

Feb. 10, 2021

Brown County, Ks. Broiler Chicken Operation Fact Sheet (Kansas Permit# A-MOBR-P001)

Introduction. This is an analysis of the permit application, Nutrient Management Plan (NMP) and related information pertaining to the Glacial Hills Poultry concentrated animal feeding operation (CAFO) obtained from the Kansas Department of Health and Environment. This facility, if constructed, would confine as many as 224,000 broiler (meat) chickens in eight @ 43 feet wide by 510 feet long barns about four miles northeast of the City of Hiawatha. Approximately 1800 tons of manure per year is to be periodically collected and stored in a 50 feet by 100 feet open-air, covered shed.

Since we may not yet have all the relevant information, this fact sheet is intended to assist local citizens in asking the right questions and expressing their concerns. KDHE is proposing to issue Permit # A-MOBR-P001 at the end of public review proceedings. Comments are due at KDHE by February 20, 2021 although additional comment may be presented to KDHE before and during a public hearing, if scheduled by KDHE. These are the most serious concerns we have identified so far.

1. KDHE has not obtained enough information from the applicant to allow a proper assessment of the risk to nearby public water supply facilities.

According to the permit application, the proposed Glacial Hills Poultry CAFO is to be located in Section 2, Township 2S. Range 17E. Three public water district wells drilled in 2016 are located along the west edge of this same Section 2 along the NW&SW quarter boundary. In addition two monitoring wells owned by the City of Hiawatha and completed in 2011 are located along the west boundary of the adjacent Section 1. The static water level shown for the District wells ranges from 64 to 74 feet down and the City wells show a static water level only about 8 feet down. Considering the difference in surface elevation between the two well fields, they appear to be tapped into the same aquifer. See the attached excerpt from the permit application.

The draft permit specifies that all of the chicken waste will be "exported" and specifically exempts the applicant from any control of its use (p. 4). He is to provide a current nutrient analysis of the waste to the recipient. KDHE requires only that the operator keep a record of the date and approximate amount of waste exported and provide the recipient's name and its address, *not* the location of the field where it will be applied. The draft permit also says the operator must submit an annual report on the exported waste, but no additional site information is required. See attached annual report form (Excel), opened to the waste export page.

In the NMP the applicant states only that the manure will be handed over to Precision Farms Inc. for use in the same section 2 as the broiler CAFO, and/or to another location

of this same corporation across the Nebraska state line. The applicant did not specify any particular fields, available acreage, or the split of the 1800 tons between the two listed destinations. Thus he does not specify exactly where in Section 2 this waste will be applied nor how much. Accordingly the risks to the public water well field in this same Section 2 or to the City monitoring wells along the Sec.1&2 line cannot be assessed.

We suggest that officials of the public water district and the City demand that KDHE obtain and provide all the relevant information they would need to assess the risk both to their well heads and to the aquifer they access. This is not just a matter of the risk to the well heads but also the potential for waste runoff to access the aquifer through stream bottoms and other surface features.

2. KDHE has not verified the applicable separation distances required to protect the neighbors from odor, flies and noise.

Primarily to accommodate chicken giant, Tyson Foods, the legislature passed, in 2018, SB405 that greatly reduced the "animal unit conversion factor" that applies to broiler chicken CAFOs utilizing dry waste handling. That would allow producers to fit in many more production houses into a location while not breaching certain required separation distances to neighboring residences, called habitable structures.

The applicant has claimed the new animal unit conversion factor of 0.003 per bird for his proposed 224,000 animals for a total of only 672 animal units. According to EPA's animal unit scheme, that's supposed to be roughly equivalent to about 672 beef cattle in terms of manure output. However, the applicant also says he intends to "export" all of the 1799 tons per year of manure to Precision Farms, Inc. In his agreement with Precision Farms he states, "The Animal Feeding Operation is not involved in the actual land application of the waste and no one associated with the Animal Feeding Operation producing the waste is planning, directing or making any decision concerning the amount or timing of the application of this waste."

But the footnote on page 3 of the permit application also says the following:

*¹ A 0.033 AU conversion factor should be used for chicken facilities with dry litter systems if manure is exposed to precipitation during collection or when stored in stockpiles, **or if manure is land applied without incorporation into the soil within 24 hours.***

The 0.033 factor normally applies to broiler production operations that utilize *wet*, waste-handling techniques. We presume the reason for the noted exception is that a lot of small piles of chicken litter/manure dropped onto crop fields is the functional equivalent of uncovered manure piles located anywhere, with respect to the risk of runoff to surface water. This increases the animal unit total to 7393 animal units for this very large chicken operation. Operations confining 1000 or more animal units must provide a

4000-foot setback to neighboring residences instead of the 1320 feet claimed for the Glacial Hills Poultry proposal.

The Waste Export Agreement (see attached) does not commit the recipient to incorporate the waste within 24 hours nor does it confirm that he has the equipment to properly do so. How will KDHE (or the public water district) know if this is done? If the recipient does not meet this requirement, then an argument can be made that the applicant does not qualify for the much shorter separation distance of only 1320 feet. Three neighbors are listed as within 4000 feet of the barns.

If KDHE says this exception applies only to CAFO permit applicants that land-apply waste themselves, and not for exported waste, then we have exposed an enormous loophole for any chicken CAFO in our state. This is a particularly egregious concern here since the waste is essentially being handed over to the CAFO operator's next-door neighbor. What would prevent anyone from easily evading the intent of the stricter limitations on the handling manure subject to precipitation?

3. Disposal of dead chickens not properly described.

In his NMP the applicant says that he will compost his mortalities in a section of the manure/litter shed. He does not estimate the number and volume of dead birds among the 224,000 confined, and he does not account for the space taken up by the compost operation that would not be available for the piles of manure. The walls of the shed are only four feet tall and there is no discussion of the odor likely to be associated with the operation, considering that the manure shed is just beyond the 1320-foot setback to the nearest neighbor's home. Most importantly the "Farmer/landowner" listed in the Waste Export Agreement states he will accept 100% of the manure but makes no mention of compost. So where does it go? Section II.B.3.b.vi of KDHE's *Design Standards for Confined Feeding Facilities* states that the applicant must describe "how the permittee anticipates using the compost from any manure and/or *dead animal composting operations.*"

4. Comments may be mailed to:

Livestock Waste Management Section
KDHE
1000 SW Jackson St., Suite 430
Topeka, Kansas 66612-1367

or, emailed to Matthew.t.steele@ks.gov, Section Chief.

We recommend that local citizens request a public hearing.

Prepared by Craig Volland, Chair of Agriculture Committee, 913-343-1823,
email: hartwood2@kc.rr.com

1. KDHE's standard application form may be viewed here:
https://www.kdheks.gov/feedlots/download/Permit_Application_and_Renewal_Combo.pdf

Attachments (3).

RECEIVED

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LIVESTOCK WASTE
MANAGEMENT SECTION .

Waste Export Agreement

This agreement is hereby made between Glacial Hills Agri Services LLC (Animal Feeding Operation) and Precision Farms, LLC (Farmer/Landowner).

The parties agree to the following the terms:

1. The Farmer/Landowner agrees to accept 100% of the manure produced by the Animal Feeding Operation for a time period of:
Start Date: January 2021 End Date: January 2026
2. The Animal Feeding Operation will be the transfer point for the Farmer/Landowner to receive the manure.
3. The Animal Feeding Operation will provide Farmer/Landowner with a current manure analysis.
4. The Animal Feeding Operation is not involved in the actual land application of the waste, and no one associated with the Animal Feeding Operation producing the waste is planning, directing, or making any decisions concerning the amount or timing of the application of this waste.

Precision Farms By Keith Lamm
Farmer/Landowner Signature

Dess Kohn
Authorized AFO Rep. Signature

8-27-2020
Date

8-27-2020
Date

Depth to Groundwater Kansas Well Registries

[KGS](#) [Water Well Database Query](#) Township: 2S, Range: 17E, Section: 2
[Hydrology](#) [Show Data Table](#)
 Select location of well to view details.
 Click on column heading to sort.

3 records returned.

| T-R-S | Owner | Well Depth Ascend. Desc. | Static Water Level Ascend. Desc. | Est. Yield Ascend. Desc. | Well Use | Other ID | Action Taken | Completion Date Ascend. Desc. | Scan? |
|--|---|-----------------------------|-------------------------------------|-----------------------------|---------------------|------------|--------------|----------------------------------|---------------------------|
| Sec. 2 NW NW NW SW | Public Wholesale Water Supply District No. 27 | 139 ft. | 64 ft. | 325 gpm. | Public Water Supply | #3 - East | Constructed | 15-Nov-2016 | KOLAR PDF |
| Sec. 2 SW NW NW SW | Public Wholesale Water Supply District No. 27 | 153 ft. | 74 ft. | 325 gpm. | Public Water Supply | #2 - South | Constructed | 17-Nov-2016 | KOLAR PDF |
| Sec. 2 SW SW SW NW | Public Wholesale Water Supply District No. 27 | 149 ft. | 70 ft. | 325 gpm. | Public Water Supply | #1 - North | Constructed | 16-Nov-2016 | KOLAR PDF |

Kansas Geological Survey
 Comments to webadmin@kgs.ku.edu
 URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>
 Display Programs Updated July 2, 2014
 Data added continuously.

[KGS](#) [Water Well Database Query](#) Township: 2S, Range: 17E, Section: 1
[Hydrology](#) [Show Data Table](#)
 Select location of well to view details.
 Click on column heading to sort.

4 records returned.

| T-R-S | Owner | Well Depth Ascend. Desc. | Static Water Level Ascend. Desc. | Est. Yield Ascend. Desc. | Well Use | Other ID | Action Taken | Completion Date Ascend. Desc. | Scan? |
|--|------------------|-----------------------------|-------------------------------------|-----------------------------|--|----------------|--------------|----------------------------------|---------------------------|
| Sec. 1 NW NW SW NW | City of Hiawatha | 99 ft. | 8.2 ft. | | Monitoring well observation piezometer | Hiawatha 11-05 | Constructed | 02-May-2011 | PDF |
| Sec. 1 | City of Hiawatha | 99 ft. | 9 ft. | | Test hole well | Hiawatha 11-05 | Plugged | 22-Sep-2014 | KOLAR PDF |
| Sec. 1 | City of Hiawatha | 100 ft. | 9 ft. | | Test hole well | Hiawatha 11-06 | Plugged | 22-Sep-2014 | KOLAR PDF |
| Sec. 1 NW NW SW NW | City of Hiawatha | 100 ft. | 8 ft. | | Test hole well | Hiawatha 11-06 | Constructed | 14-Nov-2011 | PDF |

Kansas Geological Survey
 Comments to webadmin@kgs.ku.edu
 URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>
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 Data added continuously.