



Ohio Department of Agriculture



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Responsiveness summary to public comments on the 5C's Farm draft Permit to Operate September 8, 2004

The Ohio Department of Agriculture issued a public notice on July 27, 2004, of 5C's Farms' draft Permit to Operate. This public notice opened the public comment period on the draft permit and informed the public that written comments and/or public meeting requests must be received by ODA no later than 30 days from the date of the public notice. The comment period ended at 5:00 p.m. on August 27, 2004.

Comments in quotation marks are taken word for word from oral and written comments, with no editing (other than some corrected spelling and grammar). The table below outlines the comments received by ODA:

No.	Date received	Name	Organization, if any	City, State
1	8/23/04	Raymond and Juanita Conkey		Hicksville, OH
2	8/23/04	Richard L. Savage		Hicksville, OH

- Comment:** "Our comments for the 5C's farms draft permits are given in hopes that better and healthier moves will be put in practice to help us, as neighbors, be able to continue to endure the waste that is being put in the southeast corner field at Cicero and Huber roads. We have lived at this address for forty years and this fields has been saturated with manure many times. Enclosed are pictures taken over the last two years and this year. Dry manure was put on heavy this year then follow up by very heavy amounts of liquid. The two most recent pictures are what the whole field looked like after the wheat harvest. ... Why does so much manure have to be put on so heavy that it looks like a lake?" [1]

Response to comment 1: No solid (dry) manure is to be spread on land owned and/or controlled by 5C's Farm. All will be distributed and utilized by others. All liquid manure would be spread on land owned and/or controlled by 5C's Farm. ODA requires each permitted farm to have a manure management plan, so the manure is distributed and recycled properly as a nutrient to the soil and growing plants and to prevent manure run off. Because the farm has a whole farm manure management plan, we force the farmer to find adequate distribution for all his manure. Manure and soil testing determines how much manure is allowed to be applied to farm fields, and applying more is in violation of the laws. Liquid manure application is also dependent on available water holding capacity, and farmers are required to monitor and control drainage tile flow. Our routine inspections of farmers' actually applying manure, as well as inspections of all their records of manure application will track this and assure that they are distributing and using manure correctly. The manure management plan provided for this farm describes a

standard annual rate of liquid manure application of 10,000 gallons per acre. This rate was chosen for planning purposes to demonstrate that nutrients could be applied on the available acres and meet the requirements of ODA rules for nutrient removal. This application rate is for planning purposes only and is not necessarily a one-time application rate. If the permit would be approved and ODA rules are not being followed for manure application, the farm could be subject to an enforcement action by ODA. ODA's Livestock Environmental Permitting Program can be contacted at 614-387-0470 to register a complaint if practices are noticed around the farm that are unusual or would not be considered best management practices to manure management.

2. **Comment:** "It was put on so heavy that working it down didn't even help the smell. The ammonia breathed makes it hard to breath or sleep because of the burning of eyes and throat and also the smell." [1]

Response to comment 2: Like with any livestock or poultry farming operations, odors are present, especially during land application activities. There is not yet a proven, scientific technology to eliminate or measure odor. However, in their draft Permit to Operate 5C's Farm has identified specific best management practices to minimize odor, including to avoid spreading manure on fields a short distance upwind from neighbors, manure application areas relatively close to non-participating residences will be performed in the morning hours whenever possible when odor is a concern, and manure intended for incorporation within 48 hours will not be applied if the weather forecast would indicate that incorporation would not be possible. A complete list can be found in Part C9 of the draft Permit to Operate.

ODA encourages farmers and neighbors to communicate and work together. This includes neighbors sharing with farmers when they have family events or activities outside, and farmers taking these activities into consideration prior to manure application. Rural neighbors should also understand that farming is weather and seasonally dependent, and farmers should communicate with neighbors when farming could temporarily impact outdoor activities. This communication must happen on the local level.

ODA's Livestock Environmental Permitting Program can be contacted at 614-387-0470 to register a complaint if practices are noticed around the farm that are unusual or would not be considered best management practices to manure management.

3. **Comment:** "The flies are so bad we battle them daily. We have nothing here to produce flies like that, so we know it's the larve from the manure." [1]

Response to comment 3: In order to obtain a Permit to Operate from ODA, a large livestock or poultry farm is required to include an Insect and Rodent Control Plan with the permit application. The plan is required to minimize the presence and negative effects of insects and rodents. 5C's Farm's Insect and Rodent Control Plan includes methods and practices to control houseflies, horse flies, stable flies, mice, and rats. Four index cards or "sticky traps" would be located in each barn and monitored on a weekly basis. Baseline data would be established to allow the owner to determine an action level as to when control measures need to be implemented. Rodent bait stations and areas of ponding water are checked on a monthly basis, watering systems are inspected daily for

leakage/spillage, feed alleys are “pushed up” daily, and feed storage areas are monitored daily when feeding and unusable feeds are disposed of with the manure. More detail on the Insect and Rodent Control Plan can be found in the draft Permit to Operate.

For stockpiling and land applying manure, there will be limited storage of solid manure due to a contractual arrangement for removal to compost facility. Liquid manure is cleaned out at least twice a year, usually spring and late summer into fall. The draft Permit to Operate contains the complete Insect and Rodent Control Plan. Actions taken – monitoring, spraying, baiting, and inspections – must be documented in the Operating Record.

The Insect and Rodent Control Plan would be subject to routine and complaint inspections by ODA. Inspectors would determine if the plan was being followed as documented in the Operating Record, determine the levels of insect or rodent populations at the farm, and inspect the facility. A complaint inspection or regular inspection should be the same. If the permits are not followed, the farm could be subject to an enforcement action by ODA. Additional control measures could be required if problem levels persist.

4. **Comment:** “In increasing the herd size, there should be more profit made, why can't they put in a processing plant like cities do?” [1]

Response to comment 4: 5C's Farm is not planning to expand their numbers; the farm is only asking for a Permit to Operate the farm at the current level. With animal manure, the objective is to land apply this manure as a fertilizer and recycle the nutrients provided in the manure by applying it to cropland. 5C's is land applying liquid manure, and will be selling solid manure off site. Municipal waste is separating the solids and then treating the remaining effluent to allow for permitted discharges to waters of the state. Municipal waste solids are authorized to be land applied, too, but in a separate regulatory program administered by Ohio EPA.

5. **Comment:** “Will this stop spreading manure on the roadways?” [2]

Response to comment 5: Manure is not allowed to be spread on roads. If manure is found on roadways, local law enforcement can be contacted to enforce the safety of the roadways.

6. **Comment:** “How long of a time will Mr. Cleland have to work the manure into the ground, after spreading the same?” [2]

Response to comment 6: ODA rules do not require a minimum time for incorporation of any manure. The manure from 5C's is generally surface applied with trunk-mounted spreaders and then incorporated at a later date as a part of the conventional tillage practices that are performed for the crop production side of the operation. ODA rules do require increase land application setbacks from streams, waterways/ditches, wells, springs and neighboring residences if the manure is not incorporated within 24 hours after application.

7. **Comment:** “It is of concern to me since it is going to be a 5 year permit.” [2]

Response to comment 7: The Permit to Operate is a renewable permit, and it must be renewed every 5 years. Once a Permit to Operate is approved for a farm, the farm will undergo routine and complaint inspections. If the farm is not in compliance with its permit, it could be subject to penalty payment or other sanctions through enforcement.

A farmer must re-apply to ODA to renew his permit 180 days prior to the expiration of the permit. When the Permit to Operate is being renewed, the farm's compliance history will be considered. Also during this time, the public will be notified that a public comment period is open and ODA is accepting comments on the farm's renewal request.