



Ohio Department of Agriculture



Governor Bob Taft
Lieutenant Governor Jennette B. Bradley
Director Fred L. Dailey

Livestock Environmental Permitting Program
8995 East Main Street • Reynoldsburg, Ohio 43068
Phone: 614-387-0470 • Fax 614-728-6335
ODA home page: www.ohioagriculture.gov/ • e-mail: agri@mail.agri.state.oh.us

October 1, 2004

Dirk Winkel
3053 Summerford Road
South Charleston, OH 45368

Dear Dirk:

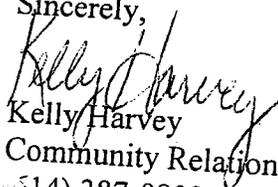
I am writing to inform you that we have scheduled the time and place for the public meetings on your draft Permit to Install (PTI) and draft Permit to Operate (PTO). A technical meeting for local officials has been scheduled for October 18, 2004 at 4 p.m. at the Southeastern High School Auditorium, 195 E. Jamestown Street, South Charleston. At 7 p.m. the meeting will be open to the general public to answer any questions they may have about these permits. Technical staff from ODA's Livestock Environmental Permitting Program will be available to answer any questions.

A public information session will be held on November 1, 2004, at 7 p.m. at the Southeastern High School Auditorium. The public information session is another opportunity for interested persons to ask questions about the draft PTI and draft PTO. Technical staff from ODA's Livestock Environmental Permitting Program will again be on hand to answer questions.

A public meeting to accept public comments on your draft permits will be on November 10, 2004, at 7 p.m. at the Southeastern High School Auditorium. The public meeting will be a time where interested persons can submit oral or written comments on the record concerning your draft PTI and draft PTO. Oral comments may have time restrictions depending upon the number of people at the meeting. Written comments are accepted now through November 18, 2004, five business days after the public meeting, but will not be considered if they are received after that date. Written comments can be turned in at the public meeting or sent to ODA's Livestock Environmental Permitting Program.

For your records I have enclosed a copy of the public notice, press release and fact sheet on your farm. If you have any questions about his process please do not hesitate to call me.

Sincerely,


Kelly Harvey
Community Relations Liaison
(614) 387-0908



Ohio Department of Agriculture



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Livestock Environmental Permitting Program
8995 East Main Street • Reynoldsburg, Ohio 43076
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October 1, 2004

Anne Kaup-Fett
Clark County Health Department
529 E. Home Rd.
Springfield, OH 45503

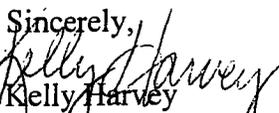
Dear Anne:

Thank you for taking the time to talk with me, as promised I have enclosed a copy of the draft Permit to Install (PTI) and draft Permit to Operate (PTO) for Eastwood Dairy Farm. I have also included a copy of the public notice, press release, and fact sheet on this farm.

A technical meeting will be held on October 18, 2004, at 4 p.m. at the Southeastern High School Auditorium, 195 E. Jamestown Street, South Charleston. The technical meeting is a time for local officials to ask questions about the draft PTI and draft PTO. At 7 p.m. the meeting will be open to the public to answer any questions they may have on these permits. A public information session will be held on November 1, 2004, at 7 p.m. at the Southeastern High School Auditorium. The public information session is another opportunity for interested persons to ask questions about the draft PTI and draft PTO. Technical staff from ODA's Livestock Environmental Permitting Program will be on hand to answer questions

A public meeting to accept comments on the draft permits will be on November 10, 2004, at 7 p.m. also at the Southeastern High School Auditorium. The public meeting will be a time where interested persons can submit oral or written comments on the record concerning the draft PTI and draft PTO for Eastwood Dairy. Oral comments may have time restrictions depending upon the number of people at the meeting. Written comments are accepted now through November 18, 2004, five business days after the public meeting, but will not be considered if they are received after that date. Written comments can be turned in at the public meeting or sent to ODA's Livestock Environmental Permitting Program.

Again, it was good to talk with you. Please don't hesitate to call if you have any further questions; I'd be happy to answer anything I can.

Sincerely,

Kelly Harvey
Community Relations Liaison
(614) 387-0908



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October 1, 2004

Mike Haubner
Clark County Extension Agent
4400 Gateway Blvd., Suite 104
Springfield, OH 45502

Dear Mike:

Thank you for taking the time to talk with me, as promised I have enclosed a copy of the public notice, press release, and fact sheet on the draft Permit to Install (PTI) and draft Permit to Operate (PTO) for Eastwood Dairy Farm.

A technical meeting will be held on October 18, 2004, at 4 p.m. at the Southeastern High School Auditorium, 195 E. Jamestown Street, South Charleston. The technical meeting is a time for local officials to ask questions about the draft PTI and draft PTO. At 7 p.m. the meeting will be open to the public to answer any questions they may have about these permits. A public information session will be held on November 1, 2004, at 7 p.m. at the Southeastern High School Auditorium. The public information session is another opportunity for interested persons to ask questions about the draft PTI and draft PTO. Technical staff from ODA's Livestock Environmental Permitting Program will be on hand to answer questions.

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Again, it was good to talk with you. Please don't hesitate to call if you have any further questions; I'd be happy to answer anything I can.

Sincerely,

Kelly Harvey
Community Relations Liaison
(614) 387-0908



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October 1, 2004

George McConkey
Clark Soil and Water Conservation District Office
4400 Gateway Blvd., Suite 103
Springfield, OH 45502

Dear George:

Thank you for taking the time to talk with me, as promised I have enclosed a copy of the draft Permit to Install (PTI) and draft Permit to Operate (PTO) for Eastwood Dairy Farm. I have also included a copy of the public notice, press release, and fact sheet on this farm.

A technical meeting will be held on October 18, 2004, at 4 p.m. at the Southeastern High School Auditorium, 195 E. Jamestown Street, South Charleston. The technical meeting is a time for local officials to ask questions concerning the draft PTI and draft PTO. At 7 p.m. the meeting will be open to the public to answer any questions they may have about these permits. A public information session will be held on November 1, 2004, at 7 p.m. at the Southeastern High School Auditorium. The public information session is another opportunity for interested persons to ask questions about the draft PTI and draft PTO. Technical staff from ODA's Livestock Environmental Permitting Program will be on hand to answer questions.

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Again, it was good to talk with you, please don't hesitate to call if you have any further questions. I would like to thank you for allowing your copy of the draft permits to be available for public viewing.

Sincerely,

Kelly Harvey
Community Relations Liaison
(614) 387-0908



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October 1, 2004

Missy Gottfried
Madison Township Clerk
10200 Midway Road
South Solon, OH 43153

Dear Missy:

Thank you for taking the time to talk with me, I appreciated the opportunity to explain the new rules for livestock farm permitting and the new local notification that we must do as a result of the new law. As promised, I have enclosed a copy of the draft Permit to Install (PTI) and draft Permit to Operate (PTO) for Eastwood Dairy Farm. I have also included a copy of the public notice, press release, and fact sheet on this farm. As I mentioned to you, I have tried to contact all three township trustees to let them know I was forwarding this package to you.

A technical meeting has been scheduled for October 18, 2004, at 4 p.m. at the Southeastern High School Auditorium, 195 E. Jamestown Street, South Charleston. The technical meeting is an opportunity for local officials to ask questions about the draft PTI and draft PTO. At 7 p.m. the meeting will be open to the public to answer any questions they may have about these permits. A public information session will be held on November 1, 2004, at 7 p.m. at the Southeastern High School Auditorium. The public information session is another opportunity for interested persons to ask questions about the draft PTI and draft PTO. Technical staff from ODA's Livestock Environmental Permitting Program will be on hand to answer questions.

A public meeting to accept comments on the draft PTI and draft PTO will be on November 10, 2004, at 7 p.m. also at the Southeastern High School Auditorium. The public meeting will be a time where interested persons can submit oral or written comments on the record concerning the draft permits for Eastwood Dairy. Oral comments may have time restrictions depending upon the number of people at the meeting. Written comments are accepted now through November 18, 2004, five business days after the public meeting, but will not be considered if they are received after that date. Written comments can be turned in at the public meeting or sent to ODA's Livestock Environmental Permitting Program.

Again, it was good to talk with you. Please don't hesitate to call if you have any further questions; I'd be happy to answer anything I can.

Sincerely,

Kelly Harvey

Community Relations Liaison
(614) 387-0908

cc: Tom Florence, Madison Township Trustee
Martin Spears, Madison Township Trustee
David Sprague, Madison Township Trustee



Ohio Department of Agriculture



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Lieutenant Governor Jennette B. Bradley
Director Fred L. Dailey

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8995 East Main Street • Reynoldsburg, Ohio 43076
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October 1, 2004

Michelle Noble
Clark County Clerk
50 East Columbia Street
Springfield, OH 45501

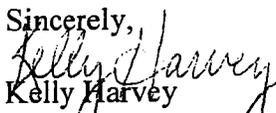
Dear Michelle:

Thank you for taking the time to talk with me, as promised I have enclosed a copy of the draft Permit to Install (PTI) and draft Permit to Operate (PTO) for Eastwood Dairy Farm. I have also included a copy of the public notice, press release, and fact sheet on this farm.

A technical meeting will be held on October 18, 2004, at 4 p.m. at the Southeastern High School Auditorium, 195 E. Jamestown St., South Charleston. The technical meeting is a time for local officials to ask questions about the draft PTI and draft PTO. At 7 p.m. the meeting will be open to the public to answer any questions they may have about these permits. A public information session will be held on November 1, 2004, at 7 p.m. at the Southeastern High School Auditorium. The public information session is another opportunity for interested persons to ask questions about the draft PTI and draft PTO. Technical staff from ODA's Livestock Environmental Permitting Program will be on hand to answer questions.

A public meeting to accept comments on the draft permits will be on November 10, 2004, at 7 p.m. also at the Southeastern High School Auditorium. The public meeting will be a time where interested persons can submit oral or written comments on the record concerning the draft PTI and draft PTO for Eastwood Dairy. Oral comments may have time restrictions depending upon the number of people at the meeting. Written comments are accepted now through November 18, 2004, five business days after the public meeting, but will not be considered if they are received after that date. Written comments can be turned in at the public meeting or sent to ODA's Livestock Environmental Permitting Program.

Again, it was good to talk with you. Please don't hesitate to call if you have any further questions; I'd be happy to answer anything I can.

Sincerely,

Kelly Harvey
Community Relations Liaison
(614) 387-0908

cc: James Sheehan, Clark County Commissioner
John Detrick, Clark County Commissioner
Roger Tackett, Clark County Commissioner



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October 1, 2004

Cathy Alexander
Ohio EPA – Division of Surface Water
P.O. Box 1049
Columbus, OH 43216

Dear Cathy,

Enclosed please find a copy of the public notice, press release and fact sheet on the draft Permit to Install and draft Permit to Operate for Eastwood Dairy. A public meeting will be held November 10, 2004 at the Southeastern High School Auditorium, 195 E. Jamestown Street, South Charleston at 7 p.m. Written comments will be accepted now through November 18, 2004.

Please don't hesitate to contact me if you have any questions concerning these permits.

Sincerely,

Kelly Harvey
Community Relations Liaison
Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, OH 43068
614/387-0908



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December 7, 2004

Michelle Noble
Clark County Clerk
50 East Columbia Street
Springfield, OH 45501-2639

Dear Michelle:

Enclosed please find a copy of the final Permit to Install and final Permit to Operate for Eastwood Dairy. I have also included a copy of the public notice, press release and the responsiveness summary of public comments received by mail and at the public meeting on November 10, 2004. This information has also been sent to all those who attended the public information session and public meeting in November.

Please don't hesitate to contact me if you have any questions concerning these permits.

Sincerely,

Kelly Harvey
Community Relations Liaison
Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, OH 43068
614/387-0908

cc: James Sheehan, Clark County Commissioner
John Detrick, Clark County Commissioner
Roger Tackett, Clark County Commissioner



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December 7, 2004

Missy Gottfried
Madison Township Clerk
10200 Midway Road
South Solon, OH 43153

Dear Missy:

Enclosed please find a copy of the final Permit to Install and final Permit to Operate for Eastwood Dairy. I have also included a copy of the public notice, press release and the responsiveness summary of public comments received by mail and at the public meeting on November 10, 2004. This information has also been sent to all those who attended the public information session and public meeting in November.

Please don't hesitate to contact me if you have any questions concerning these permits.

Sincerely,

Kelly Harvey

Community Relations Liaison
Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, OH 43068
614/387-0908

cc: Tom Florence, Madison Township Trustee
Martin Spears, Madison Township Trustee
David Sprague, Madison Township Trustee



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December 7, 2004

George McConkey
Clark Soil and Water Conservation District
4400 Gateway Blvd., Suite 103
Springfield, OH 45502-6330

Dear George:

Enclosed please find a copy of the final Permit to Install and final Permit to Operate for Eastwood Dairy Farm. I have also included a copy of the public notice, press release and the responsiveness summary of public comments received by mail and at the public meeting on November 10, 2004. This information has also been sent to all those who attended the public information session and public meeting in November.

Please don't hesitate to contact me if you have any questions concerning these permits.

Sincerely,

Kelly Harvey
Community Relations Liaison
Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, OH 43068
614/387-0908



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December 7, 2004

Dirk Winkel
3053 Summerford Road
South Charleston, OH 45368

Dear Dirk:

Enclosed please find a copy of the final Permit to Install and final Permit to Operate for your farm. I have also included a copy of the public notice, press release and the responsiveness summary of the public comments we received by mail or at the public meeting. This information has also been sent to all of those who attended the information session or public meeting, the township trustees, the county commissioners, the county extension agent, the local health department and the county soil and water district office.

If you have any questions please do not hesitate to contact me.

Sincerely,

Kelly Harvey
Community Relations Liaison
Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, OH 43068
614/387-0908



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December 7, 2004

Cathy Alexander
Ohio EPA – Division of Surface Water
P.O. Box 1049
Columbus, OH 43216

Dear Cathy,

Enclosed please find a copy of the final Permit to Install and final Permit to Operate for Eastwood Dairy. I have also included a copy of the public notice, press release and the responsiveness summary of public comments received by mail and at the public meeting on November 10, 2004.

Please don't hesitate to contact me if you have any questions concerning these permits.

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Community Relations Liaison
Ohio Department of Agriculture
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December 7, 2004

Anne Kaup-Fett
Clark County Health Department
529 E. Home Road
Springfield, OH 45503

Dear Anne:

Enclosed please find a copy of the final Permit to Install and final Permit to Operate for Eastwood Dairy. I have also included a copy of the public notice, press release and the responsiveness summary of public comments received by mail and at the public meeting on November 10, 2004. This information has also been sent to all those who attended the public information session and public meeting in November.

Please don't hesitate to contact me if you have any questions concerning these permits.

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Ohio Department of Agriculture
Livestock Environmental Permitting Program
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614/387-0908



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December 7, 2004

Mike Haubner
Clark County Extension Office
4400 Gateway Blvd., Suite 104
Springfield, OH 45502-9337

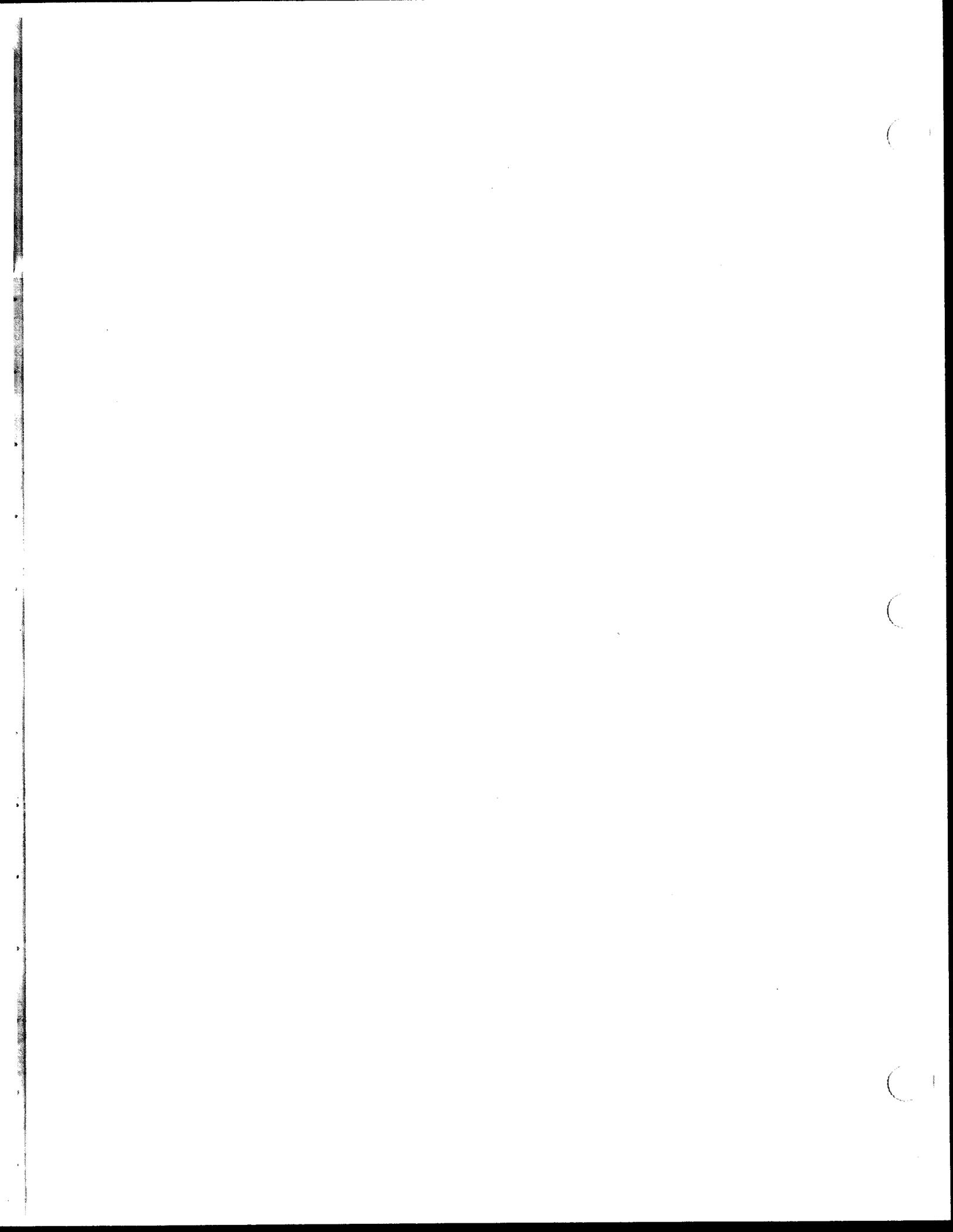
Dear Mike:

Enclosed please find a copy of the public notice of the final Permit to Install and final Permit to Operate for Eastwood Dairy. I have also included a copy of the press release and the responsiveness summary of public comments received by mail and at the public meeting on November 10, 2004. This information has also been sent to all those who attended the public information session and public meeting in November.

Please don't hesitate to contact me if you have any questions concerning these permits.

Sincerely,

Kelly Harvey
Community Relations Liaison
Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
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October 1, 2004

Dear interested party:

Your name was included on the ODA Livestock Environmental Permitting Program's mailing list as being interested in receiving public notices about permitted farms in your area or across the state. This letter is to inform you that the Livestock Environmental Permitting Program has issued a public notice (enclosed) for a draft Permit to Install and draft Permit to Operate for the Eastwood Dairy.

The following public education meetings are scheduled:

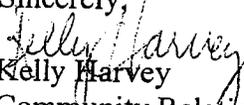
October 18	7 - 9 p.m.	Southeastern High School, 195 E. Jamestown St., South Charleston
November 1	7 - 9 p.m.	Southeastern High School, 195 E. Jamestown St., South Charleston

For more information about these permits go to the Livestock Environmental Permitting Program's website at www.ohioagriculture.gov/lepp.

A copy of the draft permits can be viewed at the ODA Livestock Environmental Permitting Program office, 8995 East Main Street, Reynoldsburg, (614) 387-0908 or at the Clark Soil and Water Conservation District office, 4400 Gateway Blvd., Suite 103, Springfield (937) 328-4600. Please contact the office for business hours. A request for a public meeting has already been made by the permit applicant. Oral comments can be made on the record at the public meeting on November 10 at 7 p.m. at the Southeastern High School, 195 E. Jamestown St., South Charleston

The public may submit written comments on the draft permits at any time within 30 days. Written comments must be received by ODA no later than 5 p.m. on November 18, which is 5 business days after the date of the public meeting. Written comments must be delivered or mailed to ODA's Livestock Environmental Permitting Program office and can not be submitted or mailed to the Paulding SWCD office. Written comments received after November 18 will not be considered by the Director before issuing the final permits.

If you are no longer interested in being on the interested party mailing list, or if you have any other questions please contact me at (614) 387-0908.

Sincerely,

Kelly Harvey
Community Relations Liaison

**Ohio Department of Agriculture
Draft Permit to Install and Draft Permit to Operate
Draft Permit to Install No. EAS-0001.PI001.CLAR
Draft Permit to Operate No. EAS-0001.PO001.CLAR**

PUBLIC NOTICE

Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, Ohio 43068
614-387-0470

Date of Issue of Public Notice: October 4, 2004

Name and address of applicant: Dirk Winkel, 3053 Summerford Rd., South Charleston, Ohio, 45368

Name and address of facility: Eastwood Dairy LLC, 9235 Wildman Rd., South Charleston, Ohio, 45368

Public notice is hereby given that the Ohio Department of Agriculture is accepting comments on Eastwood Dairy's draft Permit to Install. The draft Permit to Install is for two, 600-cow free stall dairy barns; one, 300 dry cow dairy barn attached to a new milking parlor; two earthen storage ponds; and two concrete settling basins. This is a new dairy farm, and the owner intends to construct a 1,500-cow dairy facility, which is a design capacity of 2,100 animal units.

Public comments are also being accepted on Eastwood Dairy's draft Permit to Operate for the entire farm. The draft Permit to Operate is to regulate operations with plans for manure management, insect and rodent control, mortality management, and emergency response. It would be valid for a five-year period, at which time the owner would be required to renew the operating permit.

In accordance with rule 901:10-6-01 of the Ohio Administrative Code, ODA will provide an opportunity for public comment concerning these permits. The permit applicant has already made a request for a public meeting. Oral comments can be made on the record at the public meeting on November 10, 2004, at 7 p.m. in the Auditorium at South Eastern High School, 195 East Jamestown St., South Charleston. Any person may submit written comments on the draft permits at any time within 30 days. Written comments must be received by ODA no later than 5 p.m. on November 18, 2004, which is 5 business days after the date of the public meeting. Comments must be delivered or mailed to ODA Livestock Environmental Permitting Program, 8995 East Main Street, Reynoldsburg, Ohio 43068. The Director will not consider comments received after November 18, 2004, before making a determination on the final permits.

Copies of the draft Permit to Install and draft Permit to Operate may be reviewed and/or copies made at the ODA Livestock Environmental Permitting Program, 8995 East Main Street, Reynoldsburg, Ohio 43068, by first calling 614-387-0470 to make an appointment.

- end -

Cassius
Village of Huntsville
Box 107
Huntsville, OH 43324

Center Township
04266 Co. Rd. 12
Bryan, OH 43506

Fox Lake Club
6170 S. Oval Drive
Clinton, OH 44216

Williams County Commissioners
One Courthouse Square
Bryan, OH 43506

Mercer SWCD
220 West Livingston St., Suite 1
Celina, OH 45822

Christa Dairy Farm
2649 Marion Mt. Gilead Rd.
Marion, OH 43302

Clark Army
Maumee Watershed Cons. Dist.
1464 Pinehurst Drive
Defiance, OH 43512

Ruth Arps
110 S. Laglyda Ct.
Bryan, OH 43506

Steve Baertsche
OSU
2120 Fyffe Road
Columbus, OH 43215

Ponger Baker
Essex Road
LaRue, OH 43332

John
Ohio Family Farm Coalition
PO Box 21761
Columbus, OH 43221

Village of LaRue, Office of the Mayor
PO Box 33
LaRue, OH 43332

Village of Rushsylvania
PO Box 204
Rushsylvania, OH 43347

Village of Osgood
PO Box 177
Osgood, OH 45351

Zahn-Marion Twp. Branch Library
5 East Franklin St., PO Box 219
Chickasaw, OH 45826

Robin Anderson
Bowling Green Twp. Clerk
3005 Richwood-LaRue Road
LaRue, OH 43332

Glen Arnold
Box 189
Ottawa, OH 45875

Cale Ayres
10513 Croton Road
Johnstown, OH 43031

Lee Bailey
17391 C.H. 70
Forest, OH 45843

Ben Barner
6361 Canaan Center Road
Wooster, OH 44691

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Ohio Department of Agriculture



Governor Bob Taft
Lieutenant Governor Jennette B. Bradley
Director Fred L. Dailey

Livestock Environmental Permitting Program
8995 East Main Street • Reynoldsburg, Ohio 43068
Phone: 614-387-0470 • Fax 614-728-6335

ODA home page: www.ohioagriculture.gov • e-mail: agri@mail.agri.state.oh.us

December 7, 2004

Dear interested party:

You recently received notification from the Ohio Department of Agriculture (ODA) Livestock Environmental Permitting Program about a draft Permit to Install (PTI) and draft Permit to Operate (PTO) for Eastwood Dairy. This letter is to inform you that the final PTI and final PTO for the Eastwood Dairy has been granted, and a public notice of the final permits is enclosed. To view the responsiveness summary of comments received by mail and at the public meeting on November 10, 2004 and for more information about these permits go to the Livestock Environmental Permitting Program's website at www.ohioagriculture.gov/lepp.

A copy of the final permits can be viewed at the ODA Livestock Environmental Permitting Program office at 8995 East Main Street, Reynoldsburg, 614-387-0908 or at the Clark Soil and Water Conservation District Office at 4400 Gateway Blvd., Suite 103, Springfield, (937) 328-4600. Please contact the office for business hours.

If you are no longer interested in being on the interested party mailing list, or if you have any other questions please contact me at (614) 387-0908.

Sincerely,

Kelly Harvey
Community Relations Liaison
Livestock Environmental Permitting Program
Ohio Department of Agriculture
8995 East Main Street
Reynoldsburg, OH 43068

**Ohio Department of Agriculture
Permit to Install and Permit to Operate
Permit to Install No. EAS-0001.PI001.CLAR
Permit to Operate No. EAS-0001.PO001.CLAR**

PUBLIC NOTICE

Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, Ohio 43068
614-387-0470

Date of Issue of Public Notice: December 13, 2004
Name and address of applicant: Dirk Winkel, 3053 Summerford Rd., South
Charleston, Ohio, 45368
Name and address of facility: Eastwood Dairy LLC, 9235 Wildman Rd., South
Charleston, Ohio, 45368

Public notice is hereby given that the Ohio Department of Agriculture has issued Eastwood Dairy a final Permit to Install. The final Permit to Install is for two, 600-cow free stall dairy barns; one, 300 dry cow dairy barn attached to a new milking parlor; two earthen storage ponds; and two concrete settling basins. This is a new dairy farm, and the owner will construct a 1,500-cow dairy facility, which is a design capacity of 2,100 animal units.

Public notice is hereby given that the Ohio Department of Agriculture has issued Eastwood Dairy a final Permit to Operate with plans for manure management, insect and rodent control, mortality management, and emergency response for the entire farm. The Ohio Agriculture Director approved the final permit on December 7, 2004.

The final permit can be appealed within 30 days to the Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. A copy of the appeal must be served on the Director of Agriculture within three days after filing the appeal with Environmental Review Appeals Commission.

- end -

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.....

CC

CC

CC

OHIO DEPARTMENT OF AGRICULTURE
SIGN-IN SHEET

Eastwood Dairy / Clark County
Information Session

October 18, 2004 / 7:00 p.m.
Southeastern High School

PLEASE PRINT

NAME	ADDRESS & CITY/STATE/ZIP
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 R. A. Battin 7654 Battin Howell Rd. S. Charleston, OH 45368-9620	
Frances D Battin	7537 Battin-Howell Rd S Charleston
David BRADDS	4375 Shawnee Tr Jamestown OH 45335
Vic Carranza	1203 Washington C.H. Ohio 43160
Larry Timmons Jr	P.O. Box 713 S. Charleston OH 45368
BURK & HELEN TAYLOR	5920 OLD STRYKE S CHARLESTON 45308
Becky Boyzel	7901 CEDAR ST. 42 S. Charleston Ohio 45368
William H. Turner	9265 Selma Rd S Charleston, Ohio 45368
Paul Fox	2580 Colabec Rd. Cedarville, Oh 45314
Claire Bushey	Springfield News-Sun 203 N. Limestone St.
STEVE WILSON	81 Arlington Ave, London, OH 43146
Jenny Smith	1807 Little Rd Jamestown, OH
R. Hutchins	S Solon 45335

OHIO DEPARTMENT OF AGRICULTURE
SIGN-IN SHEET

Eastwood Dairy / Clark County
Information Session

October 18, 2004 / 7:00 p.m.
Southeastern High School

PLEASE PRINT

NAME	ADDRESS & CITY/STATE/ZIP
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Howard A. Hudson	1870 Little Rd. JAMES TOWN, Ohio 4533
Richard Flax	3235 Sumnerford Rd So. Charleston Oh 4536
Chuck Winton	7322 Old 42 S. Charleston OH 45368
ANN WOODWARD	8400 WILDMAN SQ. CHARLESTON, OH 45368
Kenneth Woodward	8400 Wildman Sq Charleston OH 45368
FRANK McCubbin SR	6031 - Old 42 So. Charleston Ohio
MARTHA McCubbin	6031 Old 42 So. C
KATHRYN JOHNSON	7257 LONDON RD. SO. CHARLESTON, OH 45368
Carolyn Ferguson	5027 Old Rt 42 E. Cedarville, OH. 45314
Thomas Rutschilling	10 Murray Dr So. Charleston, Ohio
John Tate	8001 Old 42 So. Charleston, OH 4536
Doug Fincher	8140 Col. Cir. Pl. S. Charleston 45368

OHIO DEPARTMENT OF AGRICULTURE
SIGN-IN SHEET

Eastwood Dairy / Clark County
Information Session
October 18, 2004 / 7:00 p.m.
Southeastern High School

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NAME	ADDRESS & CITY/STATE/ZIP
Dianna's Darrell Fulton	8782 Selma Pike So. Chas. OH ⁴⁵³⁶⁸
Peter Townsend	3664 Troy Rd Springfield OH 45501
Bruce Wilson	531 Markley Rd London O 43140
Russ White	259 W. Mound St So Chas.
Tom Florence	12255 COPELAND RD. SO CHAS
C Louis J. Adams	2851 SELMA PIKE So CHARLESTON ⁴⁵³⁰⁶
Jack Hillrich	4676 US RT 42 CEDARVILLE OH 45314
Teesha M. Miller	NEWS NEWS - SUN

OHIO DEPARTMENT OF AGRICULTURE

SIGN-IN SHEET

Eastwood Dairy / Clark County

Information Session

November 1, 2004 / 7:00 p.m.

Southeastern High School

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Rob Turner	9230 Selma Rd South Charleston, OH 45368
Jack Lelick	4670 US RT 42 E CEDARVILLE, OH 45314
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Kathryn Bunkley	1650 S. Charleston Rd Jamestown 45335
Sarah Cusimano	6516 Old St, Rt 42
Julia Cusimano-Leedy	6190 Old St. Rt. 42
Timothy Leedy	6190 OLD ST RT 42
Dorothy Hartman	3580 S. CHRISTON RD

OHIO DEPARTMENT OF AGRICULTURE

SIGN-IN SHEET

Eastwood Dairy / Clark County

Information Session

November 1, 2004 / 7:00 p.m.

Southeastern High School

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OHIO DEPARTMENT OF AGRICULTURE

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Eastwood Dairy / Clark County

Information Session

November 1, 2004 / 7:00 p.m.

Southeastern High School

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Erma Bryant	9050 Selma pk. So. Char. OH. 45368
Wilbur Bryant	" " " " " "
Melissa Towler	7805 Jamestown Rd. So Charleston, OH 45368
Carol Cook	7521 " " " " " "
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Fam. Van Raay	12471 Thomas Rd, So Charleston

OHIO DEPARTMENT OF AGRICULTURE
SIGN-IN SHEET

Eastwood Dairy / Clark County
Public Meeting
November 10, 2004 / 7:00 p.m.
Southeastern High School

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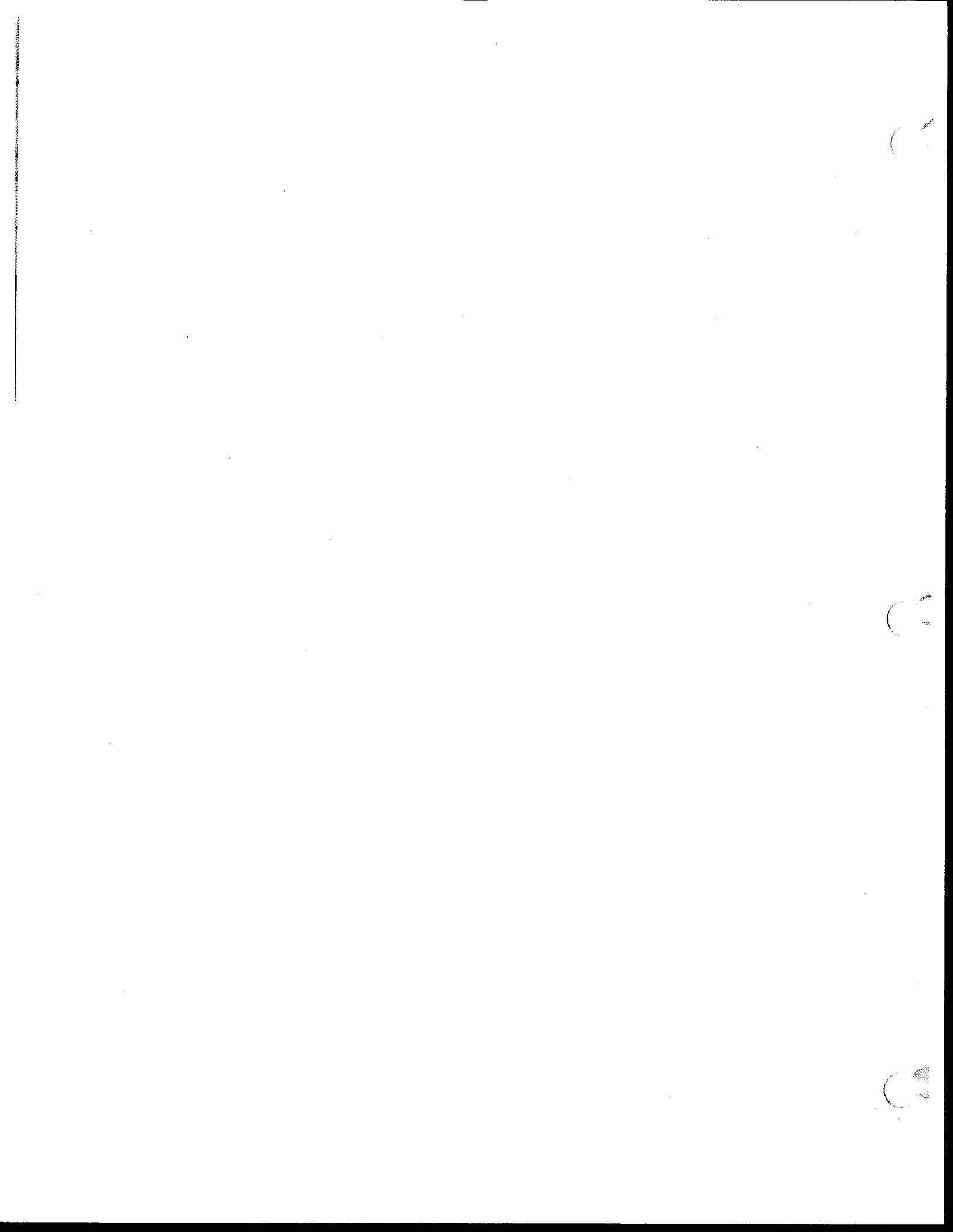
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Kathryn Bundy	1650 S. Charleston Rd Jamestown Oh 45335
Jerry Smith	1714 S. Jamestown, Oh 45335
Gail Janssen	2727 S. Main Jamestown Rd. Columbus Oh
Dennis & Joan Long	2580 COLESBEE RD CEDARVILLE OH 45314
Fon de Haan	Pleasantview Road South Solon
John & John	7851 Helen Pike South Charleston Ohio 45466
Bud Louderback	8850 BATTIN-HWELL Rd S. CHARLESTON
State Rep Chris Widenor	4887 Peacock Rd Spfd. 02.
Van Raay Dairy	12471 Thomas Rd, So. Charleston

**OHIO DEPARTMENT OF AGRICULTURE
SIGN-IN SHEET**

Eastwood Dairy / Clark County
Public Meeting
November 10, 2004 / 7:00 p.m.
Southeastern High School

PLEASE PRINT

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Steve Mitchem	" " " " "
Tom Woodward	
Ann Woodward	8400 Wilbur in So. Charleston, OH 45368
Doug & Debby Sears	11648 Pleasantview So. Solon 43153
Earl Trinchum	2180 Cal & Cinn Rd South Charleston, O.
Charles Wildman	7322 Ord 42 S. Charleston, OH 45368
Don Leeds	5299 Federal Rd Cedarville, O
Wilbur & Erma Bryant	9050 Selma Pk. So. Charleston, OH 45368
Kathryn Johnson	17257 Lorcha Rd S Charleston OH 45368
Clarna Johnson	7257 LENOVA RD S. CHARLESTON OH
Frank McLubben	6031 Old Cat & Cinn. Rd S. Charleston
Darrell Fulton	8787 Selma Pike S. Charleston
William H. Turner	9265 Selma Rd So. Char,





Ohio Department of Agriculture



Governor Bob Taft
Lieutenant Governor Jennette B. Bradley
Director Fred L. Dailey

Livestock Environmental Permitting Program
8995 East Main Street • Reynoldsburg, Ohio 43068
Phone: 614-387-0470 • Fax 614-728-6335

ODA home page: www.ohioagriculture.gov • e-mail: agri@mail.agri.state.oh.us

December 7, 2004

Dear interested party:

Thank you for taking part in the public participation process for the draft Permit to Install and draft Permit to Operate for the Eastwood Dairy. Due to your interest, I have enclosed a copy of the public notice of the final Permit to Install and final Permit to Operate. I have also included a copy of the responsiveness summary of comments received by mail and at the public meeting on November 10, 2004.

A copy of the final permits can be viewed at the ODA Livestock Environmental Permitting Program office at 8995 East Main Street, Reynoldsburg, 614-387-0908 or at the Clark Soil and Water Conservation District Office at 4400 Gateway Blvd, Suite 103, Springfield, (937) 328-4600. Please contact the office for business hours.

For more information about these permits go to the Livestock Environmental Permitting Program's website at www.ohioagriculture.gov/lepp. If you have any questions please contact me at (614) 387-0908.

Sincerely,

Kelly Harvey
Community Relations Liaison
Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, OH 43068

**Ohio Department of Agriculture
Permit to Install and Permit to Operate
Permit to Install No. EAS-0001.PI001.CLAR
Permit to Operate No. EAS-0001.PO001.CLAR**

PUBLIC NOTICE

Ohio Department of Agriculture
Livestock Environmental Permitting Program
8995 East Main Street
Reynoldsburg, Ohio 43068
614-387-0470

Date of Issue of Public Notice: December 13, 2004

Name and address of applicant: Dirk Winkel, 3053 Summerford Rd., South
Charleston, Ohio, 45368

Name and address of facility: Eastwood Dairy LLC, 9235 Wildman Rd., South
Charleston, Ohio, 45368

Public notice is hereby given that the Ohio Department of Agriculture has issued Eastwood Dairy a final Permit to Install. The final Permit to Install is for two, 600-cow free stall dairy barns; one, 300 dry cow dairy barn attached to a new milking parlor; two earthen storage ponds; and two concrete settling basins. This is a new dairy farm, and the owner will construct a 1,500-cow dairy facility, which is a design capacity of 2,100 animal units.

Public notice is hereby given that the Ohio Department of Agriculture has issued Eastwood Dairy a final Permit to Operate with plans for manure management, insect and rodent control, mortality management, and emergency response for the entire farm. The Ohio Agriculture Director approved the final permit on December 7, 2004.

The final permit can be appealed within 30 days to the Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. A copy of the appeal must be served on the Director of Agriculture within three days after filing the appeal with Environmental Review Appeals Commission.

- end -

COLUMBUS ROAD - RESP. ...

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Responsiveness summary to public comments on the Eastwood Dairy draft Permit to Install and draft Permit to Operate December 6, 2004

The Ohio Department of Agriculture issued a public notice on October 4, 2004, of Eastwood Dairy's draft Permit to Install and draft Permit to Operate. This public notice opened the public comment period on the draft permits and informed the public that a public meeting would be held on November 10, 2004, to accept oral comments. The comment period ended at 5:00 p.m. on November 18, 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). Some comments offered on Eastwood Dairy were not applicable to the draft permits; nonetheless ODA wishes to acknowledge these comments by including them in the Responsiveness Summary. Finally, even though a comment's response was "None," the comment was considered. The table below outlines the comments received by ODA:

No.	Date received	Name	Organization, if any	City, State
1	10/18/04	Charles Wildman		S. Charleston, OH
2	11/10/04	William Turner		S. Charleston, OH
3	11/10/04	Robert Turner		S. Charleston, OH
4	11/10/04	Jenny Smith	Citizens Against Mega Dairies LLC	Jamestown, OH
5	11/10/04	Kathryn Bundy		Jamestown, OH
6	11/15/04	Dianna Fulton		S. Charleston, OH
7	11/16/04	William Turner		S. Charleston, OH
8	11/16/04	Carl D. Hyde, M.D. and Lorena E. Hyde		Yellow Springs, OH
9	11/16/04	Blandena Quesinberry		S. Charleston, OH
10	11/16/04	Hazel Caldwell		
11	10/21/04	R. Allen Battin		S. Charleston, OH

- Comment:** "The basis of my support is: 1) Economic A diversified agriculture that is producing multiple products for multiple markets is more sustainable than a simple corn soybean based economy. I believe that adding livestock to the local economy is helpful because the added value of the product stays at the farm where it was produced. Total sales from a given acre of property will increase with livestock in the economic base." [1]

Response to comment 1: This comment is about agricultural economics in general and does not relate to Eastwood Dairy's draft Permit to Install or draft Permit to Operate.

2. **Comment:** “2) Environmental. I believe a diversified crop rotation minimizes the environmental impact of agriculture and can enhance native wildlife. The primary cropping change brought by a dairy appears to be the addition of Alfalfa to the crop rotation. Alfalfa seems to be very positive to soil structure and fertility without the application of commercial nitrogen and phosphorus that appear to be hazards to aquatic life. Furthermore, the use of concentrated commercial fertilizers is further reduced by the application of the manure from the dairy. Properly managed this application poses minimal risk to the environment.” [1]

Response to comment 2: This comment is about agricultural in general and does not relate to Eastwood Dairy’s draft Permit to Install or draft Permit to Operate.

3. **Comment:** “I believe that the environmental impact from a dairy is much less and much preferred to various alternatives. Single family homes on 1 acre lots with leach beds are going to produce more waste in a year than a dairy with a stocking density of 1 cow per acre. Not to mention that with every home comes a road, two cars, a school bus, EMS service, electric, etc. What kind of environmental damage does this stuff collectively cause?” [1]

Response to comment 3: This comment compares the various forms of land use in the local area and does not relate to Eastwood Dairy’s draft Permit to Install or draft Permit to Operate.

4. **Comment:** “I believe that monitoring the environmental stewardship of a dairy is preferable to no monitoring of many alternative uses. Of the properties in Selma, how many have properly functioning and maintained leach fields? Who is monitoring these? How could a change be implemented. Answers: no one and with great difficulty. What is the impact of livestock grazing year round on a 5 acre lot, where the area is denuded, manure isn't managed, erosion is unchecked, wells unprotected, etc.? Logic says put these animals together in one spot where they can be properly managed and monitored. If corrections are needed in management they can be made quickly and decisively.” [1]

Response to comment 4: This comment compares the various forms of land use in the local area and does not relate to Eastwood Dairy’s draft Permit to Install or draft Permit to Operate.

5. **Comment:** “I believe the inevitable odor from this size livestock operation is acceptable given sight selection and prevailing winds. The sight is down wind of the population of Selma and on a rise that will allow the odors to mix quickly in the atmosphere away from earth bound noses. The nearest downwind inhabitant is 1/2? mile away protected by cropland and wooded areas. While every person is significant there is no concentration of people down wind of the proposed sight for several miles. I also believe that the inevitable odor can be managed to acceptable levels given the size and management intensity of this operation.” [1]

Response to comment 5: None.

6. **Comment:** "3) Social. I personally prefer the addition of livestock to the community over many of the alternative uses. Most alternative uses come with varying numbers of people. With the people come all manner of social challenges, trespassing, car races, poor drivers, bashed mailboxes, smashed corn fields, fast food trash, empty containers, etc. I rather prefer a cow that stays in her stall and gives society a plentiful supply of cool refreshing milk. Not that I am against people per say but a rural community is a rural community because there aren't a lot of people. I like a rural community." [1]

Response to comment 6: This comment compares the social affects of various forms of land use in the local area and does not relate to Eastwood Dairy's draft Permit to Install or draft Permit to Operate.

7. **Comment:** "As a neighbor, I became very agitated with this decision because first, it doesn't follow the view of being a good steward. It's kind of like going against what we grew up underneath, and I feel that this is the first violation of living in this area." [2]

Response to comment 7: This comment is too general for a response.

8. **Comment:** "A second violation is this procedure that they followed coming into the community, unannounced several years ago, and then all a sudden it became a reality that this was going to be taking place. So that's a little bit of a violation of one's rights in order to farm, I think that's wrong way to go about it." [2]

Response to comment 8: There is no requirement that a private farm notify anyone in the community about their actions or intentions. Permit applicants to ODA are required [Sections 307.204 and 505.266 of the Ohio Revised Code and Ohio Administrative Code Rule 901:10-1-02(A)(6)] to notify the board of county commissioners and the board of township trustees when an application is submitted for more than 700 dairy cows. Eastwood Dairy fulfilled this requirement by notifying the Clark County Commissioners and Madison Township Trustees in February 2004.

9. **Comment:** "Another thing is I don't how many realize that this spreading of liquid manure is probably not going to fall under the statutes that are established because they will override the issue of scattering probably too heavily and then this will be a run off, which EPA will then come in, but then the damage is already done." [2]

Response to comment 9: Most manure generated by the facility would be land applied on cropland of cooperating farmers that would grow feed for the dairy. Approximately 1,494 acres is available to Eastwood Dairy for the application of the manure and wastewater from the dairy. A 5-year cropping rotation was evaluated for this permit with 186 acres of alfalfa with an expected yield of 6 tons per acre, 282 acres of corn with an expected yield of 175 bushels per acre, 701 acres of corn silage with an expected yield of 25 tons per acre, 275 acres of soybeans with an expected yield of 50 bushels per acre, and 50 acres of wheat with an expected yield of 80 bushels per acre.

With animal manure, the objective is to land apply this manure as a fertilizer and recycle the nutrients provided in the manure by applying to cropland. No matter what sized farm

the manure comes from or who is applying it, manure application should be done following best management plans to avoid runoff. If a permitted farm applies the manure, ODA will have regulatory oversight. If the farm or farmer is too small for ODA jurisdiction, they must still apply manure so it does not enter waters of the state and follow Ohio's pollution abatement laws. The Ohio Department of Natural Resources through the local Soil and Water Conservation District offices oversee Ohio's Agricultural pollution abatement laws for agricultural sediment, silvicultural sediment and animal manure. Ohio EPA also has authority to step in if there is pollution of state waters.

10. **Comment:** "Basically, what I seen the last all this man, the last couple years looking from the back of our farm, our water ways are probably about as deep as this stage here, and all the way across so wide, and when that fills up with water, it comes directly down from South Charleston and heads right down toward Selma and that is my big concern." [3]

Response to comment 10: This comment relates to water drainage from the proposed site of Eastwood Dairy. None of the proposed facility is in a floodplain and construction will not block normal water flow. In addition storm water is retained on site and should not increase peak flows. Any potentially contaminated storm water will be land applied to crop fields. Land applications of manure to crop fields must follow proper setbacks from streams, consider moisture conditions of the fields at the time of application, and consider the forecast for rainfall after application.

11. **Comment:** "And what's it going to do to the wells. You can't promise, the wells dry out. If the wells dry out, what are you going to do? That's going to affect your neighbors and that's going to affect everybody. If it's not fair to us, then why does the dairy need to be in?" [3]
"The manure from the dairy could ... deplete the entire area's water supply that supplies water to families of adjoining farms." [10]

Response to comment 11: If a facility has the capacity to use greater than 100,000 gallons of groundwater per day, it is required to register with the Ohio Department of Natural Resources Division of Water as required by Ohio Revised Code Section 1521.16. Eastwood Dairy estimates it will use 43,500 gallons of water per day, or 15,877,500 gallons per year. If there are additional concerns, local government officials, in cooperation with area residents, can request ODNR's Division of Water to assist in conducting detailed studies. To regulate this area further would be beyond the scope of ODA's authority.

If ODA receives a valid complaint in regards to a neighboring well becoming adversely affected by water reduction, ODA would advise and assist the complainant in contacting the ODNR Division of Water. ODA will assist the ODNR Division of Water with any material or information they may request. Refer to Ohio Revised Code Section 1521.17 for Ohio laws on the determination of reasonableness of water use.

12. **Comment:** "I live about five and a half miles from this particular facility and my concern with regards to this facility is there is not enough land, 1,500 acres is not

enough land for spreading the manure. There is never enough land for spreading manure." [4]

Response to comment 12: This is the commenter's opinion that the farm has not proposed enough acreage to spread manure. ODA has evaluated the nutrient management plan proposed by Eastwood Dairy, and finds the application rates meet the nutritional demands of the crops proposed. ODA's routine inspections and the farm's inspections of their manure storage pond are designed to monitor the pond level and provide ample warning to the farm when manure should be applied. If manure is not removed in a timely manner, the farm could be subject to an enforcement action by ODA.

13. **Comment:** "At the Manure Science Review in August when Jim Hoorman spoke reviewing the investigations of the 98 manure violations in Ohio January 1, 2000, to December 31, 2003, 66 them were on wet or rainy days. At the rate that manure was applied, two times as much manure was applied than was reported to the investigators, for an average half a million gallons in some cases." [4]

Response to comment 13: Many of the incidents Mr. Hoorman reported on were from non-permitted farms. A permitted farm needs to apply manure at the rate the soil is capable of handling it, eliminating most wet or rainy days. If a permitted farm were to have a manure run-off, ODA would investigate the application site and the records of application to determine what happened and who was at fault. ODA rules require storage capacity so that manure removal for land application generally occurs twice per year. The farm could be subject to an enforcement action by ODA. Non-permitted farms are within the oversight of ODNR through the local SWCDs. Also see the response to comment 9 & 10.

14. **Comment:** "And there is not enough control. There is not enough regulations in the permit process to protect the environment, to protect the citizens against the manure that they are going to be applying on this particular location. I fear the water shed is in trouble." [4]

Response to comment 14: This comment is about the permitting process, the rules and the law in general. It does not relate to Eastwood Dairy's draft Permit to Install or Permit to Operate.

15. **Comment:** "Of the manure violations that had occurred, 41 of them were, 51 of them were for farms that did not have a manure management plan, 30-some of them had a manure management plan, but of those only a few follow the manure management plan. So I hear a lot of information regarding permitting and permitting of these facilities, but the true fact is that in reality it is not followed in practice." [4]

Response to comment 15: All farms permitted by ODA are required to have a Manure Management Plan. The farms noted by the commenter were not permitted by ODA. A Manure Management Plan alone will not prevent manure run-off. The farmer must manage his farm according to the Manure Management Plan. ODA's routine and complaint inspections of each farm will ensure that the farm is following its Manure Management Plan and Permit to Operate. If the farmer is not following his permit, the farm could be subject to an enforcement action by ODA.

16. **Comment:** "I'm really concerned regarding the property values that we are going to incur as they go down for those people who live the closest to these facilities, and for those who live further away. Even if our value does not decrease, we are not going to see an increase in this area because of these facilities. Whereas, other locations who do not have factory farms in them are going to see an increase in their property values over time. I just have a real fear for people who are within this area regarding this facility." [4]

"The presence of such an enormous factory farm would ... greatly reduce the value of adjoining land." [8]

Response to comment 16: ODA does not have the authority to consider reduction in property values as criteria for a decision on draft permits.

17. **Comment:** "Regardless of what the Ohio Department of Agriculture, how well they regulate, regardless of how well the dairy owners and operators follow the rules, it is still not good enough. These manure lagoons are faulty by design and the US EPA has come out to inspect. They took a hydrogeologist who has no bias regarding these farms, but is looking for protection of the environment, works for an independent firm, that said these manure lagoons are clay compacted, they will leak. It's not a matter of if, it's a matter of when, and everybody down stream is affected by this." [5]

Response to comment 17: US EPA has been on Ohio dairy farms in the last year. At the time of inspection by US EPA, seven of the nine farms were considered medium-sized concentrated animal feeding operations (CAFOs) and outside ODA's jurisdiction. Two had recently-approved ODA permits but construction had not started. Many of the concerns the US EPA had in the administrative orders to the dairy farms relate to the potential for contaminated stormwater. US EPA made no findings with respect to manure lagoons or clay compacted ponds in their administrative orders. They cited no Ohio farms for having failed manure lagoons or manure storage ponds. In fact, the construction techniques and standards used by ODA for manure storage ponds and manure lagoons are comparable to standards used by US EPA in its regulatory programs.

18. **Comment:** "I think it's very important that the regulatory agencies do a tougher, better job. I don't think the rules are strict enough and I think we need to see a lot more improvement where this is concerned." [5]

Response to comment 18: This comment is about the permitting process, the rules and the law in general. It does not relate to Eastwood Dairy's draft Permit to Install or Permit to Operate.

19. **Comment:** "After attending several of your informational meetings, I do understand that there is very little we citizens in this area can do to stop this destructive business from becoming a reality. Ultimately, the ODA has control of our fate. If laws do not permit you to turn down a permit that has the potential to make living for us very difficult both now and most definitely in the future, we have no choice but to proceed with monitoring these business ventures ourselves. Rest assured we will continue to let you and associated politicians know that we do not want these factory farms in our

unpopulated areas, let alone in our community of tax paying citizens. A study needs to be done on the Ohio Department of Agriculture to see where your criteria comes from to grant such permits. Maybe this is being done out of state? We the citizens of this area do not want this dairy that is being forced upon us, so therefore, you leave us no option but to pursue all areas of concern on our own, realizing there will be no help from you." [6]

Response to comment 19: The Livestock Environmental Permitting Program's law and rules focus on protecting waters of the state and minimizing odor and insect nuisances to neighbors. There is no provision in the law for a "popular vote" as criteria for denying a draft Permit to Install or draft Permit to Operate. If the permit meets all laws and standards, the courts will likely overrule any action by the Director to deny the permit.

ODA's Livestock Environmental Permitting Program can be contacted at 614-387-0470 during business hours or toll free 1-800-282-1955 after hours for emergencies and ask for the Livestock Environmental Permitting Program to register a complaint if practices are noticed around the farm that are unusual or would not be considered best management practices to control odor (i.e. improper disposal of mortality, spoiled feed laying around, etc). Inspectors will visit the person who complained, the farm, and any other permitted farms in the area to inspect for compliance with their permits and best management practices.

ODA's Livestock Environmental Permitting Program has three dedicated inspectors for the 142 permitted farms in Ohio. All inspectors are highly qualified and skilled at what they do, including education and experience with livestock production, nutrient management, and environmental and water quality training. Their time is dedicated to routine and complaint inspections. ODA has committed to at least two routine inspections per farm per year – this is significantly better than the old system of no dedicated inspectors and engineers and no routine inspection program. Twice a year is the minimum inspection frequency, but complaints or violations noted during regular inspections would lead to more inspections to ensure problems are fixed and/or that violations are corrected. The inspection form they use is 27 pages long and covers all aspects of the management of the farm. In addition to the three inspectors, the executive director of the Livestock Environmental Permitting Program and the three agricultural engineers all can and do also inspect farms.

20. **Comment:** "My question to you at this point is, 'Why Ohio? Why in a populated area?' Could it be because Ohio laws are so lax, fines are so few, ODA is understaffed? Who is really benefiting from this process? Hmmm? Once again, I ask you to consider the permitting of Eastwood Dairy LLC, and in whose best interest is this permit?" [6]

"Why should the majority of the people in Madison Township be forced to accept the will of Dirk Winkle, Vreba/Hoff and the Wildman family? They want to bring a disgusting, inhumane, unhealthy factory farm and do business in our back yard. Then they will be spreading their waste product all around our little village Of Selma. Of course, we do not want it. Would you? We do not welcome this for one minute. I have written to six of our representatives and senators about this. We have a lot to lose while the other side is obviously going to be making out like a bandit. It's what I call stealing from the long time, hard working citizens and home owners in the area

and giving it to the Mega cow people. You know how I feel about it and a few of the reasons. Do you care?" [9]

"There was a time when citizens of this country expected our local, state, and federal elected government representatives to help us protect U.S. citizens instead of allowing people from foreign countries to take over and ruin our water, land and clean air that we have been taught to protect." [10]

Response to comment 20: As mentioned above, the Livestock Environmental Permitting Program's law and rules focus on protecting waters of the state and minimizing odor and insect nuisances to neighbors. The Livestock Environmental Permitting Program carries out those responsibilities on all farms ODA permits. The majority of these comments are regarding why large farms choose to locate in Ohio, which does not relate to the Eastwood Dairy draft Permit to Install and draft Permit to Operate.

21. **Comment:** "I spoke out against the permitting of this Eastwood Dairy on 11-10-04 at the public meeting. I am sending this letter to express my feelings also to be put on record." [7]

Response to comment 21: All comments provided orally at the Eastwood Dairy public meeting on November 10, 2004, are part of the public record. They are treated equally with all written comments.

22. **Comment:** "Many people in our immediate area are discontented but don't wish to be documented as such. Therefore, I am one of many discontented souls but am brave enough to send you my heartfelt feelings as to the effect this will have on future generations." [7]

Response to comment 22: ODA records all comments received during a public comment period. ODA cannot record rumor or comments told to staff second or third hand.

23. **Comment:** "A. water contamination that will affect the aquifer. 1. Tainted water – this could also cause the cows to drink less – you know it takes water to produce milk!!" [7]
 "Dirk Winkel a farmer from the Netherlands will own and operate a dairy, if given a permit, that can store up to 15 million gallons of manure each year until it can be spread over approximately 1,500 acres of farm land. The manure from the dairy could contaminate ... the entire area's water supply that supplies water to families of adjoining farms. I own an adjoining farm to the Wildman's farm and they have for years increased the number of tiles and water-ways to empty, their excess water down on my farm. I think it is most unfair to have them or any one put manure on their fields that will very definitely affect my farm." [10]

Response to comment 23: Eastwood Dairy is required to be designed, built, and operated so that there are no leaks and no discharges of manure into waters of the state. A site-specific geological exploration was made for Eastwood Dairy. Ohio Administrative Code Rule 901:10-2-03 requires a separation distance of 15 feet of low permeable material, for an aquifer yielding less 100 gallons per minute, between the bottom of the proposed manure storage pond and the uppermost aquifer (Ohio Administrative Code Rule 901:10-2-02). Soil borings found that the low permeable soil separation distance for

the manure storage ponds and one concrete settling basin exceeded the 15-foot requirement. One concrete settling basin had only 9.7 feet of separation distance. Since the adequate vertical isolation distance of 15 feet does not exist for this concrete settling basin, as per OAC 901:10-2-02 (A)(1)(e), a ground water monitoring program will be implemented prior to construction of the proposed dairy.

Testing will be performed during construction and submitted as part of the completed as-builts to verify that the appropriate compaction and permeability was provided to meet ODA rules.

ODA believes that meeting these standards, which are recognized throughout the nation and used by the U.S. Department of Agriculture's Natural Resources Conservation Service, should provide the necessary protection in preventing any impairment to the aquifer underlying the Eastwood Dairy. It is important to note that there has been no evidence in Ohio that manure ponds have leaked.

Eastwood Dairy is also required to perform an annual groundwater quality test as a part of this permit (Ohio Administrative Code Rules 901:10-2-03 and 901:10-2-08). For concerns related to manure storage, the best place to sample is at the farm itself. The well used at the site would pull more water from the aquifer than the surrounding individual homes, and any pollution would show up at the production site first. The initial test conducted for the permit application indicated that nitrates were "not detected" and total coliform bacteria was negative.

Regarding groundwater pollution from land application of manure, it is believed that these concerns are negligible as compared to that of manure storage structures. At an average annual application rate of less than 1 inch per acre per year, the crop would utilize a portion of these nutrients, and the remaining nutrients (P_2O_5 and K_2O) attach to the soil particles, generally in the upper 8 inches of the soil. Since nitrogen is a concern for leaching through the soil profile and does not readily attach to soil particles, the maximum amount of nitrogen to be applied in any given year cannot exceed the nitrogen requirements of the following crop, which minimizes excessive nitrogen application and any leaching effects it may have to groundwater. For land application of any manure, best management practices and nutrient balances are to be utilized to prevent excessive application of manure and concerns with these nutrients polluting surrounding ground and/or surface waters.

Application rates of liquid manure are to be adjusted to the Available Water Capacity of the soil at the time of application to prevent surface ponding and runoff. Tile outlets are also to be monitored during and after application and measures shall be in place to prevent discharge of manure through tile systems into waters of the state. There may be the use of water control structures, tile plugs or backhoe to cut tile lines. Additionally there are requirements of buffer and filter strips between manure application areas and waters of the state.

24. **Comment:** "B. All new operations start out well – but with uncontrollables being uncontrolled leads to quadrupled problems." [7]

Response to comment 24: This comment relates to “uncontrollable” acts causing problems on farms. The term “uncontrollable” is very general, but ODA does require the farm have an Emergency Response Plan in case of emergencies such as manure spills or discharges, fire, power outage, or catastrophic mortality.

25. **Comment:** “ODA in its stretched system should have other departments doing a check and balance upon its operations so that an overbearing approach to this system isn’t allowed. 1. Less one sided decisions – allowing others choosing how the future is formed. 2. Publicize to the immediate area more the whole picture.” [7]

Response to comment 25: ODA does not create laws, rules, or give itself regulatory authority. ODA is given and carries out regulatory responsibility by the Ohio General Assembly. S.B. 141 outlined how all large concentrated animal feeding facilities are regulated in Ohio. This law was updated in 2003 with H.B. 152. Other agencies and offices of government do work with ODA on these operations, such as Ohio EPA, local SWCD offices, local health departments, ODNR, and U.S. EPA. Other local government agencies and offices have authority with respect to land use planning.

26. **Comment:** “3. Since this is more of a factory than some factories are, agriculture shouldn’t be able to exempt itself from this phase of production!!” [7]

Response to comment 26: State laws acknowledge agricultural uses and that livestock production, regardless of size, is agriculture. This comment is general to all large farms and not specific to Eastwood Dairy’s draft Permit to Install or draft Permit to Operate.

27. **Comment:** “The proposed Eastwood dairy would have profound effect on the surrounding area. We urge that it not be permitted. The Society of Friends (Quakers) with which we are associated has had a long historical presence in Selma. It is a wonderful area of small and middle-sized farms.” [8]

Response to comment 27: This comment is general to agriculture and does not relate to Eastwood Dairy’s draft Permit to Install or draft Permit to Operate. The standards that this farm is required to meet are equal to or stricter than that of small and medium sized facilities.

28. **Comment:** “The presence of such an enormous factory farm would present very serious problems in waste disposal...” [8]

Response to comment 28: 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 whole farm manure management plans, the rules require the farmer to either land apply in accordance with rules or to find adequate distribution for all his manure. Manure and soil testing determines how much manure should be applied to farm fields, and applying more is in violation of the laws. Rules require application only with available water holding capacity thus avoiding over application on saturated land. Farmers are required to monitor and control drainage tile flow. Farmers must comply with setbacks so as not to apply too closely to streams and rivers, to their neighbors, or to wells. They are required to plan for emergencies and to maintain detailed records of all aspects of manure

application, including analytical results, field conditions, amounts, method of application, and weather conditions. Our routine inspections of farmers actually applying manure, as well as inspections of all their records of manure application track this and assure that they are land applying or distributing and using manure correctly. If the permit would be approved and it is not followed, the farm could be subject to an enforcement action by ODA.

29. **Comment:** "The presence of such an enormous factory farm would present very serious problems in ... stream pollution..." [8]

Response to comment 29: See the response to comment 23.

30. **Comment:** "The presence of such an enormous factory farm would present very serious problems in ... flies and other insects..." [8]
"... and the flies that will be inflicted on near by residents." [10]

Response to comment 30: 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. Eastwood Dairy's Insect and Rodent Control Plan includes monitoring the barns on a weekly basis for flies and rodents. Speck cards or sticky tapes would be used to monitor for flies. Weekly visual inspections would be made for rodents. Rodent traps would be set and monitored by a pest control firm at least twice per month. A pest control firm would also routinely spray around the facility. Trends would be tracked by reviewing the speck card data both weekly and quarterly. The draft Permit to Operate contains the complete Insect and Rodent Control Plan. This plan would be subject to routine and complaint inspections by ODA. If the permits are not followed, the farm could be subject to an enforcement action by ODA.

31. **Comment:** "The people who own this will not be living downwind to constantly be breathing the polluted air, not to mention the smell..." [10]

Response to comment 31: There is no requirement for where a farm owner lives in relation to the production area of his farm.

32. **Comment:** "Will the foreigners be allowed to send the BIG MONEY they expect to make here (because they can not make the money in their own country this way) back to a foreign country and not pay taxes here. Our farmers must pay taxes on all income made on our farms." [10]

Response to comment 32: This comment refers to what the farm owners plan to do with the profits from their private business. This does not relate to Eastwood Dairy's draft Permit to Install or draft Permit to Operate.

33. **Comment:** "Draft Permit to Install No. EAS-0001.PI001.CLAR and Draft Permit to Operate No. EAS-0001.PO001.CLAR. I am enclosing a copy of page 29 of Section 6 of the manure application plan, under notes of assumption. They are planning to plug the tile outlets when they start flowing manure. This is where the legal problem comes into effect. As the Department of Agriculture knows it is illegal to dam water

back on upland property. As shown in copy of pages 7 and 8 section 3 which I am enclosing. I own most of the farm property north west of Battin-Howell Road. I also own south east of Battin Howell Rd. to So. Charleston-Clifton. A large portion of the land is drained through D-01;04. D-02;04 and D-03;04 page 8. Both surface and subsurface (tile) that they plan to plug. I have tiles (mains) going to outlets at Rte. 42. one going through D-03-04, three going through D02;04, one going through D01;04. These all flow into an open ditch through Selma, Ohio. The outlet is marked with an X page 8 at D-01;04 the A section and Rte 42." [11]

Response to comment 33: As indicated in response to 23, the farm must monitor the tile flow during and after land application and be prepared to plug or block the flow if manure is found. Land applications during times of heavy tile flow will be highly unlikely due to the limitation of soils to support equipment and the Available Water Capacity to be able to apply manure. If tiles do have to be blocked the manure is to be pumped out of the tile and should not affect the flow of the upstream properties. It is not against the law to block water flow, but you cannot causes damage to neighboring properties. This responsiveness summary will be sent to Eastwood Dairy to share with their cooperating crop farmers so they are aware of your concerns and encourage measures that avoid blocking main tile lines.

34. **Comment:** "I do not know if it makes any different for the permits, but Richard Wildman does not own this land. The land on this part of the permit Roger Thompson owns. Richard just rents it." [11]

Response to comment 34: Land does not have to be owned by the farmer to apply manure to it. A farmer can apply manure to rented ground.

(C)

(C)

(C)



Governor Bob Taft
Lieutenant Governor Maureen O'Connor
Director Fred L. Dailey

Livestock Environmental Permitting Program
8995 East Main Street • Reynoldsburg, Ohio 43068
Phone: 614-387-0470 • Fax 614-728-6666

ODA home page: www.state.oh.us/agr/ • e-mail: agri@odant.agri.state.oh.us

February 5, 2004

Mark and Marie Osterholt Farm
C/o Mr. and Mrs. Mark Osterholt
1289 Burville Road
Ft. Recovery, Ohio 45846

RE: 1st of 2 Inspections 2004

Dear Mr. and Mrs. Osterholt:

This letter is to document the Ohio Department of Agriculture's January 22, 2004, inspection of the Mark and Marie Osterholt Farm. Your farm that was inspected is located in Section 23 of Gibson Township in Mercer County.

Since you have obtained a Permit to Install and Permit to Operate from ODA, you are now subject to ODA's biannual inspections. This inspection was conducted as a result of those requirements. The inspection is meant to determine whether or not you are in compliance with the permits that have been issued to you. Compliance is determined by checking both your operating practices and operating records.

During the inspection, I noted your management practices were acceptable. I also noted that while you have been implementing many of the new operating records required, there are several that still must be maintained. All areas of deficiency are noted in the attached report. **I strongly urge you to review the attached report closely, as areas that are currently deficient will need to be improved upon to meet ODA requirements, or they will result in violations and possible enforcement action. This will be verified at the next inspection.**

ODA recognizes that you have just recently began operating as a Concentrated Animal Feeding Facility and are working on understanding what records must be kept. It appears that a lack of understanding of what is in your management plans (primarily the Manure Management Plan) has created the above result (of missing records). While we went through your plans briefly at the inspection, **you need to review them closely, understand what they say, and follow them.**

You indicated that you disagree with the schedule of equipment maintenance and calibration listed in your Manure Management Plan. You may revise this to more accurately reflect your operating practices under rule 901:10-1-09 (F) of the Ohio Administrative Code, the rule that allows for operational changes. This rule states, in part:

Upon the request of the director or as initiated by the owner or operator, changes may be made by the owner or operator and shall be recorded in the operational record by rule 901:10-2-16 of the Administrative Code.

As this rule states, please record your changes to the plan in your operating record. You will then be expected to follow your revised plan, which will be verified at the next inspection when I see this change in you Operating record and I check your records of equipment calibration.

Overall, it appeared your facility was being appropriately managed. It was also good to see that you are requesting soil sample results from others that you give manure to and apply manure for. This is a good practice that ODA encourages you to maintain, especially if you are custom applying manure for others.

Should you have questions about this report or what is expected of you, please feel free to call me at 614-728-4217 or the number I provided for you at the inspection. I may also be reached via email at mckay@odant.agri.state.oh.us.

Sincerely,

Michelle McKay

Michelle McKay
Livestock Environmental Inspector

Enclosure

Cc: Cathy Alexander, Ohio EPA
Mercer County SWCD
Bill Knapke, Cooper Farms
File



Governor Bob Taft
Lieutenant Governor Maureen O'Connor
Director Fred L. Dailey

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October 1, 2002

Mr. John Douglas
14981 Fox Lake Road
Marshallville
Ohio 44645

Re: Inspection report for Catalpadale Dairy Farms

Dear Mr. Douglas:

As per my conversation with you on October 1, 2002, please find enclosed a copy of my hand-written inspection report. John Douglas and herdsman Rick Pew represented Catalpadale. Others in attendance were Jim Young and Kelly Harvey from ODA-LEPP, Rick Wilson from OEPA and Tim Demland from OSU Extension was present for the inspection; you and I signed this report. No later than 14 days from today, I will be sending you a typed copy of the report along with a letter explaining the results of the inspection.

ODA is here to provide technical guidance and to assist you with questions you may have as you work through the Review Compliance Certificate process. If you have further questions regarding this report, please feel free to contact me at either 614-387-0913 or at 330-897-1302.

Sincerely,

Jim Young
Livestock Environmental Inspector

Enclosure

Cc: File



Ohio Department of Agriculture

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Lieutenant Governor Jennette B. Bradley
Director Fred L. Dailey

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10 May 2004

John Douglass
Catalpadale Dairy Farms
14981 Fox Lake Rd.
Marshallville, Ohio 44645

**Re: 1st of 2 2004 Review Compliance Certificate Final Inspection Report for
Catalpadale
Ohio EPA Permit # 08-048-NE**

Mr. Douglass:

This letter serves as the Ohio Department of Agriculture Livestock Environmental Permitting Program's follow-up to our 14 April 2004 inspection for Catalpadale Dairy Farm. The facility inspected was: Catalpadale Dairy Farm located in Wayne County, Baughman Township, Section 9.

From my inspection, it appears that you are following your current Ohio EPA permit. A CNMP has been submitted, and it is noted by ODA that you have been using utilization and distribution by gifting your manure to several surrounding farms, as well as applying to land you both own and lease. These records are recorded in the Operating Record and were made available during the inspection. There are sales agreements in place. You have provided a copy of Appendix A of Ohio Administrative Code Rule 901:10-2-14 and Matrix for "Manure Land Application Restrictions" to those surrounding farmers. This Appendix has ODA's setback requirements for land application. The matrix is a summary of Appendix A. This matrix gives a quick look at application restrictions.

J & R Spraying is under contract for insect and rodent control. This Insect and Rodent Control Plan (IRCP) has been submitted by you as a required part of your Review Compliance Certificate (RCC) and has been implemented and those inspections will be recorded in the Operating Record. The same is true of the Mortality Management Plan. Taylor Dead Stock Removal renders all mortality.

As far as the RCC process goes, as required by Section 903.04(E) of the Ohio Revised Code and the OAC Rule 901:10-1-07, you will need to submit to ODA the following:

1. Names and addresses of owners and or partners and any other person who has a right to control or manage the facility.
2. Type and number of livestock at the facility
3. An updated Manure Management Plan.

4. An updated Mortality Management Plan.
5. An updated Insect and Rodent Control Plan.
6. Plans on who will be your Certified Livestock Manager and how you will implement the program (*not applicable at your operation*)
7. Any revisions to the approved PTI that reflects current operations.
8. A list of all contiguous neighbors and their addresses.

ODA is requesting these items be submitted no later than 1 July 2004.

All of the aforementioned items have been submitted to ODA and are presently under review. We are currently awaiting the plans and location of the satellite manure storage pond that is needed to provide 180 days of storage.

Once ODA has reviewed the information listed above so that we may properly answer questions we receive from the public and provide them with the most updated information, we will then send out the letters to all contiguous neighbors. The RCC process does not necessitate a public meeting or hearing.

Until ODA makes a decision on your RCC, you need to continue to follow your current Ohio EPA permit. For manure and/or soil sampling results that the Ohio EPA permit requires you to submit, you should now submit them to ODA.

Finally, you should know that Ohio EPA is adopting a new General NPDES permit for concentrated animal feeding operations (CAFOs) in Ohio. The General NPDES permit has very strict limitations on manure applications to frozen or snow covered ground. If your operation is not eligible for the General permit, then you may expect an individual NPDES permit, which will have the same limitations. Attached is a copy of Appendix A Table 1, Land Application Restrictions and Setbacks from ODA. Like Ohio EPA, ODA is adopting these limitations along with increased required setbacks.

These changes will affect your plans for manure application in the Fall-Winter 2004. We urge you to start planning now:

1. How many acres are available for land application of manure, given your or the cooperating crop farmer's existing or intended cropping plans for these acres;
2. How many gallons/tons of manure need to be spread from now until November-December 2004 to provide enough manure storage at this facility for a minimum of 120 - 180 days;
3. What is the total volume (gallons/tons) of manure storage currently available, less your freeboard requirement;
4. What type of land application equipment will you need to meet item #2? What is the capacity of the equipment and the volume that can be applied on a daily basis;

The goal of this plan would be to have adequate storage until the first freeze so that your facility will not have to land apply manure from this date until March-April 2005. Application on frozen or snow-covered ground is to only be utilized during emergency situations and not a routine practice in any manure management plan.

Should you have any questions or concerns about this inspection or the RCC process feel free to call me at either 614-387-0913 or 330-897-1302. I may also be reached via e-mail at jyoung@odant.agri.state.oh.us

Sincerely,



Jim Young
Livestock Environmental Inspector

Enclosure

Cc: File

Cc: Without enclosure

Duane Wood – Wayne County SWCD

Mark Nishimura – ODNR

Rick Wilson – Ohio EPA



Ohio Department of Agriculture

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8 March 2004

Ohio Fresh Eggs, LLC
Croton Layer #1
C/o Ron Flory
10513 Croton Road
Johnstown, Ohio 43031

**Re: 1st of 2, 2004 Inspection Reports for Ohio Fresh Eggs, LLC, Croton Layer #4
Ohio Department of Agriculture Permit to Install #OFL1-0001.PI001.LICK
Ohio Department of Agriculture Permit to Operate #OFL1-0001.PO001.LICK**

Dear Mr. Flory:

This letter serves as the Ohio Department of Agriculture's follow-up to our 27 February 2004 inspection for Ohio Fresh Eggs, LLC, Croton Layer #1. The facility inspected was: Ohio Fresh Eggs, LLC, Croton Layer #1 located in Licking County, Section 3 of Hartford Township

From my inspection, it appears that you are following both your Permit to Install and Permit to Operate, including but not limited to, Mortality Management Plan, Insect and Rodent Control Plan (IRCP), and Manure Management Plan. Mortality is removed from cages on a daily basis and placed into barrels. These barrels are emptied into a refrigerator truck and transported to the rendering facility. G.A. Wintzer is the rendering service being used.

The IRCP is being followed and records for the IRCP, Mortality Management Plan, and manure sales and manure application records are being maintained in the facility operating record. To this date there have been 2,994 tons of manure sold to Chuck Bachman Ag Trucking and Dan Vaness and 1,815,000 gallons of storm water land applied by Kneller Manure Service. There are detailed records of all manure applications and sales in the facility operating record, and they were readily available during the inspections. All applications should abide with Appendix A and the Matrix for Land Application Restrictions. Weather and soil conditions are also recorded.

The well Public Drinking Well (PWS), License #04-4555612-64436, and identified as well #1 and located west of barn #1 was tested on 18 August 2003. This well shows negative results for Fecal Coliform to be < 1/100 ppm, Fecal Strep to be < 1/100 ppm, and Nitrate to be, < 0.1 mg/l. All records maintained in the operating record conform to the requirements of Rule 901:10-2-16 of the Ohio Administrative Code.

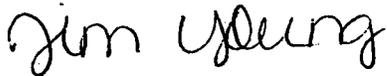
During this inspection we discussed the new construction procedure to be used at Layer #1. Also we discussed a few items that need attention. They are as follows:

- Clean and repair exhaust fans.
- Reshape areas between the high-rise barns so surface water moves away from the area between the barns to avoid ponding and making it easier for vegetative maintenance.
- Need to install a staff gauge in egg wash cell #1 and cell #2 or an approved level monitoring system of another kind.
- Obtain a manure sample from each layer barn at the facility.

Most of the aforementioned items are in the process of being addressed with the new remodeling procedures at Layer #1.

Should you have any questions or concerns about this inspection feel free to call me at either 614-387-0913 or 330-897-1302. I may also be reached via e-mail at jyoung@odant.agri.state.oh.us

Sincerely,



Jim Young
Livestock Environmental Inspector

Enclosure

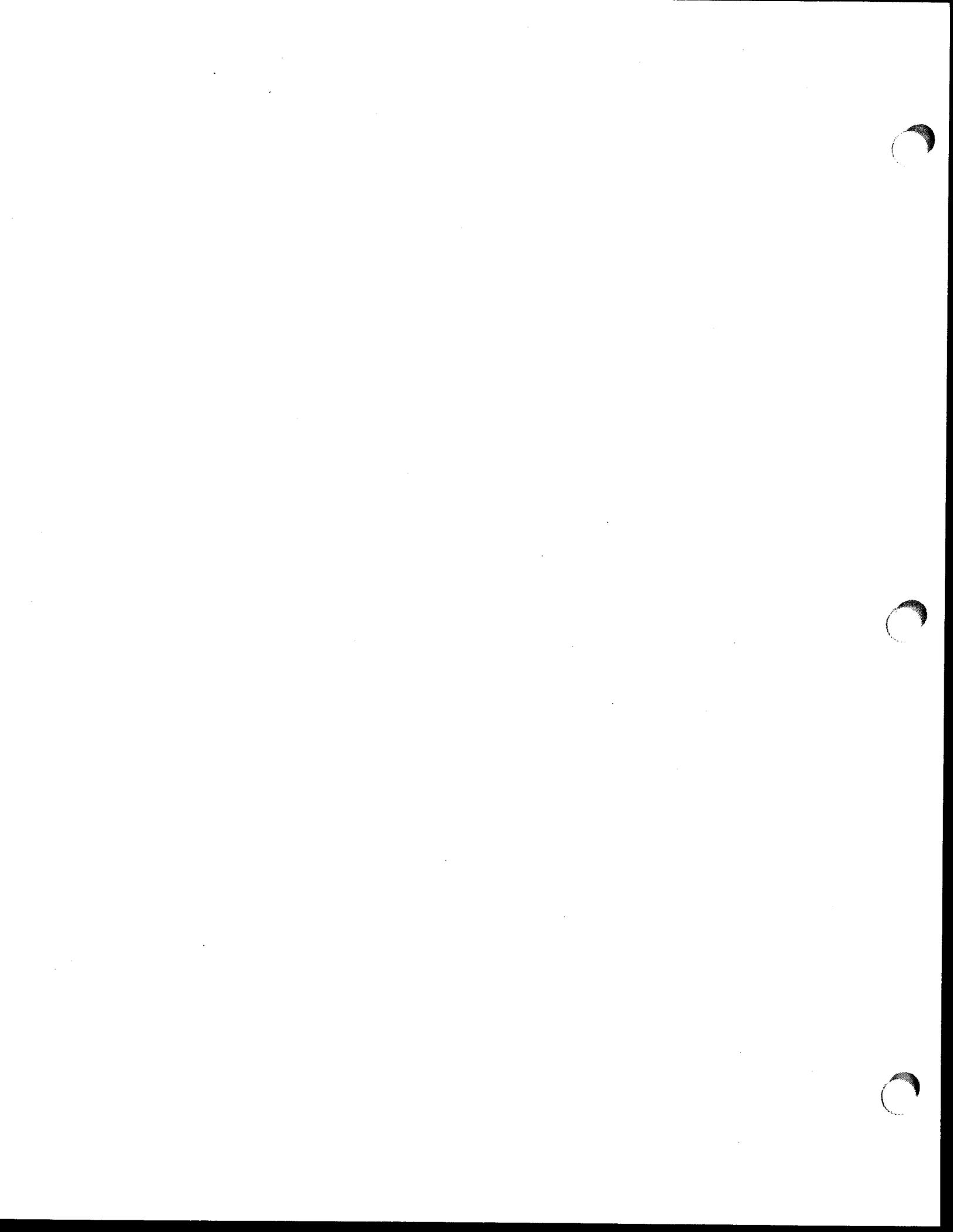
Cc: File

Ron Flory – Ohio Fresh Eggs, LLC
Stephanie Tudor – Ohio Fresh Eggs, LLC

Cc: Without Enclosure

Rick Wilson – Ohio EPA
Jim Kiracofe - Licking SWCD
Mike Nishimura - ODNR

Checklist for Permit or
Permit Modification Issuance



Checklist for Permit or Permit Modification Issuance. Before Any permit or permit modification may be watermarked and copied for issuance as a draft permit (and releasable to the public) the following steps must be completed on this form. This form shall be completed for each permit with no exceptions! Each document of a permit must be organized exactly in the order listed here. Completion of the form requires a checkmark by the reviewer and the reviewer's name or initials.

- Fees (Administrative Assistant)** Have all appropriate fees been paid for the permit(s)? If you don't know, ask.

- Is this an MCAFF (Legal & Administrative Assistants)?** If so, you must check the **Fees** to make sure of the correct amount.

- Has the Permit Application been stamped in (Administrative Assistant)**

- Overview (Engineers)**

Part A – Administrative Information

- Permit Application (Engineers)** Does the application(s) have 5 complete permit application pages?
 - Are the corresponding questions on pages 1 and 2 filled out?
 - Are the questions answered correctly?

- General Information (Engineers and Legal)** Does the application(s) have 9 complete permit application pages?
 - 1. Is the owner and operator information consistent? (Legal)
 - 2. Is the Facility Name and Address information consistent? (Legal)
 - 3. Is the Facility Location Information correct? (Engineers)

- 4. Is the Watershed Location correct? (Engineers)
- 5. Is the Permit Application Prepared by section correct? (Engineers)

- 6. Is the Date the permit was submitted filled out correctly? (Engineers)

- 7. Is the Reason for application section filled out correctly? (Engineers & Legal)
 - PTI
 - PTO
 - NPDES

- 8. Is the Construction Stormwater section filled out correctly?
 _____ Date Applied for permit

- 9. Is the Other permits, licenses, certifications, etc. section filled out correctly?

- 10. Is there any Confidential Information in the permit? (Engineers) If so, requires Legal's sign-off to determine if the confidentiality claim is legally supportable, to what extent, and with redacted documentation.

- 11. Is the Certified Livestock Manager page filled out? (Engineers & Community Relations Liaison)
 - If so, are the CLM papers filled out correctly? (Engineers & Legal)
 - Is this an MCAFF?** If so, you must check the LEPP files on Certified Livestock Manager and **make a copy of the original Certification by the Director of the CLM identified in this permit(s) and place a copy of the certificate in the permit(s) at Certified Livestock Manager.** (Community Relations Liaison)

- Local Notification (Legal)** Is the local notification page filled out properly?

- Does application(s) have signed and dated letters from the applicant for both county commissioners and township trustees?
- Does application include some form of documentation to verify that at least a copy to some consultation, e.g., that Local Notification was sent to both sets of local officials by certified mail return receipt requested?
- Is this an MCAFF ?** If so, you must **check Local Notification again** to make sure that the permit(s) also has a **formal certification from each board**—both township trustees and county commissioners—that is **signed by these individuals.**
- Compliance Information (Legal)** Is the Compliance Information form filled out correctly?
 - Is the report on the **background check** included with this part of the Permit(s) at the portion of the permit labeled as **Compliance Information?**
- Animal Units and Types of Animal Confinement Buildings (Engineers)** Are these tables filled out correctly?

Part B - PERMIT TO INSTALL (PTI) – Is a PTI required for this application?

YES

NO (If no, proceed to the PTO section)

These documents are required for a Permit to Install (or PTI modification) (Engineers)

- 1. Manure Storage or Treatment Facilities – Is this section completely and accurately filled out?
- 2. Water Quantity – Is this section completely and accurately filled out?
- 3. Ground Water Quality - Is this section completely and accurately filled out?
- 4. Construction and Operation Dates - Is this section completely and accurately filled out?
- 5. Siting Criteria - Is this section completely and accurately filled out?

Siting Criteria. Check the permit to see if any siting criteria for **Neighboring residences or for Property lines have been modified by written agreements.** If siting has been modified, you should find a completed form that looks like this in that part of the permit that is siting criteria:

" _____ residing at _____ have been
[Name] [Address]
informed that a farm that is a concentrated animal feeding facility is to be constructed at:

_____ [Name of owner/operator and name/
_____ address of facility]

- with capacity for liquid manure
- with capacity for solid manure
- with capacity for both solid and liquid manure

"I have been informed of the siting criteria for concentrated animal feeding facilities which are set forth in rule 901:10-2-02 of the Ohio Administrative Code. This rule states that a concentrated animal feeding facility with solid manure shall be no closer than 500 feet to a neighboring residence; that a concentrated animal feeding facility with liquid manure shall be no closer than 1,000 feet to a neighboring residence. A major concentrated animal feeding facility with solid manure shall be not closer than 1000 feet. A major concentrated animal feeding facility with liquid manure shall be not closer than 2000 feet.

"Based upon[_____]
describe: site map, measurements, property maps, site survey
my residence, listed above, will be closer than the distance prescribed by rule. I am aware of the proposed construction and I have no objections, as signified by my signature, below.

[signature here]"

- 6. Is information provided from the consultant that performed the Geological Exploration?
- 7. Are Recorded Water Well Logs Report provided for wells within 1000 feet of the manure storage or treatment facility?
- 8. Is a complete and accurate site map provided?
- 9. Is a complete and accurate Geological Report provided?
- 10. Is a complete and accurate Precipitation Runoff and Stormwater Grading Plan

provided? Coordinated with Ohio EPA construction stormwater permit?

- 11. Are detailed engineering drawings, designs, and plans for construction provided?
- 12. Is a public surface water intake located within 10 miles downstream of the proposed facility? Yes No (If yes, need to let public relations know so that this public works can be specially notified)
- 13. Do we have the **Signature(s) of the applicant(s)**? Is the signature in the correct location under **the certification statement, required by law: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted."** This statement is to be followed by another statement based also on our rules.

Part C - PERMIT TO OPERATE (PTO)

These documents are required for a Permit to Operate (or PTO modification) (Engineers)

- Manure Management Plan –
Rules 901:10-2-08 to 901:10-2-14 and Rule 901:10-2-18
- Insect and Rodent Control Plan –
Rule 901:10-2-19
- Mortality Management Plan –
Rule 901:10-2-15
- Emergency Response Plan –
Rule 901:10-2-17
- Operating Record-
Rule 901:10-2-16
- [Note for future use: check inspection frequencies for IRCP and for any required weekly daily inspections on the production area for the MMP]

Once the checklist for draft Permit to Install and/or draft Permit to Operate is complete, the following procedures begin. While these steps should be completed in order, there will be much of this work done simultaneously between the Public Information Officer and the Community Relations Liaison. Completion on each item listed requires a checkmark by the person who completed task, the person's initials and the date.

Prior to release of draft permit(s)

- A "shell" fact sheet is drafted by the Community Relations Liaison (CRL) or Public Information Officer (PIO) and sent to the Engineer in charge of the permit for completion of technical and factual information
- CRL reviewed permit(s) checklist and verifies it is complete
- CRL works with Administrative Assistant (AA) to watermark draft permit(s) and number draft permit for copying
- CRL makes sure the following copies are made of the draft permit:
 1. For the applicant(s)
 2. For the county commissioners
 3. For the township trustees
 4. For the local board of health of the county where the farm is located
 5. For the local soil and water district
 6. For Ohio EPA
 7. For our files
 8. For the AGO when you have a note made on this form by Legal or by the Executive Director: _____
- Copies made and sent:** _____ [date, initials] _____
- The draft fact sheet is returned to the PIO with in three business days for editing to style and returned to engineer to assure no technical data was changed incorrectly.
- The draft fact sheet is routed to legal and the Executive Director for approval
- PIO identifies local media and newspaper for public notice, contacts paper and learns procedures for submitting a legal notice and lead time prior to printing
- PIO works with AA on any billing requirements
- PIO prints interested parties address labels for CRL
- CRL addresses interested party mailing
- CRL identifies local officials to be contacted
- CRL works with the AA to have UPS shipping labels printed
- PIO and CRL evaluate calendar and identify meeting dates

- CRL contacts local SWCD about being a local repository
- CRL contacts meeting sites to secure meeting rooms
- CRL contacts court reporter to schedule for public meeting
- PIO drafts public notice
- PIO drafts news release
- PIO routes draft public notice and draft news release to Executive Director for approval
- Fact sheet, public notice, and news release are edited by CRL or AA.
- CRL writes cover letters for local officials and interested party mailing.
- Three days prior to public notice being printed in the news paper, CRL begins to contact all local officials, with the goal of contacting all officials prior to public notice and news releases being printed (Note: There may be an exception to this step if the permit is highly controversial. Release of the draft permits to the press may correspond with initial contact of the public officials with the goal of contacting or leaving messages for all on that day.)
- Public notice faxed to newspaper
- Target date for news release is the date of the public notice being printed (Note: There may be an exception to this step if the permit is highly controversial. The news releases may correspond with the faxing of the public notice.)
- Target date for mailings to local officials and interested parties should be within two days after the public notice is issued.
- Website updated the day that the news release is faxed to local media (the day the public notice is printed).
- All copies made for interested parties mailing
- All copies made for local officials mailing
- News release faxed to local media.
- Interested parties mailing complete.
- Local officials shipping complete
- Engineer completes PowerPoint presentation and sends to PIO, CRL, and Executive Director 1 week prior to first educational meeting

Technical Meeting and First Public Education Meeting: Open House or Information Session

- CRL downloads copy of PowerPoint presentation onto disk for laptop

- CRL creates sign in sheets to record attendance at each meeting and makes copies
- CRL creates "how to comment" document for public education meetings and copies
- CRL to copy facility fact sheet for meeting
- CRL to verify copies of all other handouts are made
- CRL outlines opening comments to local officials
- CRL to verify draft permits in binders and photocopies are packed, as well as electrical cords, computer, projector, PowerPoint presentation, pointer, index cards, pencils are packed. CRL determines if portable screen is necessary to take.
- PIO to outline opening comments

Second Public Education Meeting: Information Session

- CRL to verify if more "how to comment" sheets need copied for meeting
- CRL to verify facility fact sheet copied for meeting
- CRL to create attendance sheet and verify copies are made
- CRL to verify copies of all other handouts are made
- CRL to verify draft permits in binders and photocopies are packed, as well as electrical cords, computer, projector, PowerPoint presentation, pointer, index cards, pencils are packed. CRL determines if portable screen is necessary to take.
- PIO to outline opening comments

Public Meeting

- CRL to confirm court reporter
- CRL to create attendance sheet and create oral testimony sign up sheet and verify copies made of both
- CRL to verify facility fact sheet copied for meeting
- CRL to verify copies of all other handouts are made
- CRL to verify draft permits in binders and photocopies are packed, as well as electrical cords, computer, projector, PowerPoint presentation, pointer, index cards, pencils are packed. CRL determines if portable screen is necessary to take.
- PIO to draft script
- CRL or PIO to get a target date for receipt of transcript from court reporter

End of process

- When written comments are received, CRL or PIO files original and a copy goes to the PIO
- CRL or PIO to verify name and address are on each written comment
- PIO will contact person if incomplete information is received
- PIO will start drafting responsiveness summary within two days of the receipt of the transcript
- PIO will contact via e-mail or regular mail anyone whose comment was received after the end of the comment period
- Comments received after the close of the comment period or comments without names and addresses are filed in the "correspondence" file in the permit file.
- PIO sends responsiveness summary to engineer for technical information to be added if needed
- PIO sends responsiveness summary to legal and Executive Director (after engineer review)
- PIO finalizes responsiveness summary

FINAL PERMIT:

Part A – Administrative Information

- Permit Application (Engineers)** Are there changes to the permit application?
- General Information (Engineers and Legal)** Are there changes to the General information?
- Compliance Information (Legal)** Are there changes to the compliance information?
 - Is the **FINAL** report on the **background check** included with this part of the Permit(s) at the portion of the permit labeled as **Compliance Information?**

- Animal Units and Types of Animal Confinement Buildings (Engineers)** Are there changes?

Part B - PERMIT TO INSTALL (PTI) – Is a PTI required for this application?

YES

NO (If no, proceed to the PTO section)

These documents are required for a Permit to Install (or PTI modification) (Engineers)

- 1. Manure Storage or Treatment Facilities – Are there changes?
- 2. Water Quantity – Are there changes?
- 3. Ground Water Quality - Are there changes?
- 4. Construction and Operation Dates - Are there changes?
- 5. Siting Criteria - Are there changes?
- 6. Are there changes to the Geological Exploration?
- 7. Are Recorded Water Well Logs Report provided for wells within 1000 feet of the manure storage or treatment facility? Are there changes?
- 8. Is a complete and accurate site map provided? Are there changes?
- 9. Is a complete and accurate Geological Report provided? Are there changes?
- 10. Is a complete and accurate Precipitation Runoff and Stormwater Grading Plan provided? Are there changes?
- 11. Are detailed engineering drawings, designs, and plans for construction provided? Are there changes? **Are they stamped by the project engineer with the required P.E. stamp—for manure storage ponds, manure treatment lagoons, and fabricated structures, especially fabricated structures holding liquid?**
- 12. Do we have the **Signature(s) of the applicant(s)?** Are there changes?

Part C - PERMIT TO OPERATE (PTO)

These documents are required for a Permit to Operate (or PTO modification) (Engineers)

- Manure Management Plan –

Rules 901:10-2-08 to 901:10-2-14 and Rule 901:10-2-18

Are there changes?

- Insect and Rodent Control Plan –

Rule 901:10-2-19

Are there changes?

- Mortality Management Plan –

Rule 901:10-2-15

Are there changes?

- Emergency Response Plan –

Rule 901:10-2-17

Are there changes?

- Operating Record-

Rule 901:10-2-16

Are there changes?

- Cover sheets.** PIO drafts two cover sheets must be prepared in letter form for the Director's signature as an original signature on both documents. Final signature signifies a final decision of the permit(s) at such time as a permit is decided upon. This letter must include a line that will list the issuance date of the decision on the permit(s), the expiration date (as applicable) for the permit(s), an entry for the order number (top right hand of the page), and a line for the certification to be made for the Director's Journal. One original signed letter shall be retained by the Office of Chief Counsel in the Director's Journal and the other original signed letter shall be retained in the facility's files for use in authenticating the permits in the event of any appeal to ERAC.

- PIO takes final order and responsiveness summary to Director's office for signature

- PIO and CRL identify date for final notice

- PIO prints an interested parties address label list for CRL

- CRL works with AA to enter attendees at meetings into label list for final mailing.

- CRL works with Administrative Assistant (AA) to watermark final permit(s) and number final permit for copying

- CRL makes sure the following copies are made of the final permit:

1. For the applicant(s)
2. For the county commissioners
3. For the township trustees
4. For the local board of health of the county where the farm is located

5. For the local soil and water district
6. For Ohio EPA
7. For our files
8. For the AGO when you have a note made on this form by Legal or by the Executive Director: _____

Copies made and sent: _____ [date, initials]_____

- CRL creates final notification letters for interested parties
- CRL creates final notification letters to local officials
- CRL creates final notification letter to meeting attendees and those who commented
- PIO drafts final notice
- PIO drafts final news release
- PIO sends final order and final news release to Executive Director for approval
- PIO has CRL or AA edit final order and final news release
- PIO faxes final public notice to the newspaper
- Target date for news release is the date of the public notice being printed (Note: There may be an exception to this step if the permit is highly controversial. The news releases may correspond with the faxing of the public notice.)
- Target date for mailings to local officials and interested parties should be within two days after the public notice is issued.
- Website updated the day that the news release is faxed to local media (the day the public notice is printed).
- All copies made for interested parties mailing
- All copies made for attendees mailing
- All copies made for local officials mailing
- CRL works with AA to make UPS labels
- News release faxed to local media.
- Interested parties mailing complete.
- Attendees mailing complete.
- Local officials shipping complete
- When affidavit for public notices come with the billing information, AA gives a copy to CRL, who files it in the permit file
- Copies of all original documents are filed in the permit file by PIO and CRL