



January 12, 2015

Mr. Ken Hessenius
Iowa Department of Natural Resources
1900 N Grand Ave.
Suite E17
Spencer, IA 51301

RE: New Fashion Pork
Guge Farm #241

Dear Mr. Hessenius:

On December 16, 2014, the Dickinson County Board of Supervisors held a public hearing referencing a new swine confinement finishing facility to be located in the NW1/4 of the NE1/4 of Section 12, Superior Township in Dickinson County, Iowa. The producer is identified as New Fashion Pork, L.L. P. On that date, the Board of Supervisors heard comments from a representative of New Fashion Pork, L.L.C., and about 75 members of the public in attendance.

Following comments, the Board of Supervisors voted 4-1 to deny the construction permit application. After additional discussion referencing the Master Matrix and the manure management plan accompanying the construction permit, it was determined to continue the public hearing to give the producer an opportunity to work with a committee from the County in order to attempt a resolution of issues raised in the hearing. The matter was continued until December 23, 2014 and, when no common ground to the issues raised in the previous meeting was presented, additional comments were taken from the approximately 60 members in the audience.

After a lengthy discussion, the Board of Supervisors voted unanimously to disapprove the scoring on the Master Matrix and report such disapproval to the Iowa Department of Natural Resources. *(Dickinson County was given an extension until January 15, 2015 to file its disapproval with the DNR).

As the Department of Natural Resources is well aware, Dickinson County relies on a combination of industry, tourism and farming to advance our overall economic well-being. For more than a century, these economic forces have worked in concert such that today Dickinson

County is one of the most economically stable and fastest growing (by percentage) counties in Iowa.

However, as evidenced by the out-pouring of public concern over so-called factory farming in our County, we find conflict growing between citizens and the farm industry over the construction and location of confinement operations, and the distribution of manure generated by these facilities. There exists a large segment of our population that is concerned about intrusion by confinement operations into the quality of life we enjoy and offer, not only to the citizens of Dickinson County, but to the hundreds of thousands of visitors we host annually.

Dickinson County has over the last several years made it abundantly clear to the Department of Natural Resources that we believe the Master Matrix does little to address our concerns. These include placement of the facilities, odor emissions, density of confinement facilities allowed, and manure management plans that overlap and cover by percentage, an ever-growing portion of our county.

We believe the number one priority of governmental entities is to protect the citizens over which they have jurisdiction. This is why we develop police forces, armies, Departments of Homeland Security and, yes, Departments of Natural Resources, and invest a significant portion of our combined treasure to support these endeavors. We absolutely do not believe the Master Matrix takes into account the safety of our citizens, and that the Department of Natural Resources is very limited legislatively to do what they are tasked to do; that is, to protect the air, land and water that is so precious to our quality of life.

That being said, and with specificity referencing Guge Farm #241, the Dickinson County Board of Supervisors has determined that the scoring on Paragraphs 12, 17 and 25 are deficient on their face, and that the scores allowed on those provisions must be disallowed.

With regard to Paragraph 12, 30 points were allowed for a covered liquid manure storage structure. The producer references daily inspections, but fails to advise how the operator will inspect the roof, or how the operator will be trained on what to look for in order to assess the integrity of the roof and structure as a whole. The answers contained in Paragraph 12 appear to be generic in nature and non-site specific. Accordingly, we believe that the required provisions of Iowa Code 567, Chapter 65, have been circumvented such that insufficient detail is provided to assure safe operation and maintenance of the manure storage structure. Deduct 30 points.

Paragraph 17 involves the formation of the manure storage structure. This 30-point provision should, but fails to, provide information on how the floor of the pit will be maintained and inspected. The producer references daily inspections to look for cracks or evidence of outside water entering the pit, but fails to document what training the operator will have on what to look for in assessing the integrity of the structure. Deduct 30 points.

At Paragraph 25, the producer allows 25 points for the utilization of wet/dry feeders and other feeding and watering methodology that purport to significantly reduce manure volume. The producer advances the premise that wet-dry feeders conserve water, but provide no scientific or other evidence that such systems will actually control the volume of manure. There is no

information provided as to how they will measure the reduction in manure, in what time frame the measurements will take place, or what training or qualifications the operator will require in order to make sure these systems operate as intended. Deduct 25 points.

New Fashion Pork, L.L.C. scored 485 points on a self-evaluation that requires a minimum score of 440 points. Despite the obvious deficiency in a process that requires an applicant to only score 50% of the points available on a self-evaluation, New Fashion Pork, L.L.C. fails in its Application when these 85 points are deducted. While Dickinson County is under no illusion that this reduction in points will end the matter, we do believe that the process, flawed as it is, must be precisely followed.

Dickinson County has been a participating County in the Master Matrix, and has passed the required Construction Evaluation Resolution (CER) each year since the program's inception in 2003. The Board has been presented with numerous construction applications since 2003, and the Dickinson County Board of Supervisors has a consistent history of registering complaints over the application process in general, and the Master Matrix in particular. As an example of issues we do not believe the Matrix takes into adequate consideration in the evaluation process, we submit the following:

Air emissions from confinement facilities and the application of animal waste produced thereby contain a number of gasses that are proven harmful to humans. Specifically, ammonia, methane, and hydrogen sulfide are among the most harmful. Not only are these gasses odorous, they are also a toxic health risk. Ref. www.public-health.uiowa.edu/people/david-osterberg. Surrounding states such as Minnesota and Nebraska have promulgated rules and regulations concerning hydrogen sulfide emissions. The U.S. Government has also published guidelines for human exposure to this toxic byproduct. See: *USDA Agricultural Air Quality Task Force. Air Quality Task Force. Air Quality Research and Technology Transfer White Paper and Recommendations for Concentrated Animal Feeding Operations. Washington DC (2000)*. Acute Exposure Guideline Levels (AEGLS) for hydrogen sulfide applicable to the general population has been identified as 30 ppb for both a ten (10) minute and thirty (30) minute exposure.

The OSHA Fact Sheet (attached) on hydrogen sulfide states that it is "both an irritant and a chemical asphyxiate with effects on both oxygen utilization and central nervous system. Low concentrations irritate the eyes, nose, throat and respiratory system". Asthmatics may experience breathing difficulties. The effects can be delayed for several hours or sometimes several days, when exposed to low-level concentrations. The OSHA report further states, "Repeated or prolonged exposures may cause eye inflammation, headache, fatigue, irritability, insomnia, digestive disturbances and weight loss."

More problematic, OSHA finds that exposure to moderate concentrations may lead to difficulty breathing, nausea, vomiting. High concentrations can cause convulsions, inability to breathe, rapid unconsciousness, coma and death.

Interestingly, while exposure to hydrogen sulfide has been universally recognized as toxic to humans, the State of Iowa has done nothing to incorporate regulations intended to limit

human exposure to hydrogen sulfide produced by animal confinements. We have attached copies of numerous studies and journals relative to hydrogen sulfide and the consequences of exposure, and why it is imperative that the incorporation of standards regarding emissions from confinement operations be included in the Master Matrix.

Dickinson County is also very concerned about water quality and the effect the proliferation of animal confinement facilities will have on our water supply. Alluvial soils in Section 12 (proposed construction site) and the existence and location of tributaries to the Des Moines River system should be taken into consideration in the Master Matrix scoring system, but they are not. Manure spills are hardly unheard of in Iowa, and a history of violations by New Fashion Pork, LLC, both in Iowa and elsewhere in the country, give the Board pause in approving any construction permit in this location.

The location of the Manure Management Plan (MMP) in Section 14 has no barrier and is adjacent to Christopherson Slough. The only barrier is the county road. What is to prevent the introduction of manure into Christopherson Slough through the under-road culverts? Similarly, the MMP in Section 20 is clearly in the watershed of Big Spirit Lake. (*Dickinson County has been advised on January 8, 2015 that Section 20 has been removed by the producer from the MMP filed with the Construction Application*). This creates a great deal of concern for residents around the lake, and the population that draws its drinking water from that source. While we acknowledge that the MMP has little to do in your examination of the Construction Permit, we believe the Master Matrix should address these concerns.

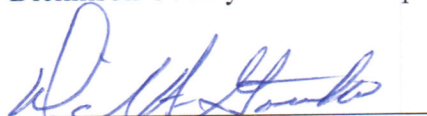
Density is also an issue that is ignored in the Master Matrix. Dickinson County believes that some thought should be given to the number and location of animal confinements allowed to be built in any geographic area and, likewise, some limitation on the gross number of acres subject to manure management plan(s) within the County. Additionally, the property rights of surrounding landowners should be taken into consideration and legislation passed that would allow property owners to sue for nuisance damages for lost value. See: *What about property Rights for hog lots' neighbors*, Jeff Vonk, Author, Past Director Iowa Department of Natural Resources (*Des Moines Register*, July 26, 2006).

The Dickinson County Board of Supervisors believes the Department of Natural Resources has the right and the duty to impose a moratorium on the construction of additional confined feeding operations (CFO's) until the following matters can be reviewed more thoroughly and appropriate action taken to amend the application process: 1.) Limitation of animal density per watershed. 2.) More stringent process for issuing permits developed. 3.) Enhanced local control. 4.) Mandatory environmental impact statements and 5.) Study and technical update on the physiological toxicity effects of hydrogen sulfide (H₂S) on residents in the vicinity of CFO's and manure application, particularly regarding long-term exposure.

While every county in Iowa is beautiful and environmentally sensitive, we believe that Dickinson County and the Iowa Great Lakes are a unique treasure and a resource for the entire State of Iowa to enjoy and protect. If we fail to do so now, the next generation of Iowans will surely question our wisdom in failing to act before the problem got out of hand. The Dickinson County Board of Supervisors respectfully implores the Iowa Department of Natural Resources to

deny the Construction Application on Guge Farm #241 filed on behalf of New Fashion Pork, L.L.C., and to actively join with the residents of Dickinson County and the Citizens of the State of Iowa to effectuate change in the regulations and laws that currently govern animal confinements and the distribution of manure created thereby.

Respectfully submitted
Dickinson County Board of Supervisors


David Gottsche, Chair

Attachments:

Attached hereto are various journals and articles concerning the health and environmental effects of confined feeding operations and manure management plans, including those directly referenced in this letter. In addition, attached are 49 letters from concerned citizens referencing the New Fashion Pork, L.L.C. proposal for Guge Farm #241