

## **Public Hearing Findings**

**STATE OF NORTH DAKOTA  
BEFORE THE NORTH DAKOTA DEPARTMENT OF HEALTH  
ENVIRONMENTAL HEALTH SECTION, WATER QUALITY DIVISION**

**IN THE MATTER OF:**

Proposed "Approval to Operate" for a concentrated feeding operation.

On December 28, 2015 , the North Dakota Department of Health (Department) issued a public notice seeking comment concerning a proposed "Approval to Operate" permit pursuant to the Rolling Green Family Farms RE LLP facility located in Cass County southeast of Buffalo North Dakota, under the authority provided in North Dakota Century Code Section 61-28-04; and

The department received comments indicating a significant public interest in the facility. On February 1, 2016 the Department issued a public notice extending the comment period through March 19, 2016 and scheduling a public hearing and informational meeting to be held on March 17, 2016.

Each notice was published in the Fargo Forum, posted in the Cass County auditor's office, and posted in the Buffalo Post Office. The notice was also posted on the Department of Health's website <http://www.ndhealth.gov/DoH/PublicNotices.aspx>. Notice of the website posting was emailed to 415 addresses that had requested to receive notification. A copy of the notice was also sent to 15 other entities by mail.

A public hearing was conducted to receive comments and testimony on March 17, 2016, at the Buffalo Senior Citizens Center, Buffalo, N.D.; and

The record of the hearing remained open for written comments on the proposed "Approval to Operate" through March 19, 2016, with written documents having been submitted into the record; and

Written or oral comments were submitted into the hearing record for Department review. Public comments both supporting and opposing the "Approval to Operate" permit were presented; and

Comments in the record were evaluated by Department personnel for applicability to the proposed permit with written response provided as appropriate.

Having considered the comments and testimony submitted to the record, the hearing officer makes the following:

## **FINDINGS AND CONCLUSIONS**

### **Jurisdiction**

- 1.0 The department implements the Control of Pollution from Animal Feeding Operations under the authority granted in state law (NDCC 61-28) and rule (NDAC 33-16-03.1) which identifies the limits/conditions by which facilities are permitted.

### **Findings**

- 2.0 Application: The North Dakota Department of Health received an application for the Rolling Green Family Farms RE LLP facility. The application indicates the facility will have a maximum of 8,256 swine over 55 pounds and 800 swine under 55 pounds.
- 3.0 Design: Manure will be contained in concrete pits beneath the barns. The design has greater than 365 days of storage. The design meets applicable design standards.
- 4.0 Nutrient Management: Manure from the manure storage will be land applied to cropland to be used as a nutrient source to grow crops. Adequate land has been identified in the Nutrient Management Plan to allow application at appropriate agronomic rates. Injection and immediate incorporation of the manure into the soil and setbacks from surface waters will prevent dry weather discharges of manure from cropland.

- 5.0 Odor Setback: The facility is over 1 mile from the nearest residence, church, school, business, public building, park, or campground. This setback complies with NDCC 23-25-11(7).
- 6.0 Public Comment: The opportunity for public participation was provided through the public notices, informational meeting and public hearing as described above. The public comment period was open for 83 days, exceeding the requirement in NDAC 33-16-03.1-13.
- 7.0 All comments received by March 19, 2016, whether written or recorded during the scheduled public hearing were considered prior to making a final determination on the proposed permit.

### **RECOMMENDATIONS**

The following recommendation is provided:

The "Approval to Operate" permit for the Rolling Green Family Farms RE LLP facility located in Cass County southeast of Buffalo, North Dakota, should be approved, with the following changes:

1. Item 6 be changed to require manure be injected or incorporation within 8 hours of land application
2. Item 9 be changed to require weekly inspections of the drain tile sump
3. Item 19 be added to require annual monitoring of the drain tile sump.

Dated at Bismarck, North Dakota this 4th day of August, 2016.



Karl Rockeman, Director  
Division of Water Quality  
Environmental Health Section