

Dec 6, 2008

Mr. Matt Gluckman
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Gluckman,

I am very concerned about the potential transfer of oversight for factory farm water pollution permits from the Ohio Environmental Protection Agency (OEPA) to the Ohio Department of Agriculture (ODA).

The proposal effectively transfers control of factory farm water pollution to an administrative body that is biased in favor of the agricultural industry. Furthermore, it is an abdication of responsibility from OEPA, which is legally mandated to protect public health and the environment.

In Ohio, factory farms generate over 10.5 million tons of animal waste per year, with some individual facilities creating more waste than medium-sized cities. Rich in phosphorus and nitrogen, animal waste is a major source of water pollution in Ohio. These chemicals enter waterways, killing fish and other aquatic life and contaminating our drinking water.

The environmental and public health impacts of factory farms are

tremendous. The EPA must consider the Ohio Department of Agriculture's dismal track record before handing over authority to regulate water pollution. For example, ODA's enforcement is lax and does little to promote compliance with the law. Ohio Fresh Eggs, formerly Buckeye Egg, has amassed 36 notices without a single fine levied against it since 2003.

I urge you to deny the transfer water pollution permit authority to the Ohio Department of Agriculture. In addition, Ohioans should have at least 30 more days to review and comment on this important decision. At least one additional hearing should also be held in Northwest Ohio where these farms are controversial.

In light of Ohio Department of Agriculture's weak track record, Ohioans deserve a better equipped agency to protect our drinking water, our quality of life and the state's natural resources.

Sincerely,


Yellow Springs, OH 45387-9719

Dec 6, 2008

Mr. Matt Gluckman
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Gluckman,

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In light of Ohio Department of Agriculture's weak track record, Ohioans deserve a better equipped agency to protect our drinking water, our quality of life and the state's natural resources.

Sincerely,


Cincinnati, OH 45241-1445

Dec 11, 2008

Mr. Matt Gluckman
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Gluckman,

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Sincerely,


Millfield, OH 45761-9753

[REDACTED]
LaRue, OH 43332
December 4, 2008

Matthew Gluckman
NPDES Program Branch (WN-16J)
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Dear Mr. Gluckman:

This letter is in reference to the Confined Animal Feeding Operations (CAFOs).

We are **DEFINITELY AGAINST** the transfer of the National Pollutant Discharge Elimination System (NPDES) permitting procedure from the Ohio Environmental Protection Agency (OEPA) to the Ohio Department of Agriculture (ODA).

My reasoning is as follows:

One of the goals of the ODA is to promote agriculture. The ODA is highly influenced by the Farm Bureau. The Farm Bureau boasts of a large membership of farmers, but in reality are mostly Nationwide Insurance members.

We are on the ODA mailing list and receive a constant stream of permits to install and to operate, which are never refused even in already stressed areas.

Does or will the ODA have enough inspectors?

My wife and I live 1500 feet from an Ohio Fresh Eggs factory with 2.4 million laying hens. Ohio Fresh Eggs was formally the infamous AgriGeneral (AG), Buckeye Egg Farm (BEF) in Marzelles Township, Wyandot County, Ohio, who all have had egg wash water spills. AC and BEF had over application of egg wash water, improper application of manure spread close to wells, streams and houses and BEF had a large diesel spill. The egg factory has lowered our well 17 feet.

In our experience, ODA inspectors have had a tendency to be on the side of the CAFOs by blaming us for causing fly outbreaks with having tall grass in our attached 1/2 acre lot or a farm with sheep 1 1/2 mile away.

In order to provide governmental checks and balances, we request that the NPDES permitting procedures be left in the authority of the OEPA.

Thank you for your consideration.

Sincerely,
[REDACTED]
[REDACTED]

Dec 3, 2008

Mr. Matt Gluckman
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Gluckman,

I am very concerned about the potential transfer of oversight for factory farm water pollution permits from the Ohio Environmental Protection Agency (OEPA) to the Ohio Department of Agriculture (ODA).

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In light of Ohio Department of Agriculture's weak track record, Ohioans deserve a better equipped agency to protect our drinking water, our quality of life and the state's natural resources.

Sincerely,


Rayland, OH 43943-7994




Dec 5, 2008

Mr. Matt Gluckman
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Gluckman,

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The proposal effectively transfers control of factory farm water pollution to an administrative body that is biased in favor of the agricultural industry. Furthermore, it is an abdication of responsibility from OEPA, which is legally mandated to protect public health and the environment.

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In light of Ohio Department of Agriculture's weak track record, Ohioans deserve a better equipped agency to protect our drinking water, our quality of life and the state's natural resources.

Sincerely,



Findlay, OH 45840-3229

13267 County Hwy 77
Paris, OH 43332

December 4, 2008

**Matthew Gluckman
NPDES Programs Branch (WN-16J)
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590**

Dear Mr. Gluckman:

I am interested in submitting comments on Ohio's application to transfer control of the NPDES program for CAFOs from Ohio EPA to Ohio Department of Agriculture.

I (Rosella Bear) am against the transfer of the NPDES Permitting Program from Ohio EPA to the ODA. I feel that ODA does not have enough staff or expertise to take over the authority from OEPA as now they only have two inspectors to cover the whole state of Ohio. How can they justify that they can also now be able to monitor the waterways, water quality, and aquifers around the huge CAFOs that are being permitted every week? ODA is an agency that promotes agriculture and I feel that ODA will have a conflict of interest in dealing with large CAFOs. Bigger is NOT better as my husband I have experienced. We have a CAFO only 1500 ft. from our residence. Some days, and a lot of them in a years time, that have been unpleasant to enjoy being outdoors. It STINKS because of all the chicken manure being hauled from Ohio Fresh Eggs, Marseilles Site. The storm water pond that collects all the water runoff has not been taken care of properly. They have had egg wash water applied too heavily and had ditches filled with the rotten egg wash water. I wonder what all of these factors is doing to our health. I believe that OEPA should be the governing body over the NPDES and not ODA. I believe that ODA is not taking caution when allowing so many permits to be granted. Neighbors who live around these CAFOs would like to think our water supply isn't being contaminated by these large CAFOs. Amendments or rescissions would be unreasonable.

PLEASE TO NOT REDUCE OF RESCIND ANY OF THE CURRENT REGULATIONS WHICH PROTECT OUR AQUIFERS AND FLOODPLAINS.

Thank you for your consideration.

Respectfully Submitted,

[REDACTED]
[REDACTED]

RECEIVED
DEC 15 2008
NPDES PROGRAMS BR
EPA Region 5

12/8/08

Matt Gluckman
EPA Region 5 Water Division
NPDES Programs Branch (WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604

Dear Mr. Gluckman,

I am writing regarding transferring the NPDES Program from the EPA to the Ohio Department of Agriculture.

At the present time, the ODA promotes, permits, and supposedly enforces regulations on CAFO operations. If the ODA is given oversight of the NPDES permitting program, the circle will be complete; the fox will have complete control of the hen house.

The ODA does not enforce their own existing CAFO Rules and freely change the Rules when an existing Rule is an obstacle to a proposed CAFO site. Past actions are an excellent indication of future actions, therefore, once in control, the ODA can and most likely will adjust NPDES Rules to fit their needs.

The PEW Commission report on CAFO's should provide all of the documentation needed to deny this change.

Please do not give the ODA the last piece of the puzzle. Protect our wells, streams, rivers, and lakes by denying this change!

cc: Governor Ted Strickland
Senator Mark Wagner
Senator Sherrod Brown

Cygnat, OH 43413

[REDACTED]
Morrow, OH 45152-8489

Dec 8, 2008

Mr. Matt Gluckman
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Gluckman,

I am very concerned about the potential transfer of oversight for factory farm water pollution permits from the Ohio Environmental Protection Agency (OEPA) to the Ohio Department of Agriculture (ODA).

The proposal effectively transfers control of factory farm water pollution to an administrative body that is biased in favor of the agricultural industry. Furthermore, it is an abdication of responsibility from OEPA, which is legally mandated to protect public health and the environment.

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The environmental and public health impacts of factory farms are tremendous. The EPA must consider the Ohio Department of Agriculture's dismal track record before handing over authority to regulate water pollution. For example, ODA's enforcement is lax and does little to promote compliance with the law. Ohio Fresh Eggs, formerly Buckeye Egg, has amassed 36 notices without a single fine levied against it since 2003.

I urge you to deny the transfer water pollution permit authority to the Ohio Department of Agriculture. In addition, Ohioans should have at least 30 more days to review and comment on this important decision. At least one additional hearing should also be held in Northwest Ohio where the majority of these facilities exist.

In light of Ohio Department of Agriculture's weak track record, Ohioans deserve a better equipped agency to protect our drinking water, our quality of life and the state's natural resources.

Sincerely,

[REDACTED]
[REDACTED]
Mrs. Julie Koziel

Comments Due Dec. 16, 2008(Postmarked)

Additional information at: <http://www.epa.gov/region5/water/npdestek/odacafo.htm>.

Matt Gluckman
EPA Region V
Water Division(WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604

Re. Transfer of CAFO NPDES permitting form OEPA to ODA

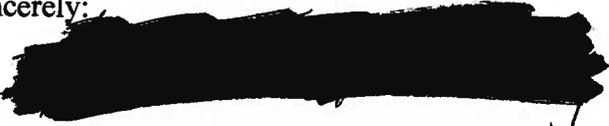
Dear Mr. Gluckman:

In this time economic crisis, it makes little sense to transfer the NPDES permitting process from OEPA to ODA. OEPA is the agency responsible for NPDES permits in Ohio and transferring the authority to ODA would require increased responsibility and training for ODA employees. Efficiency and effectiveness in government are something USEPA should encourage with the limited federal funding available for states to administer these programs.

In addition OEPA, because it is responsible for the modeling for NPDES discharge permits, is most familiar with the watersheds and most able to provide protective discharge levels and enforcement of the permits.

ODA is by its nature and name is an advocate for agriculture. OEPA is by its nature and name is an advocate for the environment. Therefore to keep a balance in the administration of agricultural programs with check and balances in the administration of environmental programs, NPDES permit authorization for CAFO's should be kept with OEPA.

Sincerely:


Name(Also print address below)


Oregon, OH 43618

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RECEIVED
DEC 9 2008
NPDES PERMITTING BRANCH
EPA, Region 5

December 9, 2008

Matt Gluckman
EPA Region 5 Water Division
NPDES Programs Branch (WN-16J)
77 W. Jackson Blvd.
Chicago, IL 60604

RE: My comments relating to the transference of the NPDES permitting process for CAFOs from Ohio EPA to the Ohio Dept. of Agriculture

Dear Mr. Gluckman;

Below are my observations on the level of attention to detail that I have observed employed by the Ohio EPA, the Ohio Dept. of Natural Resources, and the Ohio Dept. of Agricultural relating to the oversight of the NPDES Program, the management of concentrated animal feeding facilities (CAFFs or CAFOs) and related non-point source surface and ground water pollution issues since 1979.

I chose NOT to attend the public meeting and the public hearing because occasionally when I speak in public about the releases of animal manure contamination into the watersheds of Ohio, Farm Bureau and/or one of the producer organizations files a complaint with Bobby Moser, Vice President Ag. Admin and Dean College of Food, Agricultural, & Environmental Science, The Ohio State University against me. The typical request is that my adjunct assistant professor appointment in the Dept. of Food, Agricultural & Biological Engineering be removed as I surely cannot be speaking for the university. This is clearly an act of intimidation on their part because I am an extremely credible Ohio scientist who has worked long in the fields of surface and ground water protection. However, at the age of 60, I no longer scare easily, if I ever did, so I want to make certain that my information is submitted for the record.

Having unexpectedly put my department through this upheaval of formal complaints twice now, I am quite unwilling to do so again in a situation where I know such a complaint would be forthcoming, hence my decision to write instead of appearing at the hearing. While I will send a copy of this letter to the chairs of my department (Dr. Tom Bean) and the School of Environment and Natural Resources (Dr. Jerry Bigham) and to the acting associate Dean for the College of Engineering (Dr. Alan Christy) for their records, please be assured that the opinions expressed in this letter are entirely my own and DO NOT represent the position of The Ohio State University in this matter. I state this mostly because The Ohio State University does NOT have one opinion and/or speak in one voice on issues relating to animal manure management anyway, so I cannot represent what does not exist.

My experiences with the NPDES permitting process and Ohio EPA's management of the program began in 1979 when I was working for the Mid-Ohio Regional Planning Commission (MORPC), preparing the Central Scioto River Basin 208 Existing Conditions Report for Ohio EPA as part of the US EPA national inventory process. I have had opportunity to interact with the NPDES section of Surface Water at Ohio EPA many times since then, relating to a number of types of NPDES applications ranging the gambit from waste water treatment plant discharge requirements to sediment retention pond releases at solid waste and hazardous waste landfills. While I did not always agree with the Agency that the facilities, as designed, could meet the released water quality levels assigned, I have been generally satisfied with the knowledge and level of education and training exhibited by the staff at Ohio EPA. I have worked with staff from all five district offices and at the main headquarters here in Columbus. Ohio EPA has been operating since 1972, has always managed the NPDES permitting process and has a great deal of experience in this application. They also have the background and support of the Ohio surface water quality inventories and modeling for Ohio watersheds in house and so are able to assign loading rates that are at least based on some level of scientific reality. While we have NOT reached the Clean Water Act goals of swimmable and fishable for all streams in Ohio, in general, the water quality of our surface waters in the state are better today than they were in 1979 when I formally began working with surface water issues as administered under the Clean Water Act, in part because of the attention of Ohio EPA Surface Water staff to the ground rules of the NPDES process.

In 1980, I was one of five people state-wide who were hired by soil and water conservation districts to work on non-point source pollution issues, including concentrated animal feeding facilities. The program was organized under the umbrella of the Ohio Department of Natural Resources (ODNR), Division of Soil & Water Conservation (DSW). My direct employer was the Franklin (Columbus) Soil & Water Conservation District. I had worked with them as a graduate student preparing my MS thesis in Geology & Mineralogy from The Ohio State University and at my MORPC appointment. After my years as an employee at Franklin SWCD, I became an "Earth Team" volunteer, and then I was elected to the Board of Supervisors for nine years, after which I was appointed to the Associate Board where I still serve in a technical and educational capacity. I have now been associated with Franklin SWCD for 32 years.

The State of Ohio funding and appointment for the ODNR directed non-point source pollution issues lasted two years during which time I was involved in the design and building of several confined animal feeding operations and manure management facilities. I was trained to undertake these assignment by agricultural engineers from The Ohio State University, the USDA Soil Conservation Service (now NRCS), and ODNR DSW. While many of the facilities being built today are using designs that we implemented for up to a few hundred animals in the 1980s, these designs are now being stretched to accommodate thousands of animal units.

It is common for engineering designs to fail to scale up appropriately and successfully. For the most part, many of the animal manure designs have not been

successful when expanded. Therefore, when they fail, it should not be considered an “accidental” failure, but rather the failure of the design and management of the underdesigned and underfitted facilities to address the sewage needs for small cities of animals. There is absolutely no dispute that these facilities have had spills and other discharges. The records at Ohio EPA Surface Water and ODNR Wildlife fish-kill records more than substantially document the management/design failures. What is at question, is the adequacy of the designs and implementations of the waste water treatment systems that are being installed on Ohio farms which house concentrated animals on very small acreages. No small community would be allowed to manage their sewage in these primitive management systems. US EPA is requiring the removal of combined overflow sewage systems in our larger and older cities in Ohio. Yet, under the program administered by the Ohio Department of Agriculture, whole cities of animals have their raw wastes basically dumped into holes in the ground. That waste is later spread, generally raw and untreated, directly on agricultural fields where not uncommonly, it has been washed off the surface and/or out of agricultural field tiles by subsequent rainfall events and/or snow melts.

While engineers in my department at Ohio State, the Dept. of Food, Agricultural & Biological Engineering have been working diligently to design manure containment and management systems more appropriate to the scale of today’s CAFO operations, which should provide a better success rate and/or render the manure at least treated before it is released into the environment, for the most part, our efforts are rebuffed and/or ignored. Often, the argument is that they are too expensive for the producer to install. There has been no noticeable support from the Ohio Department of Agriculture to require a significant upgrading of facilities. For example, Ohio is allowing systems to be installed that are no longer considered adequate at the larger dairies in Michigan. In addition, there has been no noticeable effort on the part of the Ohio Department of Agriculture to require the implementation of the most current surface and subsurface investigation techniques developed here in Ohio for Ohio’s soils and geology to minimize contaminant migration from holding facilities and/or application sites to Ohio’s surface and ground waters.

How is the producer’s argument of costs any different from a community claiming that a reduction of their combined sewer overflow system is too expensive to install? Sewage is sewage, regardless of the source. All raw sewage carries pathogens, and in these cases, pharmaceuticals, hormones and cleaning solutions, into the environment. We learned in the 1800s, how to collect and treat human sewage, thereby reducing the cases of cholera and typhoid in this country. Yet to date, no one in a political position in Ohio seems to think that there is anything wrong with releasing raw animal sewage that could contain cryptosporidium or other animal to human pathogens into the environment. How many people have to die before we pay attention? Didn’t we learn enough from Milwaukee and Walkerton?

Given the political nature of the CAFO program as administered at the Ohio Department of Agriculture, I have little expectation that they would be able to conduct a credible NPDES program. They have no experience and little will. By leaving the

program at Ohio EPA, we have a check and balance to the oversight of the CAFO facilities here in Ohio. We critically need oversight from as many agencies as possible since we continue to build facilities that can only fail.

For identification purposes only, I hold the position of Senior Scientist at the firm of Bennett & Williams Environmental Consultants Inc. in Columbus, Ohio where I have worked for 22 years. Besides serving as an Associate Board member to the Franklin SWCD, I also serve as a scientific advisor to the Ohio Environmental Council. I hold adjunct teaching positions at both the Department of Food, Agricultural & Biological Engineering at The Ohio State University and at the Pontifical College Josephinum where I am currently teaching Introductory Geology. I serve as one of the co-coordinators for the Ohio Fracture Flow Working Group, a part of the Ohio Academy of Science where I am also a fellow. I hold the Ohio Academy of Science position on the Ohio EPA Lake Erie Phosphorus Task Force where I also represent my OSU appointment. I have an undergraduate degree in Earth Science Education, an MS in Geology and Mineralogy (including hydrogeology) and a PhD in Soil Science, all from The Ohio State University. I am a Certified Professional Geologist (AIPG), a Certified Soil Scientist (AOP) and a Certified Professional Soil Scientist (ARCPAC). I can forward you a recent copy of my resume if more information on my credentials would be useful.

However, please note, all observations and resulting conclusions presented in this public comment are my own. I've worked with the environmental impacts of contaminants on Ohio's water for almost forty years. I have learned who I trust and who I do not. I do not trust the Ohio Department of Agriculture to adequately administer the NPDES permitting process. US EPA will make the decision that politically they must. I recognize that. However, if the NPDES permitting process related to CAFOs is transferred to the Ohio Department of Agriculture, I want the record to show that I question their ability and political will to maintain the quality of efforts exhibited by Ohio EPA. When failures occur, and they will, I don't want to hear how no one warned US EPA that they would happen. I want the public record to document my warnings. In addition, I am attaching a copy of the editorial page of the Columbus Dispatch, Wednesday, Dec. 3, 2008, which also negatively mentions the issue of the transference of the NPDES permitting program to ODA.

Respectfully submitted,

A large black rectangular redaction covers the signature and name of the author. The text "Respectfully submitted," is visible above the redaction.

JWR/jr

- Copies: Tom Bean
Jerry Bigham
Ann Christy
Mike Angle (ODNR)
Rick Wilson (OEPA – Surface Water)
Jack Shaner (Ohio Environmental Council)

Don't muddy the waters

Environmental-protection experts should regulate water pollution from mines

The Ohio Environmental Protection Agency should be in charge of protecting the state's waterways from pollution, whether that pollution comes from a factory pipe, a large-scale farm or the by-products of mining coal. A proposed bill to put state mining officials in charge of granting water-pollution permits for coal mines is a bad idea.

State Sen. Timothy J. Grendell, R-Chesterland, is behind the bill to switch authority from the EPA to mining bureaucrats in the Ohio Department of Natural Resources.

This proposal is similar to a 2001 state law — also a bad idea — that transferred the state EPA's authority to regulate large-scale livestock farms to the Department of Agriculture. That transfer still isn't final, because the U.S. EPA, which has ultimate responsibility for enforcing the 1972 federal Clean Water Act, hasn't approved it.

In a recent public-comment meeting, opponents of the farm-regulation switch pointed out that the Department of Agriculture's mission is to promote farming in Ohio, not to be a watchdog.

The same potential for conflict of interest exists in putting ODNR's Division of Mineral Resources Management in charge of water-pollution permits for mines.

The timing of the bill lends weight to the suspicion that the real goal is to allow an end run by a major mine company that has been denied a permit by the EPA.

Murray Energy Corp., owner of Ohio's largest underground coal mines, wants to bury Casey Run, a

2-mile-long stream in eastern Ohio, under a 1.85-billion-gallon coal-slurry lagoon.

Slurry is water contaminated with coal dust after it has been used to wash coal. In 2005, a broken slurry pipeline from a Murray Energy-owned mine blackened 2,300 feet of Belmont County's Captina Creek, killing thousands of fish in a habitat that supports the endangered hellbender salamander.

Casey Run is a tributary of Captina Creek. EPA scientists, in recommending denial of the permit for the massive lagoon, said it would pose "insur-

mountable" environmental concerns for the high-quality water resource.

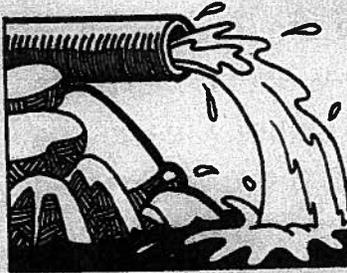
Murray officials say they'll have to close two mines employing about 1,000 people if they can't build the slurry lagoon, but EPA and ODNR officials said the

company could find other ways to dispose of its waste.

Another supposed justification for the bill is a claim that the Ohio EPA takes too long to review mining permits. This appears to be a moot point. The bill would give mine regulators a six-month deadline for approving or denying permits. In recent months, the EPA has eliminated its backlog of applications and has pledged to handle new ones within six months.

Murray Energy's checkered track record of multiple environmental and safety violations in Ohio and elsewhere, including the Crandall Canyon mine cave-in that killed six men in Utah in August 2007, argues against easing regulation of the company.

Regardless of one company's history, safeguarding Ohio's waterways should remain with the agency for which environmental protection is the core mission.



ODNAR PDES Case

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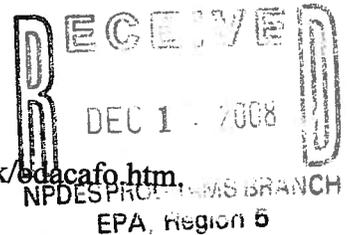
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PHOTO BY UNIVERSITY PRESS PHOTOGRAPHY

W

Comments Due Dec. 16, 2008(Postmarked)

Additional information at: <http://www.epa.gov/region5/water/npdestek/bdacafo.htm>



Matt Gluckman
EPA Region V
Water Division(WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604

Re. Transfer of CAFO NPDES permitting form OEPA to ODA

Dear Mr. Gluckman:

In this time economic crisis, it makes little sense to transfer the NPDES permitting process from OEPA to ODA. OEPA is the agency responsible for NPDES permits in Ohio and transferring the authority to ODA would require increased responsibility and training for ODA employees. Efficiency and effectiveness in government are something USEPA should encourage with the limited federal funding available for states to administer these programs.

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Sincerely:

A thick, black horizontal bar redacting the signature of the sender.

Name(Also print address below)

A thick, black horizontal bar redacting the name and address of the sender.

WALBRIDGE, OHIO 43465


December 13, 2008

Matthew Gluckman
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago IL 60604-3590

Dear Mr. Gluckman:

I am a lifelong resident of northwest Ohio and the following is my comment regarding the action of the Ohio General Assembly transferring environmental rule-making and enforcement regarding farms, especially concentrated agricultural feeding operations or "megafarms" to the Ohio Department of Agriculture.

I am a physician and have great concern about the adverse public health consequences of giving to the very agency which promotes the growth of agricultural businesses the responsibility of preventing them from polluting our environment. Industrial scale feeding operations here have already caused harm to our air quality and are a growing risk to our drinking water from contamination of ground water and streams. In our region of Ohio and adjacent southern Michigan these megafarms have been very resistant to citizens' efforts to prevent their polluting the air, and water supplies and food crops. Although these companies have denied or resisted this, in their actual practices the health of the public appears to be the least of their concerns.

I strongly oppose allowing the Ohio Department of Agriculture to make or enforce policy regarding the environmental/public safety aspects of agriculture, particularly concerning industrial scale animal feeding operations.

Thank you for your consideration.

Respectfully,



cc: The Honorable Ted Strickland, Governor, State of Ohio

Comments Due Dec. 16, 2008(Postmarked)

Additional information at: <http://www.epa.gov/region5/water/npdestek/odacafo.htm>.

Matt Gluckman
EPA Region V
Water Division(WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604

Re. Transfer of CAFO NPDES permitting form OEPA to ODA

Dear Mr. Gluckman:

In this time economic crisis, it makes little sense to transfer the NPDES permitting process from OEPA to ODA. OEPA is the agency responsible for NPDES permits in Ohio and transferring the authority to ODA would require increased responsibility and training for ODA employees. Efficiency and effectiveness in government are something USEPA should encourage with the limited federal funding available for states to administer these programs.

In addition OEPA, because it is responsible for the modeling for NPDES discharge permits, is most familiar with the watersheds and most able to provide protective discharge levels and enforcement of the permits.

ODA is by its nature and name is an advocate for agriculture. OEPA is by its nature and name is an advocate for the environment. Therefore to keep a balance in the administration of agricultural programs with check and balances in the administration of environmental programs, NPDES permit authorization for CAFO's should be kept with OEPA.

Sincerely:

Name(Also print address below)



KELLEYS Is Ohio
43438

December 11, 2008

Matthew Gluckman
US EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Dear Mr. Gluckman:

I am writing about Ohio's proposal to turn oversight of large animal farms over to the Ohio Department of Agriculture. I am a retired teacher and farmer and have lived in rural northwestern Ohio all my life, and I think this is really a bad idea. I don't understand why anyone would think it was a good one. The state department of agriculture promotes the idea of CAFOs because the people there think that this is the way to maintain low prices for consumers in the grocery. The idea of industrial farming is anathema to anyone who wants quality food, rather than just cheap food, but that idea is at the center of the megafarm method of producing food. The department of agriculture works hand in hand with those agribusinesses, essentially seconding every proposal they make. Asking the department of agriculture to police the megafarms for adherence to clean water, clean air, and fair employment practices is a perfect example of asking the fox to guard the henhouse. It's an old cliché, but it is perfect—or would be except there are very few henhouses left here—just places where multiple chickens are kept indoors in cages so small that the birds can't turn around—and largely because of industrial farming practices a fox in northwestern Ohio is a real rarity these days.

The biggest concern about the CAFOs is the amount of animal waste they produce, of course, and what they do with it. In spite of claims that it is handled in an environmentally sound way, everyone who lives around here knows that isn't true much of the time. It gets spread on frozen fields and washes into the streams, or the lagoons fail and it leaches into the water table. If anyone in the EPA really cares anymore about enforcing the federal Clean Water Act, he or she would not be in favor of turning over regulation and oversight of these mega-manure producers to the department of agriculture. Please don't allow that to happen. Instead, encourage the Ohio EPA to do its job and regulate these megafarms in such a way as to protect our water and our rural way of life.

Sincerely yours,

[REDACTED]
[REDACTED]

Comments Due Dec. 16, 2008(Postmarked)
Additional information at: <http://www.epa.gov/region5/water/npdestek/odacafo.htm>.

Matt Gluckman
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Sincerely:



Name(Also print address below)



Swanton, OH 43558-8864

December 13, 2008

Mr. Matthew Gluckman
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago IL 60604-3590

Dear Sir:

I cannot tell you how many people in Sandusky County were against the acceptance of adding CAFOs to our farming community. Our pols have paid their constituents no mind to our voiced and written objections; must be that we are just ordinary people with no ties/money to lobbyists to influence them. Our leaders are "supposed" to be well educated and in tune to the people that elected them, but my local, state and federal representatives lend us their deaf ears.

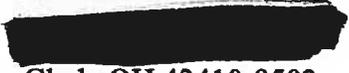
Just how stupid can our state legislators be to not recognize the fact that it has never proven to be a wonderful piece of legislation to have a permitting body be the same body policing the situation. The EPA was established to govern the protection of our natural resources and NOW we want to diminish that power! I just saw that Ohio was one of the states on the worst political list (following Alabama no less) for the actions of our publicly elected officials. How appalling! Ohio used to be a wonderful state, a leader, and now we've become the laughing stock of the Midwest. We've put up with all the jokes about our great cities and now we want to invite the nation to point at us and joke at our inadequacies to protect and keep the air and water clean for all the people. The Netherlands does not want these large farms, so why are we letting them destroy our countryside. The particular individuals installing the CAFOs in our area and Michigan have proven to be notoriously bent on getting around any legal governing. AND.... now we want to give the stewardship of the farming areas to the Ohio Department of Agriculture to protect us from the actions of the CAFOs. These two organizations are strolling around Columbus hand-in-hand which simply means they are extolling how easy it is to ravish the watersheds, Lake Erie and the will of its people. Ask our family farmers what they think of CAFOs. Better do it soon as they will be no family farms. The CAFOs drain the farms subsidies so we are in essence choosing to support foreign interests over and above our rural communities. I do not want them to have my tax dollars, and we, right now, do not have dollars to dole out!

I implore the U.S. EPA not to sign off as you will be signing off the lives of the people of the State of Ohio and maybe, just maybe, we can once again become that GREAT STATE OF OHIO! I thank you for your consideration, and, hopefully, other Ohioans will be heard and there will be no regrets in the future of Ohio, nor in the future of FAMILY FARMS.

Sincerely,



Eleanor A. Hahn

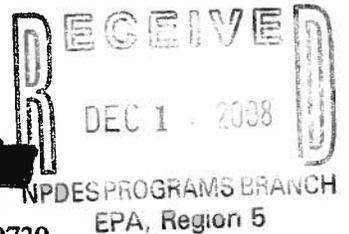


Clyde OH 43410-9503

To:
Matt Gluckman,
EPA Region 5 Water Division
NPDES Programs Branch (WN-16J)
77 W. Jackson Blvd.
Chicago, IL 60604

From:

[REDACTED]
[REDACTED]
Bloomdale, OH 44817-9739
[REDACTED]



Re: Comments Ohio transfer of NPDES permits from OEPA to Ohio Department of Agriculture.

We have been farmers for over 50 years. During that time we have been and continue to be careful stewards of the land that we owned and rented from other landowners. We built buffer strips along ditches and grassed waterways even before USDA began to encourage them by giving monetary aid to landowners. We also have participated in Conservation Reserve Programs to protect the Portage River that runs through our property. We have tilled our Great Black Swamp cropland for drainage and know how quickly the tile drains after rain events. We are NOT opposed to agriculture or animal husbandry. We say this to give you background on our knowledge about agriculture. We are, however, requesting that the Ohio Department of Agriculture be denied the authority to administer the Clean Water Act National Pollutant Discharge System (NPDES) Program for concentrated animal feeding operations (CAFOs).

In 2003 the Ohio legislature passed HB 152 which removed all local regulation over factory farms, leaving the citizens of Ohio dependent upon state and federal regulations to protect our health and welfare. To illustrate this, the Perry Township, Wood County, Ohio zoning board when revising and updating the zoning regulations voted to regulate CAFOs by zoning them agribusiness and by cutting the numbers of animals in half that were needed to require a township permit. Based on recommendation from the county prosecutor's office, the township trustees voted down the zoning board recommendation for fear of lawsuit. They were advised that only the State of Ohio can regulate CAFOs because they are considered agriculture. As you can see, there is no way a local entity has any control over the possibilities for environmental degradation of our water or air. Therefore, if EPA gives the ODA control over these NPDES permits, the citizens lose the possibility for checks and balances in this process.

In addition, a major portion of the responsibility of the Ohio Department of Agriculture is promoting agricultural products. This, along with the responsibility to regulate the CAFOs seems to be a conflict of interest. Instead, we think the OEPA's Division of Surface Water should retain the responsibility for the NPDES permitting because their responsibility is to protect, enhance and restore all waters of the state. Two heads are better than one big one it seems to us. With only four inspectors for all of the CAFOs in Ohio, how would ODA be able to handle NPDES regulation, too?

The Ohio Department of Agriculture has been given the oversight and permitting process for CAFOs. Originally those rules were based on the review and recommendations of a diverse group from the ODNR, USGS, NRCS, and Ohio EPA. We have studied those original rules and concluded that if enforced properly, could help protect our water and health. However, since 2002 when they were enacted, changes have been made that make no sense to us. In 2002 OAC 901:10-2-02 (e) Manure storage pond or manure treatment lagoon regulations provided stringent aquifer protections as follows: "Twenty-five vertical feet of low permeability material, including the liner thickness, separation from an aquifer yielding one hundred gallons or more per minute sustained over twenty-four hour period." In 2005, that changed to 15 vertical feet and currently the ODA is considering lowering that distance to 5 vertical feet. What science has changed that makes this change sensible? It is our opinion that ODA is changing these requirements to meet the needs of the CAFOs submitting permits because they can't meet the more stringent numbers. This flies in the face of protecting our water supply in

southern Wood County where the latest permit alteration of plans only has 9.7 feet from the bottom of a lagoon expected to hold over 18,000,000 gallons of manure to the aquifer. Other lagoons on the property bring the total manure storage to over 25 million gallons. Multiply that amount by 4 to get the total storage for the four permitted Dairy CAFOs in southern Wood County. Are we being protected?

The rules also are concerned with a CAFO being in a Karst area and being near a mine, but no regulation is included for the many uncapped old oil wells that were drilled and left behind in the early 1900's. Southern Wood County was a major area for this. Maps show thousands of these wells in fields across our area (See ODNR records). This area is permitted for over 8000 dairy cows in four places within an 8 mile radius with one more 2000 head CAFO proposed. Citizens have repeatedly brought this to the attention of legislators and ODA officials to no avail. Just one of these old wells under a manure lagoon would be a direct route for manure and its pathogens to the aquifer. ODA appears not to be concerned. Do you really think they are concerned with the protection of our water in Wood County?

The manure management plans of the CAFOs are also a concern for us. Having farmed and used soil samples on a yearly basis to determine the amount of fertilizer to apply on the soil for crop nutrient, we were careful to not over apply as this was neither good stewardship nor cost effective. It appears that the CAFO manure nutrients allowed to be applied to the farm fields of southern Wood County are always well above the averages recommended for most farm fields. Unrealistic crop yields are used to calculate these application rates and no soil test data is apparently validated by ODA in the permitting process as the data does not need to be a part of the permit application. In addition, while nutrient testing of the manure is required, no pathogen testing is required. It seems to us that pathogen pollution is as important as the possible pollution from the nitrogen and phosphorus. Once the manure leaves the CAFO site, there is little to no oversight given to the disposal of the untreated manure. It seems "out of sight, out of mind" is the thought process here. With the subsurface drainage tile systems of Wood County, and the water content of the manure being so high, the manure and its contaminants could well be in our ditches and waterways and Lake Erie in a "New York minute". Our experience is that the water from rain begins to drain into the ditches within an hour or so. Thus, the liquid manure and its contents may do the same. We have attached two articles concerning migration of manure into drainage tile in Ohio. If ODA has not enough concern to make this a part of the permitting process, how can EPA think they will protect our waterways when charged with the NPDES oversight?

PUTTING MEAT ON THE TABLE: INDUSTRIAL FARM ANIMAL PRODUCTION IN AMERICA: A Report of the Pew Commission on Industrial Farm Animal Production is a project of the Pew Charitable Trusts and Johns Hopkins Bloomberg School of Public Health. One of their recommendations is that CAFOs be phased out of existence because of the problems they found in relation to public health and the environment.

Therefore, because of the conflict of interest of the ODA between promotion of agriculture and regulation of CAFOs; the changing of regulations to meet the needs of the permittee; the lack of regulation for old oil wells; and inattention to crop nutrients and pathogen disposal, we strongly suggest keeping the NPDES oversight with the OEPA rather than giving the responsibility to the Ohio Department of Agriculture. It seems to us that this change is a dangerous precedent to set.

Attachments: "Smoking out Worms"
"Frank Gibbs: Liquid manure is too wet"

Smoking Out Worms

JENNIFER SMELTZER (D209-1)

Nightcrawlers may be at least partly responsible for the sometimes rapid movement of liquid animal manure and chemicals such as fertilizer nutrients and pesticides through soil to underground drainage pipes.

Farmers with large livestock feedlots need to recycle voluminous quantities of manure by applying it to their fields as fertilizer. Often they store it in special ponds as a liquid slurry. To reduce odor and nutrient losses, farmers generally use special equipment to inject the liquid manure under the soil surface, rather than just spray it on top of fields.

But in Ohio at least, USDA's Natural Resources Conservation Service (NRCS) and the Ohio Department of Natural Resources receive complaints each year about animal wastes turning up in water pouring out of drainage pipes—often called “tiles,” from the days when they were made of ceramic—at the edges of fields and in nearby streams, shortly after manure injection into the fields.

Soil scientist Martin J. Shipitalo, at the ARS North Appalachian Experimental Watershed Laboratory in Coshocton, Ohio, and Frank Gibbs, with NRCS in Findlay, Ohio, studied pipe-drained no-till fields with liquid manure applications. “We wanted to see what role wormholes might play in funneling manure to below-ground pipes quickly, before it can be held by the soil and used by plants,” Shipitalo says.

No-till fields in poorly drained areas of the United States, such as northwestern Ohio—and fertilized with liquid manure—are especially conducive to worms. Nightcrawlers (*Lumbricus terrestris*) especially like the combination of no-till, drainage pipes, and manure. No-till involves no plowing before planting, so it leaves leftover parts of previous crops on the surface. This provides food for the worms, as does the manure.

The crop residue also offers shelter for worms and helps increase their populations. It also keeps wormholes intact, since there's no plowing to break them up. And the drainage pipes aerate the soil

nicely—especially the soil used to cover the pipes. The plastic pipes have drainage holes, the same as the pipe used by homeowners to funnel rainwater away from their homes.

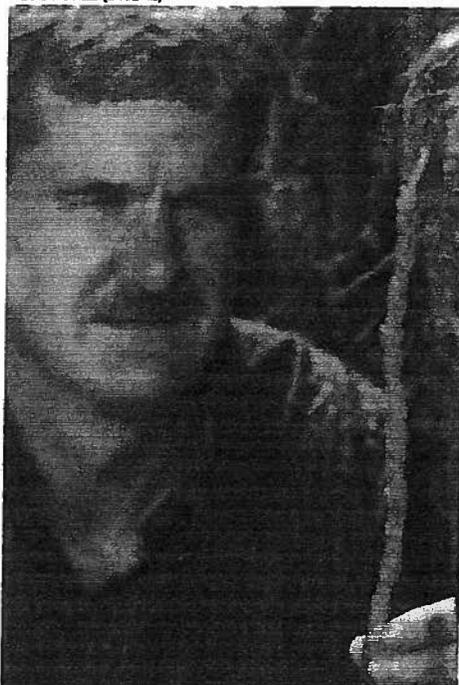
Nightcrawlers Go Deeper

These types of fields tend to have higher than usual numbers of nightcrawlers and other worms, which congregate close to pipes, Shipitalo says. “Unfortunately for drainage problems, nightcrawlers dig deeper and wider holes, or burrows, than many other earthworms do. These holes can become a shortcut for conducting pesticides or manure or surplus fertilizers to groundwater or streams. Normally, soil acts as a filter for potential pollutants if they stay in the soil long enough for microbes to break them down or—in



To see whether wormholes funnel manure to drain pipes, ARS scientists trace wormhole connections to pipes by blowing smoke through pipes and watching it pour out of surface wormholes.

PEGGY GREB (D162-42)



After pouring plastic resin into the hole of an earthworm and excavating the soil around the mold that formed, soil scientist Martin Shipitalo observes the plastic replica of the worm's burrow.

the case of fertilizers—for plants to use them,” Shipitalo says.

Down the Drain

Underground draining of fields is a common practice in parts of the country where natural drainage is poor. It's increasing in popularity, with pipes now being buried shallower and closer together.

Shipitalo and Gibbs traced wormhole connections to drainage pipes by blowing smoke through the pipes and watching for it to pour out of nearby surface wormhole entrances. “In a study of 388 nightcrawler burrows, we found that the burrows tended to drain into the pipes when they were within 2 feet of a tile line,” Shipitalo says.

“To test how fast manure-laden water could move through the burrows to the



Could their burrowing whisk manure from farm fields to waterways?

Another possible cause of waste drainage is overapplying liquid manure. But this was not the case in the Ohio experiments, in which the scientists were careful to apply only as much liquid manure as the soil could hold without becoming saturated.

Earthworm burrows can have a greater effect than soil cracks on chemical and manure movement because the burrows tend to stay open year round, while soil cracks tend to close up when the soil gets wet.

The scientists also filled the wormholes with a plastic resin to create molds of them. They studied the molds to see whether wormhole geometry had anything to do with speeding the flow of water to the pipes. It didn't. But they were able to predict waterflow speed based on the holes' proximity to the pipes.

Shut It Off!

One possible solution would be to avoid injecting liquid manure

within 2 feet of a drainage pipe, if pipe locations are known. Another possibility would be to break up wormholes by tilling the surface above each pipe before applying manure.

"The most practical and best suggestion, though," Shipitalo says, "would be to install shutoff valves so the drains can be shut during manure application and for a short time afterwards. Ohio farmers are currently doing this, with cost-sharing from the Ohio Department of Natural Resources.

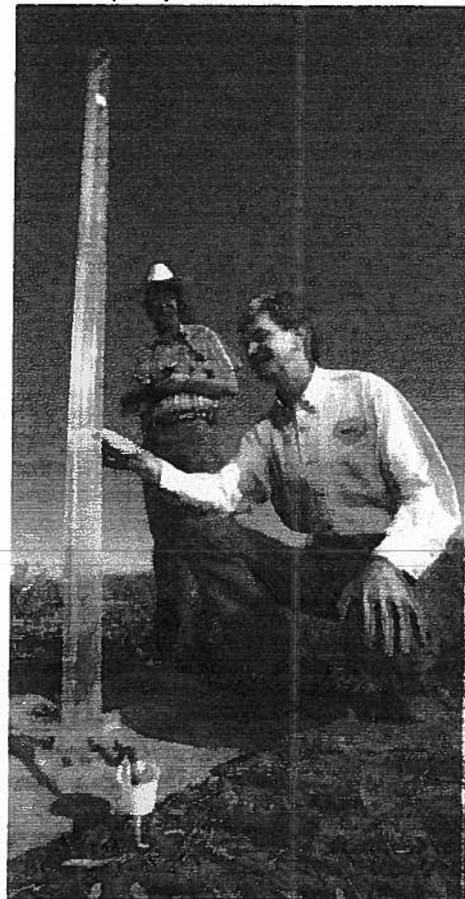
"Catch basins could be another answer," he continues. "These pits would collect water draining from the pipes at the field edges and capture it for reuse. These techniques would help whether the manure was leaking through wormholes, soil cracks, or other openings."—By Don Comis, ARS.

tiles, we used a brilliant blue dye and a fluorescent dye. We poured the blue water into the burrows that had emitted smoke and the fluorescent dye in the other burrows," Shipitalo says.

On average, the researchers found that water moved through the burrows that were within 2 feet of the pipes—and had emitted smoke—twice as fast as through the other worm burrows. Having the pipes as drainage outlets helped drain the burrows quickly, showing they could move manure quickly as well. Injecting liquid manure under pressure may further increase its flow rate into drainpipes through worm holes.

Often such rapid leaching is via cracks in the soil or bedrock, through which polluted water flows, but there were no visible cracks in the fields studied.

PEGGY GREB (D161-24)



Soil scientist Martin Shipitalo (right), assisted by NRCS resource soil scientist Frank Gibbs, uses a funnel inserted into the opening of an earthworm burrow and a Mariotte device to measure water infiltration rate in an individual earthworm burrow.

This research is part of Water Quality and Management, an ARS National Program (#201) described on the World Wide Web at www.nps.ars.usda.gov.

Martin J. Shipitalo is with the USDA-ARS North Appalachian Experimental Watershed Laboratory, P.O. Box 488, Coshocton, OH 43812-0488; phone (740) 545-6349, ext. 212, fax (740) 545-5125, e-mail martin@coshocton.ars.usda.gov.

*Frank Gibbs is with the USDA-Natural Resources Conservation Service, 7868 County Road 140, Suite F, Findlay, OH 45840; phone (419) 422-5438, ext. 139, fax (419) 425-4147; e-mail frank.gibbs@oh.usda.gov. **

Frank Gibbs: Liquid manure is too wet

| Print |

By DAVID GREEN

Don't blame tile lines for discharges of liquid manure into drains, says soil scientist and farmer Frank Gibbs, and don't blame the rich soil with its worm holes leading to the tile.

Put the blame on the watered down manure. That's where the problem lies.

Gibbs, from the National Resources Conservation Service office in Findlay, Ohio, spoke to farmers last Wednesday at the annual Center for Excellence Field Day at Bakerlads Farm north of Clayton.



Gibbs told how he came to this conclusion several years ago, after he got a call from a producer in Ohio who had a problem. He was applying manure from his swine operation at only about half the recommended rate, but it was still finding its way into tile and drains.

A DNR officer told the farmer that he wouldn't cite him for discharges this time, but it had to be stopped. "I went down there thinking I'd see big cracks in the ground," Gibbs said, "but the soil moisture was ideal. Impeccable shape. I saw lots and lots of night crawler holes and I thought, 'My God, could this be what's going on here?'"

Gibbs got ahold of some dye—similar to the kind used to check for leaks in a toilet tank—dumped it into the manure lagoon and agitated the mixture. After he dug down to a six-inch tile, manure was injected into the soil with a drag line. The tile was dry when the experiment began.

"We wondered how long it might take to percolate down to the tile lines. Twenty minutes? Should we go to lunch?"

There was no time for lunch, Gibbs said. The dye was there within seconds, and every time a pass was made over a lateral tile line, another pulse of colored liquid came through.

Gibbs wondered if the pressure from the applicator pump was the cause, so they next tried a gravity-feed system. Same problem. One more idea came to mind. This time they avoided the watery manure from the lagoon and loaded some of the thicker slurry from the pit under the hog barn.

"It didn't go anywhere," Gibbs said. "It behaved like manure. We dug up some areas with a back hoe and it was laying right where it was shot."

He knew then not to fault the tile nor the healthy soil.

"The problem is simple. We're watering manure down to where it behaves like water. Let me repeat that. We're watering manure down to where it behaves like water. You don't need to be a rocket scientist to understand that."

Gibbs has heard the suggestion that no-till soil is at fault. Get rid of the worm holes and there's no conduit for the manure.

Not true.

"Preferential flow will occur in conventional tillage through cracks and around the soil structure," he said. "We need to stop confusing the issue with tillage. The issue is that we're adding too much water."

This is a situation that needs to be addressed, Gibbs said.

"We need to keep on top of this. We really do. I think some basic research could solve the problem."

Maybe the percentage of solids needs to be up to four or five percent, he said. Or, from what he learned in Europe, even higher.

The Dutch method

With so many Dutch farmers investing in this area, Gibbs decided to take a trip to the Netherlands to see how they farmed in that country. He was in for a surprise.

He didn't see any of the watered down manure that the large dairies are using here. The solid content was at about eight percent.

He noticed a plastic membrane spread over a storage lagoon with rain water waiting to be pumped from an overnight storm. Gibbs figured it was to keep the water out of the lagoon, but he was wrong. It was to control odor.

Gibbs watched as a farmer loaded his applicator with manure and inserted a paper form into equipment that recorded his position by GPS. Once in the field, additional data was stamped onto the form. A sample bag of manure was collected to send for analysis by a government agency.

If manure exceeds the allowable nitrate rates, Gibbs was told, the farmer receives a bill from the government.

The Dutch farmer joked about having one government official for every farmer, but it isn't the heavy regulation that's hurting agriculture in Holland, he said, it's simply a lack of space.

Gibbs returned home knowing that the practice of watering down manure didn't come from Europe.

"That's our technology," he said. "We're going to all the work of writing up Comprehensive Nutrient Management Plans and then where does it go? Into the tile. We just need a little bit of research to figure this thing out so we don't have to scrap the whole thing."

Gibbs said he's made attempts to urge agricultural agencies to study the issue, but it's never gone far.

"Everybody's going off in other directions," he said. "We need to work together. We don't have to destroy our soils. We don't need to rip our tile out."

"What we should do is look at solids. Eight percent isn't that much. I don't know why we can't tweak that."

- Aug. 30, 2006

Stop it in the root zone

A visit to Wisconsin gave soil scientist Frank Gibbs additional hope for the future.

"They have some really good things going on there," he said.

For example, the custom manure applicators have formed an association. They have standards and training, for those who choose to join the group. They work closely with the EPA. They practice cleanup of spills for when something goes wrong.

Gibbs was impressed with the beautiful crops growing on rolling hills. The key was the soil.

"They've got hay and they've got alfalfa and they put manure on it," he said.

In this area, it's almost always corn and soybeans, year after year. It's the root system of a plant such as alfalfa that breaks up the soil to prevent compaction.

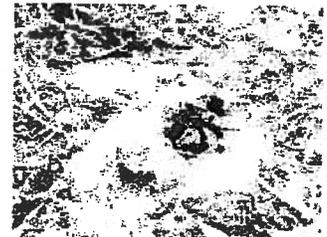
Custom applicators have to work with what they're given, Gibbs said, and sometimes control structures are in order. Gibbs has built shut-off valves at the property line to stop the flow of liquid manure. A catch basin is added to collect the flow—a septic tank will do the job—and the manure can be pumped out and applied in a safe area between tile lines.

It's just a Band-Aid approach, Gibbs said, not a solution, but it's better than using rubber tile plugs in which case a farmer has no idea if the manure has left the tile. Besides, he asks, do we know where all the tile is? And if we miss one, who's fault is it?

That's when the arguing and finger-pointing begins. When manure flows into a drain, who is at fault—the farmer who owns the animals, the owner of the land where it's being applied, or the person in charge of the application?

"If we do it the wrong way," Gibbs said, "it's going to be a mess."

Any time manure enters a tile line, it's wasted. At that point, Gibbs said, the nutrient is too deep to be



absorbed by plants.

"We have to stop it in the root zone," Gibbs said.

Smoke test highlights no-till

As a long-time proponent of no-till farming, Frank Gibbs often tries to convince other farmers to give it a try.

One of his early attempts was to dig out a cubic foot of his no-till soil and place it next to a sample from his neighbor's sugar beet field that suffered from a lot of compaction due to trucks. Then he would pour a bottle of water onto each and watch it soak into his soil and run off his neighbor's.

"It was kind of hokey," Gibbs said. "Farmers would say, 'You're from the government. You probably poked holes in it.' I needed a different way to show the value of no-till."

He remembered a blower contraption a friend created for planting beans—it never worked right—and as a fan of Red Green, Gibbs got out the duct tape to rig up a device for blowing smoke into a tile line.

"I could make smoke come out of millions of worm holes," he thought.

The smoke test shows good soil conditions and at the same time, it shows the avenue that liquid manure takes to reach tile lines. It takes the easiest route, Gibbs said, the path of least resistance. Through worm holes and cracks in the glacial till, manure can quickly make its way to tile.

To set up the Center of Excellence Field Day at Bakerlads Farm, Gibbs dug a hole to reach a tile line. He found two hand-laid tile lines, then a plastic line, then another older line. Tile is everywhere.

He set up his blower, dropped in a smoke bomb and watched for smoke to start rising out of a soybean field. Smoke started to run toward the bean field, but the line made a turn and headed back into the cornfield. That's the trouble with tile lines, he said, you never know how many there are or where they end up.

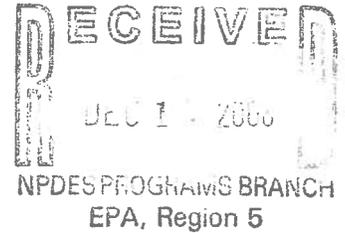
Watching smoke rise out of the soil is a great demonstration, Gibbs said, and a real attention-getter.

"It's hard for folks to deny this stuff happens when there's smoke coming up under their feet."



Comments Due Dec. 16, 2008(Postmarked)
Additional information at: <http://www.epa.gov/region5/water/npdestek/odacafo.htm>.

Matt Gluckman
EPA Region V
Water Division(WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604



Re. Transfer of CAFO NPDES permitting form OEPA to ODA

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[Redacted]
Sincerely: [Redacted]

Name(Also print address below)

[Redacted]
[Redacted]
[Redacted]
Harbor View Ohio 43434

Comments Due Dec. 16, 2008(Postmarked)
Additional information at: <http://www.epa.gov/region5/water/npdestek/odacaf.html>.

RECEIVED
DEC 11 2008
NPDES PROGRAMS BRANCH
EPA, Region 5

Matt Gluckman
EPA Region V
Water Division(WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604

Re. Transfer of CAFO NPDES permitting from OEPA to ODA

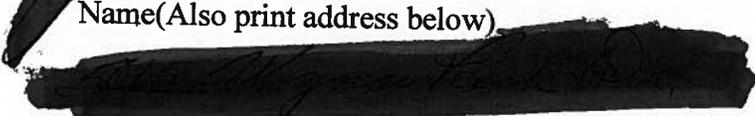
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Sincerely:


Name(Also print address below)


Oregon, Phs 43616-3889

RECEIVED
DEC 1 2008

December 15 2008
NPDES PROGRAMS BRANCH
EPA, Region 5

Matthew Gluckman

U.S. EPA Region 5

77 West Jackson Blvd

Chicago, Illinois 60604-3590

Dear Sir:

I am writing in OPPOSITION to the proposed transfer of regulatory power of megafarms from the EPA to the Ohio Department of Agriculture.

I am a resident of Bowling Green in Wood County Ohio. I have witnessed the growth of these mega dairy farms in our rural county and the environmental damage that has been done and will be done by them. Unfortunately, our state Department of Agriculture has done little to regulate/monitor them often changing regulations to meet the farms' changing needs.

I believe that a second public hearing and an extension of the public comment period is warranted because of the grave, often irreversible damage that can be done by the proliferation of these farms. Transferring regulatory power to Ohio's Department of Agriculture is a tragic mistake.

Sincerely,


Joanne A. Navin


507 Harvest Lane

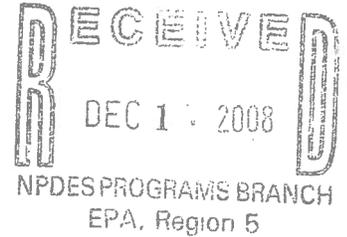
Bowling Green, Ohio 43402


jnavin@bgsu.edu

Comments Due Dec. 16, 2008(Postmarked)

Additional information at: <http://www.epa.gov/region5/water/npdestek/odacafo.htm>.

Matt Gluckman
EPA Region V
Water Division(WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604



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Sincerely:

A thick black horizontal bar redacting the signature of the sender.

Name(Also print address below)

A thick black horizontal bar redacting the first line of the address.

A thick black horizontal bar redacting the second line of the address.

Swanton, OH

43558

GUCKMAN,
U.S. EPA

[REDACTED] TOLERO 04 43615

12-12-08

PLEASE DO NOT

ALLOW THE OTHD DEPARTMENT
OF AGRICULTURE TO ENFORCE CRO
ENVIRONMENTAL REGULATIONS,
SINCE THE ODOA PROMOTES
CAFOs, AND THIS IS CLEARLY A
CONFLICT OF INTERESTS.

I LOOK FORWARD TO A
FUTURE IN WHICH CAFOs WILL BE
OUTLAWED AND BANNED, AND THEIR
DANGERS TO LAND, AIR, WATERSHEDS,
ANIMALS, PEOPLE, MEDICINE (ANTI-

DISEASE-RIDDEN 'ANIMAL FACTORIES' THREATEN AMERICA'S BIO-SECURITY!

* **Salad Greens Infected by Livestock's *E. coli*, ninth time in ten years**

(Perhaps you, too, were confused by the [Sept. 2006] spinach debacle. We are unfortunately accustomed to hearing about *E. coli* in ground beef and other meat products. But how did *E. coli* get into bagged spinach? ...how does produce from four fields [in CA] come to infect more than 200 people, killing three, in 26 states. How does [irrigation] water come to be contaminated? ...huge industrial-scale cattle operations create huge amounts of manure... when it rains, the piles leach into waterways... *E. coli* accompanies it into the water. ...the system that moves produce efficiently also moves pathogens, pesticide residues, and other contaminants.): [from "Killer Spinach" by Caitlin O'Brien, p.25-27, *Earth Island Journal*, Winter 2007] (No one disputes that Salmonella, Campylobacter, E. coli and other bacteria that sicken, cripple, and kill U.S. consumers, stem from factory farms.) [p.118 Robbins*]

* **Cruelty to Animals = Cruelty to Workers, Communities, Consumers**

(Livestock, unlike pets, have no legal protections. When freedom-loving animals which traditionally foraged on grassy pastures, are incarcerated in cages or pens... too cramped to move, inhaling ammonia fumes from the waste of thousands of other crammed-in livestock, suffering painful diseases, ingesting feeds containing sedatives, antibiotics, animal waste, pesticide residues... their intestines become breeding-grounds for dangerous mutant microbes that transfer to humans via airborne dust, contaminated water and food products, etc.)

* **Property Values Plummeting Wherever CAFOs Are Built**

(We can't sell our house-- no one will buy anywhere near a CAFO. Our rural communities are being ruined.): [Wood Co. resident] CAFO = *Confined Animal Feeding Operation*

* **Air Pollution Aggravated by 'Worse-than-Manure' Fumes**

(Liquefied manure, awaiting application to farm fields, is stored in enormous open 'lagoons' with gagging stench that reeks for miles & attracts disease-carrying flies.) (Manure spread on fields under contract, multiplies stench, flies & dust plaguing residents.) ('Toxic gases from manure cause asthma, bronchitis, eye nose-throat irritation, nausea, diarrhea, headaches, mental impairment'): [Univ. of Iowa swine farm studies]

* **Ohio Water Sources Contaminated by Manure Runoff from CAFOs**

(330,000 dead fish linked to livestock, according to Ohio wildlife officials): [p. 4, *Giving Away the Farm* -- Environmental Integrity Project, Wash.D.C., Oct. 2006] (Researchers fear Lake Erie and Bowling Green water-intakes may become contaminated.)

* **Water Supplies Depleted by Confined Livestock Operations**

(900 gallons of water to produce one gallon of milk): [United Nations FAO report, *Livestock's Long Shadow*, published by U.N. Food & Agriculture Org. in 2006, 400pp.] (With water tables dropping worldwide, we cannot squander clean water on livestock): [Annin*]

* **Sickness & Death, Financial Strain on Victims' Families & Hospitals**

(U.S. Center for Disease Control estimates food-borne microbial disease causes annually 5,000 deaths, 325,000 hospitalized, 76 million sickened, and up to \$83 billion in pain and suffering, reduced productivity, and medical expenses.): [Bugs Are Breaking Out All Over p.4 *Nutrition Action* Dec. 2006, pub. by Center for Science in Public Interest, Washington DC]

* **Mega-Dairies and other 'Animal Factories' Violate International Treaties Banning 'Germ Warfare'/'Biological Warfare' -- also Violate Citizens' Constitutional Rights to Safety of Person and Property, Tranquility, Protection from Cruel & Unusual Punishment**

[American Experience: *The Living Weapon*, PBS 2-5-07; U.S. Const. Preamble. Am's 4, 8] (European countries that banned CAFOs quickly reduced microbial deaths): [p.133 Robbins*]

* **Thousands of Small Farmers Driven Out of Business by CAFO Invasions**

[60 Minutes' Mike Wallace interviews re.U.S. Farm Bureau; *And On This Farm: Hog Factories in Missouri*, Field Pictures, 1998; *Living a Nightmare: Animal F's in Michigan* (Sierra Club)]

* **Local Communities, Lacking Power to Collect Damages from CAFOs, Are Forced to Clean Up Toxic Spills, Repair Damaged Roads, Treat Diseases#**

(The Supreme Court of the State of Iowa declared unconstitutional the state's 'Right to Farm' laws which have exempted 'Animal Factories' from lawsuits and damage claims.) #[films above]

* **Federal Subsidies, Tax Abatements, Regulation Expenses, Hurt Taxpayers**

(The federal government uses taxpayer dollars to subsidize pesticides, irrigation, animal-feed, waste-management, disease control... crop losses, high animal mortalities.): [p.24 Fox*]

Many farm animals are chained in individual cages so small they cannot take a single step in their entire lives.



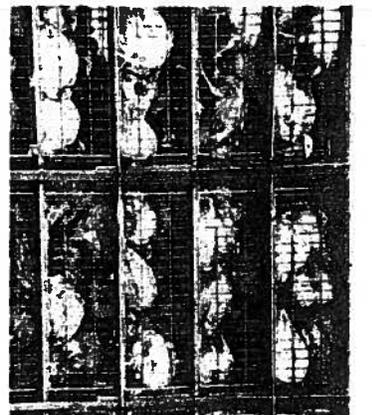
The cages in which pigs are confined barely allow any movement at all.



More than 99 percent of the hens who lay the eggs eaten in the United States are debilitated and kept in cages where the excrement from the birds in the upper tiers collects above them, often falling through onto their heads.



Turkey accommodations aren't exactly spacious.



[REDACTED]
Perrysburg, Ohio 43551

December 5, 2008

Mr. Matt Gluckman
EPA Region V
Water Division(WN-16J)
77 W. Jackson Blvd.
Chicago, Illinois 60604

RECEIVED
DEC 15 2008
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Enclosed is a satellite picture following a June, 2006 rain, showing sediment runoff in Maumee Bay, an estuary of the Maumee River. This is not an unusual occurrence. Landowners must keep the sediment and untreated manure water on the land, **NOT IN THE WATER!** No CAFO discharge is essential!

ODA is by its nature and name is an advocate for agriculture. OEPA is by its nature and name is an advocate for the environment. Therefore to keep a balance in the administration of agricultural programs with check and balances in the administration of environmental programs, NPDES permit authorization for CAFO's should be kept with OEPA.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Perrysburg, Ohio 43551-1082

MAUMEE BAY
Enclosure - Maumee River estuary satellite picture, etc.

*Dear Matt -
at the Columbus Public Hearing
I spoke with you; and promised
to send you this picture*

[REDACTED]

By DAVID GREEN

Don't blame tile lines for discharges of liquid manure into drains, says soil scientist and farmer Frank Gibbs, and don't blame the rich soil with its worm holes leading to the tile.

Put the blame on the watered down manure. That's where the problem lies.

Gibbs, from the National Resources Conservation Service office in Findlay, Ohio, spoke to farmers last Wednesday at the annual Center for Excellence Field Day at Bakerlads Farm north of Clayton.

Gibbs told how he came to this conclusion several years ago, after he got a call from a producer in Ohio who had a problem. He was applying manure from his swine operation at only about half the recommended rate, but it was still finding its way into tile and drains.

A DNR officer told the farmer that he wouldn't cite him for discharges this time, but it had to be stopped.

"I went down there thinking I'd see big cracks in the ground," Gibbs said, "but the soil moisture was ideal. Impeccable shape. I saw lots and lots of night crawler holes and I thought, 'My God, could this be what's going on here?'"

Gibbs got ahold of some dye—similar to the kind used to check for leaks in a toilet tank—dumped it into the manure lagoon and agitated the mixture. After he dug down to a six-inch tile, manure was injected into the soil with a drag line. The tile was dry when the experiment began.

"We wondered how long it might take to percolate down to the tile lines. Twenty minutes? Should we go to lunch?"

There was no time for lunch, Gibbs said. The dye was there within seconds, and every time a pass was made over a lateral tile line, another pulse of colored liquid came through.

Gibbs wondered if the pressure from the applicator pump was the cause, so they next tried a gravity-feed system. Same problem. One more idea came to mind. This time they avoided the watery manure from the lagoon and loaded some of the thicker slurry from the pit under the hog barn.

"It didn't go anywhere," Gibbs said. "It behaved like manure. We dug up some areas with a back hoe and it was laying right where it was shot."

He knew then not to fault the tile nor the healthy soil.

"The problem is simple. We're watering manure down to where it behaves like water. Let me repeat that. We're watering manure down to where it behaves like water. You don't need to be a rocket scientist to understand that."

Gibbs has heard the suggestion that no-till soil is at fault. Get rid of the worm holes and there's no conduit for the manure.

Not true.

THIS IS STILL BEING APPROVED !
BY ODA
IS THERE ANY DOUBT THAT LIQUID MANURE
IS IN LAKE ERIE? OUR WATER INTAKE
DID IC NEARLY AT ANCHOR POINT !

"Preferential flow will occur in conventional tillage through cracks and around the soil structure," he said. "We need to stop confusing the issue with tillage. The issue is that we're adding too much water."

This is a situation that needs to be addressed, Gibbs said.

"We need to keep on top of this. We really do. I think some basic research could solve the problem."

Maybe the percentage of solids needs to be up to four or five percent, he said. Or, from what he learned in Europe, even higher.

The Dutch method

With so many Dutch farmers investing in this area, Gibbs decided to take a trip to the Netherlands to see how they farmed in that country. He was in for a surprise.

He didn't see any of the watered down manure that the large dairies are using here. The solid content was at about eight percent.

He noticed a plastic membrane spread over a storage lagoon with rain water waiting to be pumped from an overnight storm. Gibbs figured it was to keep the water out of the lagoon, but he was wrong. It was to control odor.

Gibbs watched as a farmer loaded his applicator with manure and inserted a paper form into equipment that recorded his position by GPS. Once in the field, additional data was stamped onto the form. A sample bag of manure was collected to send for analysis by a government agency.

If manure exceeds the allowable nitrate rates, Gibbs was told, the farmer receives a bill from the government.

The Dutch farmer joked about having one government official for every farmer, but it isn't the heavy regulation that's hurting agriculture in Holland, he said, it's simply a lack of space.

Gibbs returned home knowing that the practice of watering down manure didn't come from Europe.

"That's our technology," he said. "We're going to all the work of writing up Comprehensive Nutrient Management Plans and then where does it go? Into the tile. We just need a little bit of research to figure this thing out so we don't have to scrap the whole thing."

Gibbs said he's made attempts to urge agricultural agencies to study the issue, but it's never gone far.

"Everybody's going off in other directions," he said. "We need to work together. We don't have to destroy our soils. We don't need to rip our tile out."

"What we should do is look at solids. Eight percent isn't that much. I don't know why we can't tweak that."

- Aug. 30, 2006

Stop it in the root zone

A visit to Wisconsin gave soil scientist Frank Gibbs additional hope for the future.

"They have some really good things going on there," he said.

gibbs.smoking-earth For example, the custom manure applicators have formed an association. They have standards and training, for those who choose to join the group. They work closely with the EPA. They practice cleanup of spills for when something goes wrong.

Gibbs was impressed with the beautiful crops growing on rolling hills. The key was the soil.

"They've got hay and they've got alfalfa and they put manure on it," he said.

In this area, it's almost always corn and soybeans, year after year. It's the root system of a plant such as alfalfa that breaks up the soil to prevent compaction.

Custom applicators have to work with what they're given, Gibbs said, and sometimes control structures are in order. Gibbs has built shut-off valves at the property line to stop the flow of liquid manure. A catch basin is added to collect the flow—a septic tank will do the job—and the manure can be pumped out and applied in a safe area between tile lines.

It's just a Band-Aid approach, Gibbs said, not a solution, but it's better than using rubber tile plugs in which case a farmer has no idea if the manure has left the tile. Besides, he asks, do we know where all the tile is? And if we miss one, who's fault is it?

That's when the arguing and finger-pointing begins. When manure flows into a drain, who is at fault—the farmer who owns the animals, the owner of the land where it's being applied, or the person in charge of the application?

"If we do it the wrong way," Gibbs said, "it's going to be a mess."

Any time manure enters a tile line, it's wasted. At that point, Gibbs said, the nutrient is too deep to be absorbed by plants.

"We have to stop it in the root zone," Gibbs said.
Smoke test highlights no-till

As a long-time proponent of no-till farming, Frank Gibbs often tries to convince other farmers to give it a try.

gibbs.lighting One of his early attempts was to dig out a cubic foot of his no-till soil and place it next to a sample from his neighbor's sugar beet field that suffered from a lot of compaction due to trucks. Then he would pour a bottle of water onto each and watch it soak into his soil and run off his neighbor's.

"It was kind of hokey," Gibbs said. "Farmers would say, 'You're from the government. You probably poked holes in it.' I needed a different way to show the value of no-till."

He remembered a blower contraption a friend created for planting beans—it never worked right—and as a fan of Red Green, Gibbs got out the duct tape to rig up a device for blowing smoke into a tile line.

"I could make smoke come out of millions of worm holes," he thought.

The smoke test shows good soil conditions and at the same time, it shows the avenue that liquid manure takes to reach tile lines. It takes the easiest route, Gibbs said, the path of least resistance. Through worm holes and cracks in the glacial till, manure can quickly make its way

to tile.

To set up the Center of Excellence Field Day at Bakerlads Farm, Gibbs dug a hole to reach a tile line. He found two hand-laid tile lines, then a plastic line, then another older line. Tile is everywhere.

He set up his blower, dropped in a smoke bomb and watched for smoke to start rising out of a soybean field. Smoke started to run toward the bean field, but the line made a turn and headed back into the cornfield. That's the trouble with tile lines, he said, you never know how many there are or where they end up.

Watching smoke rise out of the soil is a great demonstration, Gibbs said, and a real attention-getter.

"It's hard for folks to deny this stuff happens when there's smoke coming up under their feet."

Close Window

DEADLY BUG INVADES OUR TOWNS

102600
BLADE
Sun. 12/7/08

Ranit Mishori

FEW YEARS AGO, I BEGAN noticing an unusual number of patients coming in with what they described as spider bites.

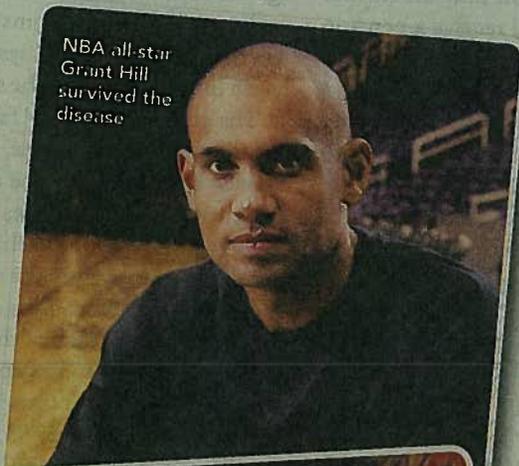
In clinics and emergency rooms across the U.S., colleagues were seeing it, too: Young people and male, complaining about a skin sore, often red and swollen, somewhat painful. The only thing was, very few recalled being bitten by a spider or insect.

In most of these cases, it wasn't an insect—a bacterium called methicillin-resistant *Staphylococcus aureus*, better known to doctors as MRSA. These patient complaints are what is now a MRSA epidemic.

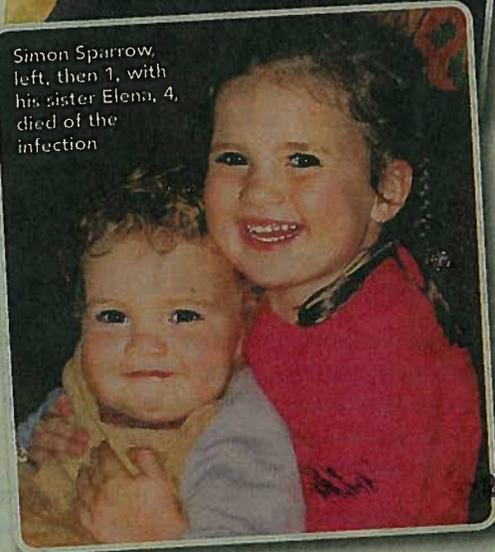
A recent article in the *Journal of the American Medical Association*, MRSA caused more than 94,000 infections and nearly 19,000 deaths in one study in *The New England Journal of Medicine*. MRSA 59% of the time when adults were in hospital rooms with skin infections.

It has been plaguing our hospitals. It kills by infecting the blood and lungs of patients or those recovering from surgery. Most doctors knew—or thought—that a hospital patient in weakened condition was going to find you.

It's getting true," says Dr. Robert Daum, an infectious-diseases specialist at Northwestern University in Chicago. "Hospital transmission is driving the epidemic disease we see today. New strains of MRSA have been born in hospitals and are finding anybody and everybody. It includes, says Dr. Rachel Gorwitz



NBA all-star Grant Hill survived the disease



Simon Sparrow, left, then 1, with his sister Elena, 4, died of the infection

An infection that resists antibiotics has been finding new victims

of the Centers for Disease Control and Prevention, "otherwise healthy people in the community, including children."

Consider Susan Wagoner, 49, a businesswoman from Scottsdale, Ariz. MRSA first appeared as a small abscess on her upper leg. Even though she was treated with antibiotics, the abscess grew larger, and then another one developed elsewhere. The pain became excruciating. As weeks turned into months, her illness forced Wagoner to quit her job, and she says, "I began looking into funeral arrangements."

Grant Hill, the NBA all-star, contracted MRSA a few years ago as a skin infection near his ankle, and he had to spend a week in the intensive-care unit. "I was lucky to survive," Hill says.

Not so lucky was an 18-month-old in Chicago named Simon Sparrow, in good health before MRSA got into his lungs. Once it took hold there, even the most aggressive treatment could not rescue the toddler.

These new strains of MRSA—not all as deadly as the one that afflicted Simon—are showing up all over the community: in homes, schools, gyms, military bases, prisons, or any place people get in close proximity with each other. They are transmitted through skin-to-skin contact with uncovered infections, such as shaking hands or bumping up in a football game. MRSA also can spread by sharing objects that are contaminated: towels, clothing, and razors. Indeed, the pattern of infection has earned this variant of the bug a new name: CA-MRSA, for community-associated.

The infection usually shows up as a skin sore. At that point, it's generally not life-threatening and can be treated by draining the pus, with or without antibiotics. The only problem is that the antibiotics used for most bacterial infections won't work.

It's the R in MRSA, which stands for "resistant," that tells the story. Just after antibiotics were introduced, tiny organisms—*Staphylococcus aureus*—became "immune" to our first line of antibiotic drugs. These variants survived, thrived, and spread. "Staph Aureus is a very smart bug," says Dr. Daum. "It figured out every antibiotic that humans have thrown at it and has developed resistance mechanisms to them one by one."

The nightmare scenario is a world in which we don't have a pharmaceutical answer for some of the most common germs making us sick. Our experience with MRSA and other infections suggests we've taken a step or two in that direction. The current epidemic, says Dr. Daum, has put "tremendous pressure on our antibiotic treatment armamentarium."

Still, it is way too soon to panic. In most cases, doctors can find drugs that kill the bug. Some—such as Bactrim,

continued

PHOTO BY JEFF NEWTON (HILL)

clindamycin, and tetracycline—haven't commonly been used to treat staph infections. There's also a range of super-powerful antibiotics that have been used successfully in hospitals.

Yes, bugs are smart, and we can't change that. But the resistance of bacteria also stems from human misuse. We all know people who want to take antibiotics even though their infection is likely caused by a virus. Or doctors who prescribe antibiotics just because patients demand them. Or people who use leftover antibiotics given to them by friends and relatives. Or people who fail to finish the entire dose of a prescription, allowing the "toughest" germs to survive and reproduce.

Many experts believe that antibiotics given to animals also contribute to the development of resistance in humans and that the use of antibacterial soaps is another problem.

Just the other day, a patient came to see me with an infection on her chest. When I mentioned MRSA, it scared her. "Is it that bad bug I've heard about?" she asked. I told her "yes" but was able to add, "This is still something we can take care of." The question is, how long will that be true? ■

HOW TO PROTECT YOURSELF

- Know the signs of MRSA. A staph infection may appear as a boil, bump, or insect bite.
- See your doctor if a skin lesion becomes red, warm to the touch, is filled with pus, painful, or accompanied by a fever.
- Wash your hands regularly. Plain soap and water or alcohol-based gels (with at least 60% alcohol) are enough.
- Do not share personal items, such as towels or razors.
- Cover all cuts and scrapes with a bandage until they heal, especially if the wound oozes pus.

Doctoring dairy farm practices questioned

By **BILL RYAN**
Sentinel Farm Editor

Bigger is not always better, especially when it comes to large-scale livestock operations.

At least, that is the view of members of the Pew Environmental Group and Ohio Environmental Council who are touring Ohio to help raise awareness of problems and potential problems they see with the operation of most concentrated animal feeding operations, often referred to as CAFOs.

One of the greatest concerns and one which has not received a great deal of publicity is the danger of antibiotic resistant bacteria.

"The danger signals are right in our face," said Bill Niman, a cattle rancher from California who served on the Pew Commission on Industrial Farm Animal Production.

The commission released its report in April following two years of research. There were 24 consensus recommendations including the ban of the use of antibiotics in food production except for therapeutic purposes.

Antibiotics are frequently used routinely at CAFOs to minimize disease and as a growth-enhancer, or to increase milk production in dairy cows.

Ellen Mee, director of environmental health policy with the OEC, said, "The vast majority of antibiotics used in the United States are actually used in animal agriculture, rather than human medicine."

She noted warnings from disease control and health agencies which stress the need to conserve the use of

(See FARMS on 5)

www.sentinel-tribune.com

Friday, December 5, 2008 - Page 5

LOCAL/NATIONAL

Farms

(Continued from 1)

"We have to be aware of the risks. ... It's the constant low doses of antibiotics that creates that perfect atmosphere of antibiotic resistance," Mee said.

She added the environment which develops in and around large-livestock operations, especially around manure storage lagoons, creates the "perfect reservoir" for antibiotic-resistant bacteria. That bacteria then can develop human diseases which can be picked up and spread by workers to their families and beyond.

The more antibiotics used, the greater risk of the development of resistant strains of bac-

teria including methicillin-resistant staphylococcus aureus, or MRSA.

Mee stressed what the Pew Commission indicated was not a ban on the use of antibiotics in the livestock industry.

"We need to be clear on this. We are not suggesting that antibiotic use should be prohibited," she said, adding, "The non-therapeutic use simply cannot be continued. It cannot be justified."

According to the group, the people and governments of Europe are ahead of America on this matter as such use of antibiotics is not permitted in most countries of Europe.

Niman noted, "The Europeans

looked at the same data and came to a diametrically opposed conclusion."

Smaller farms do not use the antibiotics as frequently due to the nature and size of the operations.

"It's really sometimes hard to get your head around," said Bob Martin, executive director of the Pew Commission. "It's really a much more explosive situation than anyone is aware of."

Similarly, members of the commission cited dangers in the application of the liquid manure to fields and the potential for pathogens and hazards posed in that aspect of CAFOs.

The recommendation is to

use the manure in a solid form, which can better be used by the crops without a larger potential disaster posed by liquid runoff, tiles and other routes to the water supply.

The group shared many other concerns including the recent change which will allow the Ohio Department of Agriculture to take over the environmental inspection aspect from the Environmental Protection Agency.

Tom Bullock, a councilman with the City of Lakewood and member of PEG, said the oversight is needed in order for "the regulators to save the industry from itself."

Matthew Gluckman
U.S. E.P.A.

Dear Sir:

Please, Please, NO
change in the oversight
regulations of the E.P.A.
in our state, Ohio. We
need their expert experience
to protect our water
supply, our air and
the very health of our
citizens.

The Dept of Agriculture

has no interest in these
important issues.

Keep the S.P.A. in
charge!

Thank you,
[REDACTED]

P.S. I speak for the League
of Women Voters of Perrysburg
and

the Country Garden Club,
member of Garden Club of America



Perrysburg, OH 43551-2127

December 15, 2008

Matt Gluckman
EPA Region 5 Water Division
NPDES Programs Branch (WN-16J)
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Gluckman,

I would like to go on the public record stating that I oppose transferring the authority to administer the Clean Water Act National Pollutant Discharge System (NPDES) Program for concentrated animal feeding operations (CAFOs) to the Ohio Department of Agriculture (ODA). I also oppose your decision to deny an extension of the commenting period. While 6,000+ comments may already be received by EPA, many more would be sent if the comment period were to be extended. I hope this action was not to limit the responsiveness summary so that this decision will be made during the last days of the Bush Administration which has a deplorable environmental record.

It is my belief that ODA does not have the expertise or the integrity to protect public health and our environment. ODA has consistently acted in the best interests of the AG industry and the AG lobbyists. ODA has worked with Farm Bureau and their lobbyists to first take over the regulatory control of cafo's, then moved on to strip all local control from the communities that are forced to host these cafo's, and now they are asking for authority to administer the Federal Clean Water Act National Pollutant Discharge System (NPDES) Program. Just the very thought of this sends shivers down my spine. It makes one wonder how this thought could not only be entertained but be taken seriously! The Federal Clean Water Act NPDES program protects our water quality. ODA does not have the staff, the experience, the knowledge or the integrity to carry out such a significant duty. On that basis they should be denied this transfer request.

A state department of agriculture should NEVER be granted environmental regulatory oversight of CAFOs. The Ohio Department of Agriculture is charged with promoting the industry and therefore should not and cannot effectively be trusted to regulate the very industry that it is promoting. It is a clear conflict of interest. This is a door that should never have been opened. I can promise you that granting this authority will set a dangerous precedent in the United States. Many states are watching this and should this transfer be granted, many states will follow. This door should not only remain closed but the door should be locked forever with the keys thrown away!

Since ODA was granted authority over cafo's, their self proclaimed "stringent" rules have been consistently weakened to the point that they no longer resemble the rules that OEPA had previously enforced. Time and time again, as complaints are registered against facilities in Ohio, ODA chooses to not enforce the rules, but to change the rules to bring the offending facility into compliance. A series of "warning letters" may be sent, but ultimately, there is no violation, no fines, and no deterrent for future violations. Not only is this not acceptable, this is gross negligence.

I attended all the public meetings for the Reyskens Dairy, Naomi Dairy, and Green Dairy. Each time ODA officials spoke for the dairy and for the family that would operate the dairies. Never did these folks speak for themselves. Kevin Elder and other ODA staff spoke about the facilities and described what they were allowed to do and what they were not allowed to do. We took notes and we video taped these meetings. We have copies of the permits, the maps and the rules. We studied them diligently. What is happening is NOT what they said would happen.

I will now speak on my personal experience with the Reyskens Dairy located 2 miles from my home.

I appealed the permits for the Reyskens Dairy, along with several of my neighbors. Our appeal originally had 18 errors of assignment. We spent \$36,000 for legal fees, expert witnesses, etc. By the time we appeared before the Environmental Review Appeals Commission (ERAC) we were down to a handful of errors of assignment mostly because the attorney for the dairy was trying to bankrupt us. We had our week in court which was a mockery of our judicial system. The ODA did not defend themselves. They allowed the attorney for the dairy, hired by Vreba Hoff to defend them. There was a room full of attorneys (a tag team) against 5 citizens. It was then that we learned that all the rules had recently been changed, mostly to negate our allegations. These rule changes did not benefit the citizens who would be affected, they benefited the facility and ODA. Ultimately, ERAC agreed with Vreba Hoff's attorney and ODA that there was no fraud, no errors of assignment even though there were clear admissions of fraud in the testimony of the witnesses. Our hydro geologist expert dug a test hole next to where the lagoon would be and found vertical fractures and macro pores and testified that these would allow manure to leach into the aquifer. Their expert hydro geologist who was from Canada, never even visited the site. The engineer for Vreba Hoff and the dairy admitted that soil samples were not conducted by his staff but were conducted by Mark Drewes, the cooperating farmer and that there was not a sample conducted every 25 acres as the rules state. Numbers were just randomly inserted. Also during testimony, agronomic rates came into question and it was proven that there would be over application of nutrients. The buffer between the bottom of the lagoon and the top of the aquifer was discussed at great length during testimony. The rules relating to this buffer has consistently been reduced to fit the site. There is no such thing as a bad site. The engineers can make a square peg fit a round hole and since the director now has discretion, all is well. They also admitted that there are no contracts for the land that will accept the manure. This means that land can come and go and that there is no proof that the facility actually has enough acreage to apply the manure to agronomic rates as required by the rules. Basically, this is just waste disposal disguised as agriculture. Anyhow, with all those admissions and evidence that was submitted as testimony, ERAC still found in favor of the industry. There was much pressure from Farm Bureau and Governor Taft's people for ERAC to rule in favor of the ODA. The good ole boy network came through again.

From all of this came a new battle. On day three of testimony, Chris Carey of Hull and Associates, hired by Vreba Hoff testified about the available acreage for land application of manure. He went home and sent an email to ODA and Vreba Hoff stating that the land application maps should no longer be part of the permit requirements. Vreba Hoff and Hull & Associates pressured ODA until they changed the rules. Access to the land application maps for the Naomi and Green dairies were denied because of "trade secrecy". Another lawsuit came about to obtain those maps as a public right to know. This is just ONE example of the AG industry flexing their muscles to influence ODA and their rules. We are not vigilantes as Mr. Carey suggests, we are community members who have a right to know. **See attached copy of the email.*

The facility was built and began operation in mid-August 2006. October 2006, I called in a complaint and followed up with an email with photos and the weather report. See attached copies from ODA obtained by a Freedom of Information Act (FOIA) request. I find it amazing that ODA was the first agency emailed and they claim to have not received it. Second, I sent photos and the weather forecast which is not mentioned. The weather forecast was for 90% chance of rain during the time the land application was occurring. The photos clearly showed that it was in fact raining at the time the land application was taking place. Severe thunderstorms were forecast. I felt they did not take this seriously. Does it really matter that the manure was gifted to OSU? Does that still make it ok to land apply during a rain event? Does working of the ground prior to land application make it ok to not incorporate it after the application of manure? Their findings were that no violation occurred. This is all contrary to what we were told they could and could not do during the public meetings.

January 2007 I emailed ODA with questions. A neighbor had taken photos of hand dug trenches at the Reyskens Dairy allowing flood water to leave the site into the ditch. Again, there was no violation found.

**There was another such event reported during the spring/summer of 2007 in which land application had been ongoing for at least 4 weeks to one field. Heavy rains came before any incorporation took place. Hand dug trenches allowed the water to leave the site. ODA was called, they did not fill out a complaint form but said clear water was leaving the field and it was ok. The water leaving the field was brown and foamy and had a bad smell. Water samples were taken and contained E-coli. ODA has no record of this because they did not record the complaint. I also obtained the records from the dairy via a FOIA request for this period. The records showed they land applied about two weeks and incorporated several times. Much different than what the neighbors and myself observed. *I would be more than happy to locate the documentation for you.*

February 2007 I called in another complaint from a neighbor who reported seeing land application on frozen snow covered ground. Also manure spilled onto the road and the neighbor collected manure in a jar for sampling. ODA made no attempt to obtain the manure sample from the neighbor. Again, there was no violation because ODA claims to have given the dairy permission for land application on frozen snow covered ground. **See attached copies.*

May 2007 Larry Heilman and Sue Torrey both made a complaint about the dairy spreading manure about 20-25 feet from 2 water wells on their property. A warning letter was sent even though they acknowledged that there was a violation of 901:10-2-14, Appendix A Table 2. It is worth noting that Mr. Rodabaugh who investigated this incident made remarks to Mr. Heilman such as "why do you care, it is not your well". Mr. Heilman stated that it may not be his well but it is his aquifer. It is clear that the dairy isn't familiar with the rules that they are to be following.

This is just my story. There are thousands more like this around our state. Some are much more severe. We watched the Buckeye Egg scandal for years. We've watched what has happened in other states such as Michigan with over 150+ violations. This is not just an Ohio decision. What you decide here will extend across the United States. During the many public meetings, citizens testified to the thousands of abandoned and un-capped oil wells in Wood County in fields that will be receiving manure. A lagoon being built over and active earthquake fault line, in a flood plain on top of bedrock are a few other engineering marvels ODA staff has approved. The citizens are referred to as chronic complainers or city slickers who should move back to the city. But in fact we are farmers and rural citizens who grew up in the area with many of our families dating back to the early 1800's. We are assets to our environment as

we live there and can recall these features such as abandoned uncapped oil and water wells. It is a shame that ODA has dismissed this valuable information.

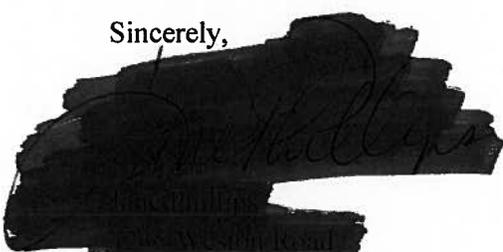
I am attaching a copy of the report "Giving Away the Farm" by the Environmental Integrity Project in Washington. It clearly outlines the lack of enforcement of violations reported to ODA. I would like to provide you with copies of the depositions from our appeal, the transcripts of our appeal along with other documentation of the fraudulent actions of the ODA. I do not have the time to get all of this documentation to you prior to the deadline. I do feel it is very important for you to see as it should have some bearing on your decision.

You may feel that my comments are irrelevant to the transfer of authority to ODA. My comments are my personal experiences and clearly show fraud, the lack of accountability and integrity with the entire Livestock Environmental Permitting Program and ODA staff. If I, as a citizen can show even a small amount of fraudulent behavior at ODA, just imagine what would be found if there was a full investigation! It has been shown that ODA is reluctant to issue notices of violation. They like to brag about their stringent rules that every cafo is supposedly following because there are no violations in Ohio. Just ask them.

I hope and pray that you will take all this information to heart and have the fortitude and integrity to reject the pressure from the AG industry. Our environment, our water, our wildlife, our rural communities, our health, and our children's futures are all in your hands. I hope you take seriously your oath to protect the environment as you make this critical decision that will impact every United States citizen for the rest of our lives. I sincerely hope you will not be an accomplice to ODA's "one stop shopping" madness for cafo's and the further weakening of the last rules that protect our precious waters and wildlife.

*I swear that all information contained in this letter is true and accurate to the best of my knowledge.

Sincerely,



Custar, Ohio 43511



Enclosures:

Copy of email from Chris Carey
ODA Complaint October 6, 2006
ODA Complaint January 11, 2007
ODA Complaint February 23, 2007
ODA Complaint May 10, 2007
EIP Report: Giving Away the Farm

[REDACTED]

From: [REDACTED]
Sent: Thursday, February 09, 2006 10:47 PM
To: [REDACTED]; [REDACTED]
Cc: [REDACTED]; [REDACTED]
Subject: Green Dairy CNMP

[REDACTED] Kevin and Gary

We are currently revising the Green Dairy CNMP to incorporate the 1 sample per 25 acres. Due to the pressure or public perception in Wood County, [REDACTED] (cooperating crop grower for Green Dairy) has lost some ground that was in the original submission of the CNMP. However, [REDACTED] was able to rent additional ground that more than made up for the loss.

I'm sure that you've heard from the Reyskens appeal and testimony all the grief and headache that has been caused by the WCAFF group and associated members to Mark Drewes. It's this type of vigilantism that needs to be stopped and we need to make sure we can cut their supply off as much as possible. With that being said, I would ask that we not have to submit the maps as part of the MMP. We will do whatever means necessary to assist you in viewing the land and reviewing the maps, but we need to be able to eliminate or at least minimize public viewing of the document so that more lies are not created.

Please let me know what suggestions or thoughts you may have on this matter. As always we want to work with the ODA to have a positive outcome.

Talk with you soon,
[REDACTED]

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