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Responsiveness Summary to public comments on the YNOT Farms LLC draft Permit to Operate (renewal)

January 21, 2015

On December 19, 2014, the Ohio Department of Agriculture issued a public notice of YNOT Farms LLC draft Permit to Operate (PTO) renewal. This public notice opened the public comment period on the draft permit and informed the public that the Ohio Department of Agriculture (ODA) was accepting public comments on the draft Permit to Operate (PTO) renewal for the facility called “YNOT Farms LLC” which is located at 750 Counts Road, South Solon, Ohio 43153 in Madison County. Comment period ended at 5:00 p.m. on January 19, 2015.

At the close of the public comment period, only one comment was received. This Responsiveness Summary will serve as ODA’s formal response to the written comments received.

The Director’s final decision on the draft permit must be made in accordance with the laws regulating and facts contained in the permits. According to rule 901:10-6-04 of the Ohio Administrative Code, persons, including applicants, who believe any condition of a draft permit is inappropriate 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 Section 903.09 states that the Director is to hear comments pertinent to the draft permits. The Ohio Department of Agriculture considers pertinent comments to be comments relating to the draft permit and the way in which the draft permit complies with the ODA rules. Public comments also need to relate to issues under the regulatory control of the Director of Agriculture. The Ohio General Assembly has not given the Director of Agriculture unlimited control. 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 stormwater 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.



Written public comments submitted by:

No.	Date Received	Name	Organization, if Any	City, State
1	12/26/2015	James M. Tope	TOPE FARM	Mt. Sterling, OH

Comment 1. *YNOT Farms is spreading manure on the fields between Range and Midway, which drain into North Fork Paint Creek. We are very concerned that this could adversely affect the water quality in this stream*

Response:

YNOT Farms LLC has an extensive Manure Management Plan which includes soil and manure testing. They are applying manure according to Ohio Administrative Code 901:10-2-14. Their method of application is utilizing center pivots and drag line applicators that provide nutrients to the crops.

Comments receiving no response

ODA does not have complete control over all aspects of livestock permitting in Ohio. The areas over which ODA has been granted authority are very limited and are covered under the Permit to Operate. ODA has not been given any statutory authority to regulate the following subject areas:

- Flooding of creek
- YNOT's tiles
- Erosion