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**Responsiveness Summary
to public comments on the
Heartland Dairy Holdings, LLC draft Permit to Operate (renewal)
March 10, 2017**

On February 1, 2017 the Ohio Department of Agriculture (ODA) issued a public notice in *The Daily Standard* that a draft Permit to Operate renewal had been issued for Heartland Dairy Holdings, LLC. This public notice opened the public comment period on the draft permit and informed the public that any person may submit written comments and/or request a public meeting on the draft permits issued for Heartland Dairy Holdings, LLC. The comment period ended at 5:00 p.m. on March 3, 2017. Public comments were submitted on the draft permit, but no requests for a public meeting were received.

The Director’s final decision on the draft permit must be made in accordance with the laws regulating the relevant permits and facts contained in the permit applications. According to OAC 901:10-6-04, persons, including applicants, who believe any condition of a draft permit is not appropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public meeting). Ohio Revised Code (ORC) 903.09 states that the Director is to hear comments pertinent to the draft permits. The ODA considers pertinent comments to be comments relating to the draft permit and the way in which the draft permit complies with ORC Chapter 903 and the rules promulgated thereunder. Public comments also need to relate to issues under ODA’s regulatory control. The Ohio General Assembly has not given the Director of Agriculture unlimited jurisdiction. The permits cover environmental issues pertaining to water pollution control such as siting, geological explorations, facility design, construction, water quality and quantity, manure management, containment of storm water runoff, insect and rodent control, mortality, and emergency response.

Comments about large-scale farming in Ohio, about other farms in Ohio, or other permits will not be considered as comments that pertain to these draft permits. Comments about roads, taxes, property values, and air quality are not under the regulatory control of the Director of Agriculture and will not be considered as comments that pertain to these draft permits.

Public Comments Submitted by:

<i>No.</i>	<i>Date Received</i>	<i>Name</i>	<i>Organization if any</i>	<i>Address, City, State</i>
1	3/3/2017	Todd A. Henkle		3303 Tama Road Rockford, OH 45882

All similar comments are summarized and grouped.

Index

<u>Category</u>	<u>Page</u>
1. Permit to Install/ Permit to Operate	
A. Local Notification and Roads	2.
B. Topics Not Applicable to Draft Permit	2.-3.

A. LOCAL NOTIFICATION AND ROADS

Comment: The current entering and exiting of the farm by using the stone driveway is a constant issue with manure, dirt, stones, and foreign material being drug out onto the roadway causing safety issues with slippery roads, dust, etc. with vehicles traveling up and down Tama Road. They need to either cement this driveway or only use the two driveways that are cemented and permitted on the original drawings.

Silage Hauling and Manure hauling are two areas of concern that with the population areas that they are traveling through they are not properly securing the loads. Large amounts of silage are being blown off of the semis trailers when they go by uncovered at 55 mph and are causing issues for pedestrians and motor vehicles while they are on the roadways. Also the manure hauling has caused issues with pedestrians, vehicles, roadways being sprayed by manure when these vehicles also pass at 55 mph. There is very little concern from these haulers when they are traveling through the more populated areas of the dairies operational area. The sheriff's department has issued several warnings to them yet it is a continual problem, and we get the same answer from our law enforcement and county commissioners....."well it is considered agriculture and it is basically legal to do what they are doing." Well this is just not a local farmer hauling manure and silage for a week.....this is an issue that goes on for months throughout the year.

Response: If manure is being transported or land applied in a manner that is not in accordance with Ohio Administrative Code 901:10-2, then ODA needs to be notified to investigate. If rules are not being followed that ODA has authority to enforce, then appropriate enforcement actions could be taken. Such concerns as silage particles blowing along the roadway are not enforceable by ODA rules. However, manure entering waters of the state would be enforceable.

Topics Not Applicable to Draft Permits and as outlined or regulated by ODA laws or rules

Comment: This facility has had numerous bankruptcies over the past ten years, yet we let a new business go in and file continuous bankruptcies which in turn hurts our local business people that have offered them credit.

Comment: Also, our roadways have suffered deterioration from increased traffic of semis in the area.....another tax burden to the local taxpayers to pay for a factory farm that I am not sure is paying the TIF money that they were supposed to pay from the beginning to cover the increase in road repairs.