

**Livestock Siting Technical Expert Committee
Odor Subcommittee
Meeting Notes Sept. 14, 2010**

Attendance: All odor subcommittee members attended except Larry Jacobson and Mark Powell. Richard Castelnuovo from DATCP was present. Others attending included Jeff Lyon, Dave Jelinski, Sarah Svendsen, Allison Donenberg, and Miriam Ostrov.

Meeting called to order at 9:30 a.m. and the public notice confirmed.

The meeting began with a review of the following items:

- In addition to the research summary shared at this meeting, Steve Struss will distribute additional research on digesters and other practices before the next meeting
- **Action Item:** continue to evaluate diet manipulation and distillers grains, clarify generation numbers for the poultry layer belt, sand separation systems and alley flush.

Question 5 Exemption from the odor standard for livestock facilities having all of their livestock structures located at least 2,500 feet from the nearest affected neighbor. The subcommittee discussed technical justifications supporting a distance exemption; the following factors were identified as important:

- The underlying assumption is that facilities with 2500 ft of separation will achieve a passing score, and therefore these applicants should not be subject to the cost of complying with the standard. However, there may be limited instances where odors may be noticeable.
- Only one of sixty applicants claimed the exemption.
- By recording an odor score in a siting permit, facilities establish and lock in their nearest neighbor, securing this reference point for odor calculations during a future expansion. If the exemption is claimed and a neighboring structure is built within 2500 ft, the facility cannot claim the exemption in a future expansion and must use the new structure as the reference point for an odor score.
- Eliminating the exemption would add credibility to the permitting process by requiring applicants to demonstrate compliance with the standard and process. This also treats applicants more equitably.
- It is preferable to improve how the odor standard predicts odors by modifying the odor generation numbers and reductions for control practices
- Completing the odor standard application worksheets is not overly burdensome on applicants. Those who must perform additional work can seek DATCP assistance.

The general consensus of the group was that technically, there may not be sufficient justification to continue the 2,500 foot odor standard exemption, however, the group may revisit this issue after considering other aspects of the odor model.

Question 6 Required employee training plan and required environmental incident response plan and; Question 7 Optional advanced odor management plan and; the relationship between management plans and points awarded in the odor score

The subcommittee considered the issues related to management plans and the points awarded for these plans as part of the odor standard, including current legal requirements as well as example and actual management plans. The importance of training staff to implement odor control practices, and formalizing a process to address odor complaints were considered. The group established a baseline for future discussions, agreeing that 30 points are justified to ensure proper calibration of the model, and to recognize the value of management plans.

The group agreed that current requirements of the optional advanced odor plan more directly impact odors more than requirements of the two mandatory plans. Given the relevance of this plan to odor management, the group considered options for making this plan mandatory or increasing the points awarded for the optional plan to as high as 80. The group discussed incorporating a corrective action component. For example, after making reasonable effort to investigate the source of verified odor complaints the permit holder agrees to enlist the assistance of experts such as DATCP to pinpoint problems and develop solutions. The subcommittee was informed that local governments might not be able to require permitted facilities to implement corrective actions when the standard is being met.

It was agreed that management plans have value and awarding points in the odor score is warranted. To justify the current points awarded, the group agreed that each of the three plans should be strengthened by incorporating greater accountability measures. Specifically:

- Training plans should be improved to ensure that management and appropriate staff receives both training in general odor management practices and specific training to ensure that they can implement the practices required as part of a permit. To ensure training of appropriate staff, the plan could identify the names or positions of staff who should received specialized training.
- The incident response plan should include required response protocols to address odor complaints. The response investigation should document a series of factors such as weather and farm operations at the time of the complaint.
- Strengthen the advanced odor management plan by: identifying requirements in Appendix A #14 p. 390-18 in a bulleted list; develop specific options for acceptable management practices involving feed storage, dust control, mortality management, and water conservation.
- To ensure uniformity in plans, the group recommended that applicants fill out a mandatory DATCP plan form that can be customized to reflect each applicant's situation.

While the group agreed that management plan points applied to the odor score should better correlate to management of odor, they believed that adjusting the points awarded depends on strengthening the required elements of the plans.

Action Item: Determine which of these two options should be recommended, in light of our decision to strengthen the underlying components of the three management plans:

1. Reduce the points awarded to the two required plans to 20, and increase the points awarded to the optional advanced odor plan to 80.
2. Require the mandatory plans to address all the elements currently required in optional advanced odor plans, and award 100 points. There would be no optional plan.

The next meeting will cover credits for odor control practices, conclude discussion generation numbers for poultry layer belt, sand separation systems and alley flush, decide if there should be an optional management plan, and compliance verification.

The group adjourned at 2:00 to join the engineering subcommittee to review setbacks.

Joint Meeting on Setbacks in ATCP 51.12

The odor subcommittee reconvened with the engineering subcommittee at 2:00 to discuss setback distances. Introductions were made: all odor subcommittee and engineering subcommittee members were present except Larry Jacobson, Mark Powell, and John Ramsden. Richard Castelnovo and Dennis Presser were present.

Following a brief presentation of background information, the two subcommittees received a summary of the four members who submitted comments on Table 1 of the assignment, designed to receive feedback on the adequacy of existing setbacks to mitigate impacts from dust, noise, light, odor and others on adjoining land. During the initial rule development it was expected that the combination of the odor standard and required setback distances could mitigate nuisance impacts to neighboring properties, including parcels without residential dwellings or public uses.

The group began by focusing on setbacks for manure storage, centered on the relationship of structure size to impacts. It was believed that larger manure storage facilities, for example over 4 acres (approximately a year of storage for a 2000 cow dairy), have increased impacts e.g. more emissions and visual impact. Frequent agitation and manure removal also correlate with more nuisance issues. Many members suggested that setbacks should be adjusted to respond to this situation. While several members wanted setbacks to remain unchanged, they did not challenge the underlying concerns about the impacts from larger storage facilities. The group agreed impacts differ depending on proximity of the structures to a property line and on the nature of adjacent land use is, e.g. a school versus a cornfield.

Action Items: The group agreed to continue evaluating setbacks by doing the following:

- Subcommittee members should complete the comparison table and send it to Mike Murray
- Schedule a meeting for interested subcommittee members to more fully discuss setbacks.

The joint meeting was adjourned at 3 pm.