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Sent: Monday, October 29, 2007 3:38 PM
To: scc-odor-regs@state.pa.us
Subject: comments on the Proposed Facility Odor Management Regulations and the Draft Odor Management Guidance

State Conservation Commission

Agriculture Building, Room 405

2301 North Cameron Street

Harrisburg, PA 17110

State Conservation Commission

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 INDEPENDENT REGULATORY
 BOARD COMMISSION

Thank you for the opportunity to comment on the Proposed Facility Odor Management Regulations and the Draft Odor Management Guidance.

The over all concept in the guidance and the regulations, that calls for a site-specific assessment which then determines which Best Management Practices (BMPs) if any would be necessary to manage the odors from a facility seems to be a workable compromise that should allow animal agriculture to remain viable in the Commonwealth.

Comments on the Proposed Facility Odor Management Regulations

1. In order to maintain animal agriculture in Pennsylvania, the regulations must retain the concept of odor management not elimination. Any requirement for the elimination of odors from animal agriculture would vastly reduce the viability of animal agriculture in Pennsylvania. The regulations should keep the odor management concept.
2. With these regulations, the agricultural community bears the total reasonability of impacts due to odor. These regulations will limit the ability of agriculture to operate and expand in areas where agriculture is an allowable land use and is being encroached upon by urban sprawl. Local municipalities should also take responsibility for allowing urban sprawl in agriculture areas. The commission should provide an educational outreach to local municipality and non-farming residents in agricultural areas that odor can be expected and can not be eliminated from animal agricultural.
3. Section 83.711: To remain viable many animal agriculture operations in Pennsylvania need to expand. With an expansion many operations will be required to develop an Oder Management Plan. The regulations should allow for financial assistance for plan development and BMPs instillation for existing animal agriculture operations that are required to develop a Oder Management Plan due to an expansion.
4. Section 83.771(b) (2): The odor management plan should only need to assess the impact on existing homes, businesses, etc at the time of plan development not the planned land uses. This needs to be clarified in the regulations by deleting the word "approved" in this sentence.
5. Section 83.771(d): The 3 year deadline for implementing the plan should relate to the start of "construction" on the new facility, not "use" of the new facility. The regulations should be revised so the sentence would read: "If construction of the new or expanded facility does not commence ..."
6. Section 83.771: When developing a new facility the first step for many operations will be the use of the

odor site index and development of the Odor Management Plan. Operations that will require an Odor Management Plan would most likely require other permits and approvals. These other approvals could extend the planning and permitting process for many years. The regulations must also allow for the Commission or Conservation District to extend this 3-year timeframe in situations where construction can not start due to other necessary permits not being approved in the initial 3-year deadline.

7. Section 83.791: The record keeping obligations that will be developed for this program need to be practical for the agricultural operation. A number of the proposed odor BMPs are part of the agricultural operations regular operation and maintenance programs, and to expect extensive daily recordkeeping is unrealistic.
8. Section 83.811(a) (3): What level of change to an operational management system will necessitate an amendment to the Odor Management Plan? This sentence in the regulations is very open ended and does not provide the agricultural industry sufficient direction when an amendment would be necessary. The other requirements for an amendment to the Odor Management Plan are sufficient to address when operations need to amend their Odor Management Plan. We recommend the elimination of this requirement from the regulations.
9. Section 83.811: Since agricultural operations cannot control what development takes place in the area surrounding the facility. The regulations should allow agricultural operations, not construction of new facilities or manure storage, to make plan amendments, without having to rerun Odor Site Index. During the entire life of the Odor Management Plan, the active Odor Management Plan should rely on data and information developed during the completion of initial of the Odor Site Index.

Comments on the Odor Management Guidance

1. The Odor Management Guidance should not single out any specific animal species base on a perceived public bias towards one or two specific species. The potential for an odor impact from a facility should be based on the location of the facility not on which species the facility houses.
2. A great number of farms in Pennsylvania have taken steps to preserve agriculture land through several different forms of governmental sponsored farm land preservation programs. It is good to see that the Odor Site Index (OSI) supports these agricultural preservation programs by giving credit, in the OSI, for farms in Ag securities Areas, Agricultural Zoning, and preserved farms. This should help these operations, which have taken steps to preserve Pennsylvania's agriculture lands, to build new facilities and modernize as agriculture changes in the future.
3. It is good to see that the OSI supports agricultural operations that have made good choices in locating their new facilities by not requiring agricultural operations with low to mid level OSI scores to do extensive odor BMPs.
4. The approved list of Level I odor BMPs should not be species specific. To avoid confusion from the untrained public it would be better to make the Level I odor BMPs confinement type or housing type specific instead of species specific. By listing species specific BMPs the untrained public could infer that all facilities housing those species listed in the chart need to do that specific BMP. One example is Sanitation / Frequent Bedding; the approved list has swine as a species required to do this BMP. The majority of modern swine housing facilities do not use bedding. The untrained public reading this list of BMPs would think that all new swine facilities, required to do level I odor BMPs, should be frequently bedding their animals. Another Example is Feed Management, should not all facilities develop regular practices of managing feeding equipment and develop practices to minimize feed wastage. The proposed BMP only is only directed at Swine and Poultry. Does not wasted and spoiled feed from other species cause a potential odor?
5. The Odor Management Guidance refers to a PA Odor BMP Reference List; this Reference List should be available for review along with this Guidance for the agricultural industry to fully understand the scope the guidance.
6. The concept of the site-specific Odor Site Index and three levels (None, Level I, and Level II) of Odor BMP to address various situations across the commonwealth seems to provide agricultural operations the

needed flexibility in determining locations and determining which BMPs are appropriate for their facility.

7. The regulations along with the Guidance require Odor BMPs to be both practical and economically feasible. When dealing with a High OSI score, what assurances are there to the producer that the Commonwealth's reviewer will not require Odor Best Management Practices that are neither practical nor economically feasible?
8. The current wording in section C. Level II Odor BMPs implies that all Odor Management Plans need to have more than one Level II Odor BMPs. If the Level II BMPs are based on the Operators, Planners and Reviewers evaluation of the site and their expert opinion of which BMPs will effectively control the potential odors, why does the guidance say that the operator should propose to implement more than one Level II Odor BMP to address the identified odor sources? If one Level II Odor BMP is all that necessary to control the potential odors then the only one Odor BMPs should be required. The guidance should be changed to allow the Operators, Planners and Reviewers to determine the number of Level II Odor BMP a site needs.

Once again, thank you for the opportunity to comment on the regulations and the guidance document.

Sincerely

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