	David Highley		St. Marys, OH
28	11/28/2014	Teresa Vint		St. Marys, OH

All similar comments are summarized and grouped.

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

*The scientific evidence points to the agricultural run-off, in the form of manure spreading, are the leading cause of the pollution of Grand Lake St. Marys.*

*The GLSM watershed is the ONLY "distressed watershed" in the State of Ohio. Over the past four years, the microcystin levels have increased 285% and the permitting of livestock facilities have soared in this watershed since the year 2000.*

*I am concerned about whether my well water is safe for drinking, cooking, etc. and I am going to get an extensive water analysis for information.*

*A tainted water supply for the City of Celina requiring a multi-million dollar addition to the Water Treatment Plant and now the City of Celina is trying to dig deep wells for an alternative drinking water supply;*

*A high risk to the health of people and animals that use the lake; and research is pointing to a link between microcystins and liver damage and tumor promotion as reported by the Ecotoxicology Program, California Office of Environmental Health Hazard Assessment;*

**Response:** In general, this comment relates to the water quality issues within the Grand Lake St. Mary's (GLSM) watershed. Although the Wilker Eggs and Grain Farm, LLC is near the eastern border of the GLSM watershed, none of the production area is within the drainage area of GLSM. In addition, the land application of manure from this facility is planned to be distributed to acres even farther east of the watershed boundary and should have no impact on the water quality within GLSM watershed. However, the law does not

focus on one watershed and all water quality should be protected no matter where the water drains. Therefore, if in-fact manure from this facility were to be spread on acres within the GLSM's watershed, it shall be done in accordance with OAC § 901:10-2-14 or the rules set forth by the Ohio Department of Natural Resources, Division of Soil and Water Resources, for distressed watersheds. These rules were implemented to protect and minimize degradation of surface water and all manure nutrients are to be utilized following best management practices and agronomic principles.

In regards to the comment that "...permitting of livestock facilities have soared..." in the GLSM's watershed, it shall be noted that ODA-Division of Livestock Environmental Permitting (ODA-DLEP) has regulated and permitted such operations since 2002. Currently, there are 16 facilities that are permitted by ODA-DLEP in the GLSM watershed and all of those facilities were in existence prior to 2002. Those 16 permitted facilities have been selling over 90% of the manure that they generate to Certified Livestock Managers (Brokers/Custom Manure Applicators) and they have been moving approximately 90% of the manure out of the watershed for at least the last 5 years.

As far as concerns about ground water quality, the facility is required to test the well water annually for nitrates and bacteria. The analysis provided as part of this permit indicated that no bacteria were present and nitrates were below detection levels.

#### **Comment 1B. Groundwater Quantity**

*I've learned that an egg farm uses water to hydrate the birds, I assume it is used for some cleaning, and that cool water is pumped out of the ground to cool the houses in warm months. The enlargement to this farm would no doubt drop the level considerably, affecting many wells.*

*About 9 years ago, I had to have a new well dug. This cost approximately \$5,000.00. This well is 165 feet deep, 40 feet deeper than the first one.*

**Response:** This facility proposes to use approximately 13,400 gallons of water a day from private wells at the facility to provide water for the birds. There is no egg processing water used at the facility and no water used for cooling or heating. ODA has no regulatory authority over groundwater withdrawal and simply require the facility to estimate the average daily withdrawal proposed by the facility at maximum animal design capacity.

If a facility has the capacity to use greater than 100,000 gallons of ground water per day, it is required to register with the Ohio Department of Natural Resources, Division of Soil and Water Resources (ODNR-DSWR) as required by Ohio Revised Code Section 1521.16. In addition, if surrounding residences or local officials have concern over groundwater usage, they may wish to contact ODNR-DSWR.

All of the nearby well logs were included in the review of the permit. This commenter's well, contrary to the comment, was drilled in August of 2008, with a casing length of 81 feet to limestone bedrock and a total depth of 146 feet with static water level at 16.4 feet from surface and a 30 gallon/ minute test rate and 35 foot drawdown.

**Comment 1C. Permit to Install (PTI) – Siting Criteria**

*This farm is located in the middle of a heavily populated, residential area. It is ¾ of a mile from the multi-million Otterbein Retirement Center and Nursing Home. This facility has many people with compromised immune systems. It is ¾ of a mile from Southmoor Shores that is a large lakeside community. It is ¾ of a mile from a popular restaurant and campground. It is ¾ of a mile from Grand Lake St. Marys. It is 1 1/2 mile away from the canal feeding through St. Marys. It is 3 miles to St. Marys whose motto is "Where Living is a Pleasure."*

*WILL THE NEW EXPANSION EXIST IN AN AREA WHERE OUTDOOR RECREATIONAL ACTIVITIES ARE ONGOING, ESPECIALLY DURING WARMER TEMPERATURES?*

*WILL THE NEW EXPANSION EXIST IN AN AREA WHERE POPULATION OF FAMILIES LIVE AND WHERE RETIREMENT/HEALTH FACILITIES EXIST ALREADY?*

*A FAMILY FARM HAS EVERY RIGHT TO OPERATE AN UNPERMITTED BUSINESS, BUT TO EXPAND IN THEIR PRESENT LOCATION IS NOT BENEFICIAL TO THE COMMUNITY IT RESIDES IN. THESE PERMITTED OPERATIONS NEED TO BE AWAY FROM RECREATIONAL AREAS, WHERE FAMILIES (CHILDREN AND ELDERLY) ARE ALREADY LOCATED*

**Response:** ODA rules require that all new manure storage or treatment facilities meet the requirements set forth in OAC § 901:10-2-02 and this facility meets those criteria. Specifically, this facility is in an agricultural area, the proposed manure storage structure is at least 100 horizontal feet away from the property line or public road, and is at least 50 horizontal feet away from a private well and 300 horizontal feet away from a public well. The proposed manure storage structure is to be located no closer than 120 horizontal feet from a stream and no closer than 500 horizontal feet from any neighboring residence.

**Comment 2A. Permit to Operate (PTO) – Manure management and water quality:**

*From all the research that I've done, I've learned that poultry manure is the most toxic manure that there is. Although the Wilkers intend to store a half years' worth of manure (2,800 tons, which is 5,600,000 pounds) in their planned facility before cleaning it out, and although they say they will market this to crop producers (no doubt, other farmers in our watershed) and manure brokers, I am quite sure that some of their manure has been spread on area fields for years.*

*From what I understand, this manure is full of antibiotics, steroids, arsenic, e-coli, and rat poison. In researching this issue I've learned that the company, cleaning out our cesspools, mixes that waste with animal wastes to be used as fertilizer. I have also read that these "nutrients" are absorbed through the plant roots and enter the food chain.*

*I have read that no matter what waste collection holding tank is constructed it will eventually deteriorate, crack, or leak. This should be of further concern for the safety of our well water.*

*Of course the deep cracks, (several feet deep), in the top soil enable the manure applications to go more readily into our ground water (our well water).*

*Everything that the “Guardians of the Grand Lake St. Marys” said about the lake, also applies to the St. Marys River watershed and this farm sits right in the St. Marys watershed and this farm sits right in the St. Marys watershed.*

**Response:** Given that the facility was not previously permitted, ODA-DLEP has no knowledge of where manure may have been applied in the past. The Manure Management Plan provided with this draft PTO states that all manure will be distributed (sold) to a manure broker who will transport the manure to cropland away from the Wilker Eggs and Grain Farm, primarily to the East and primarily out of the GLSM watershed. The broker the facility intends to use is a Certified Livestock Manager (CLM) and certified through DLEP. CLM's are also required to follow all requirements set forth in OAC § 901:10-2-14 for land applying manure. In addition, the CLM will be required to maintain records that will be inspected by ODA-DLEP and must ensure the proper application of nutrients associated with manure. ODA DLEP has no authority to regulate antibiotics, steroids, etc. in manure.

Wilker Eggs and Grain Farm will store manure at their facility in one of the two manure storage structures as depicted in the Manure Management Plan. They are required to have the capacity to store enough manure to be able to not apply on frozen or snow covered ground or at times when the soils are saturated or crops are being grown. According to the draft Permit to Install, they will have over 180 days in the new manure storage barn and over 2 years' of storage in the existing high rise barn. These structures will not be holding tanks as mentioned in the comment, but solid manure storage structures that will be at, or above, existing ground. Although deterioration is typically not an issue or concern with storing solid manure, the facility will be required to regularly inspect the structures to ensure there are no structural issues that would lead to environmental degradation. In addition, DLEP inspectors will inspect the structures during their routine inspections.

Soil cracks are typically not an issue with the application of solid manure.

**Comment 2B. Permit to Operate (PTO) - Distribution and utilization of manure nutrients**  
*In this watershed, there are currently permits under review for 3,408,755 animals that will generate more than 3.5 million gals. of liquid waste and 165 thousand tons of solid waste. Of all of these permits, it states that the waste will be land applied to recycle the nutrients as an organic alternative to imported commercial synthetic fertilizers. This is the worst scenario possible for the disposal of manure in our watershed because it continues to pollute GLSM.*

**Response:** See Response to Comment 1A. above.

**Comment 2C. Odors**

*The air was permeated with the smell of burnt chicken flesh and burnt feathers from their incinerator*

**Response:** ODA is unaware of past practices with mortality disposal and odors associated

**with the facility. Although some odor is expected with any livestock or poultry operation, the facility will be expected to be implementing best management practices to minimize excessive odor as required by OAC § 901:10-2-12.**

### **Comment 2D. Fly Concerns**

*Flies are also a health hazard, but I feel this warrants its own heading. I am the one, Ron Wilker is quoted in the papers as having called the Auglaize County Health Department a number of years back. On that particular day, I had already swatted 300 flies in my kitchen, I had at least 6 fly strips up, I could observe 6 or more mating flies on my walls, wallpaper, cupboards, ceilings lampshades at any given moment. They were even flying in tandem in my home. The flies had been bad for days and kept getting worse. I asked the Department of Health if they would do something about a horrible fly infestation. They wanted to know where the flies were coming from and I said I thought it was from the Wilkers barns and that it must have been something they either did or didn't do. That week a neighbor a few doors down had told me that his child's white bedroom ceiling looked completely black from flies. That evening an irate Deb Wilker came over with a raised voice and told me it was spring, and I lived in the country and that I "BETTER GET USE TO IT!!"*

*At this time I had already lived here almost 30 years and had never seen or imagined anything like this. The condition improved greatly after my call, so something changed.*

*We continue to have flies, I haven't called anyone again because I really don't know who to call and don't know if any agency cares or will do anything. This Spring, Summer and Fall have been particularly bad. There have been mating flies again.*

*I kept 5 fly strips up constantly, changing them every 4-5 days. In addition, I swatted at least 500 a week in my home. They landed on my arms, on my face, they bit people both inside and outside the house. I have found dead or thrashing flies in my toilet, in my dishwasher, and even in a half drunk cup of coffee. I have opened the microwave, the refrigerator, and freezer and had a fly buzz out. My neighbor a half mile north told me she was killing at least 100 flies a day in her kitchen in November. Another neighbor said it was impossible to have a picnic outdoors. You couldn't even open a can of pop, inside or outside, without instantly covering the drinking hole. I had to shoo flies away with one hand while I tried to cook with the other. I had to shoo flies away to eat. In late November, when I found out about this farm expansion, I kept two fly strips that were up in my kitchen for evidence. I wrapped them in saran wrap and have them here for your viewing. When I went to a neighbor's home several houses south, in late November, and asked if they had lots of flies, she flung the door wide open so I could see 2 fly strips, with flies, hanging from her kitchen light, directly over their kitchen table. Then she said "just look around this garage." Then I observed numerous other devices they were employing to try and keep flies out of their house.. People on SR 364 have been plagued with flies. One person told me they've had really large flies, and lots of them all summer and fall.*

*I have always been told that flies carry disease. We are plagued with an intolerable condition now. We don't need it magnified*

*The fly infestation Mrs. Sheaks was talking about did not come from Wilker's Farm, but from a*

*neighboring farm that had turkey manure hauled in.(this manure was stock piled but not sprayed for flies.*

*I live across from the Wilker's Farm. We have never had flies as bad as the other neighbor complained about.*

**Response:** ODA-DLEP cannot speak to past fly incidents around this area or at the facility since the facility has not been permitted in the past. In reviewing the applications, ODA visited the site and there were no issues with flies during this initial inspection. ODA legal staff performed a background check on the owners/operators and was not made aware of any past compliance issues related for excessive flies coming from the Wilker farm. As part of this PTO, the facility has included an Insect and Rodent Control Plan (IRCP) that includes management practices around the facility to minimize breeding habitat of flies on a continual basis. The facility will monitor for larvae and flies and if threshold levels are reached (as identified in IRCP), then actions will need to be implemented to reduce the levels to within acceptable limits. DLEP inspectors will review the records of these actions and also perform inspections of the barns for flies and larvae during their routine inspections. It should also be noted that biting flies would not be flies coming from a poultry facility. The species of flies that bite are not species that reproduce at a poultry farm. Biting fly species are generally found in wooded areas and are associated with wildlife, in particular deer.

**Lastly, if any neighboring residences have fly issues they attribute to the facility, they should call the DLEP office and the DLEP inspector will investigate the complaint.**

#### **Comment 2E. Emergency Weather Conditions**

##### *Planned Emergency Response and Mother Nature*

*I have lived on Tri-Township for 39 years. During this span of time, I have experienced weather conditions that would make it nearly impossible to sustain the planned enlargement of this operation. Additional comments related to weather events that could lead to catastrophic events at the facility.*

**Response:** The PTO requires that an Emergency Response Plan (ERP) be provided that addresses not only weather related events, but discharge or other types of emergencies. These farms are constructed with back-up power sources that are more than adequate to handle most extreme weather conditions. However, there are some events (tornados, fires, etc.) that cause catastrophic situations that have to be dealt with at the time of the event. The ERP requires the facility to have these situations addressed so the response to these events is effective and the remedial actions are implemented in a timely manner.

#### **Comment 2F. Mortality Disposal**

*General concerns were presented over improper disposal of animal mortalities in the general area and decaying animals present, although the comments were unclear if they were related to Wilker Eggs and Grain Farm.*

**Response:** The PTO requires that the facility provide a Mortality Management Plan that

describes how normal and catastrophic mortality will be handled by Wilker Eggs and Grain Farm. Approved methods by state law/rule are burial, composting, landfilling, rendering, incineration and alkaline hydrolysis. Wilkers plan to continue to use incineration for typical mortality and in the case of a catastrophic event, they will plan to use a rendering service or have the mortality hauled to the landfill. All these methods are approved and best management practices shall be followed as part of the permit.

### **Comment 3. Health Concerns**

*I am concerned that the poultry manure has spores that cause Histoplasmosis. These spores remain in the ground for years and become airborne every time the soil is disturbed by digging, plowing, etc. We all breathe these in, and usually develop flu-like symptoms. Histoplasmosis can do damage to your lungs and eyes and can lie dormant in your body and effect you later. Twenty-five years ago, my husband developed ocular Histoplasmosis and his surgeon said that it was caused by chicken manure. Luckily, he retained some of his eyesight after emergency laser surgery. Anyone with weakened immune systems is more susceptible to adverse complications.*

*My granddaughter has PANS, an autoimmune disorder. She is on expensive compounded prescriptions and azithromycin (Z-Pac) to keep many, almost debilitating symptoms under control. When she is exposed to sources of infection, her body makes antibodies that affect her brain. This child is at my home for almost 3 hours on school days, and is with me about 10 hours a day all summer while her mother works. She needs no more sources of infection.*

*Large poultry farms are breeding grounds for various diseases which can spread to the community via water, air, rodents, humans, the environment, etc.. Rates of new infectious diseases are on the rise and statistics clearly indicate that chicken production plays an integral role in this increase.*

**Response: ODA-DLEP does not regulate human health diseases. However, there is reference material related to Histoplasmosis and the transmission of the disease from poultry to humans located on the Centers for Disease Control (CDC) web site: <http://www.cdc.gov/fungal/diseases/histoplasmosis/index.html>. According to the CDC, the formation of Histoplasmosis spores requires that the birds and manure be in contact with the soil. In the case of the Wilker facilities both the birds and manure are not in contact with the soil. As far as other diseases, with biosecurity measures practiced and regular monitoring of bird health, we do not have any documented instances of specific health issues to date from the Wilker facilities.**

#### **4. 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
- Feed additives
- Wildlife
- Economic Development
- Other facilities/facility owners