

## **Public Hearing Transcripts**



STATE OF NORTH DAKOTA  
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May 3, 2016

Marty Haroldson  
918 E. Divide Ave., 4<sup>th</sup> Floor  
Bismarck, ND 58501-1947

Re: Livestock Waste System Approval Hearing

Dear Mr. Haroldson:

Please find enclosed a copy of the transcript of the Livestock Waste System Approval Hearing and a copy of the Certificate of Transcript. There were a few areas of unclear or unintelligible speech on the recording of the hearing. These are indicated as follows:

Area of unclear speech: ((text))

Area of unintelligible speech: (( ))

Following is a list of the line numbers and recorder time of each of the areas indicated above:

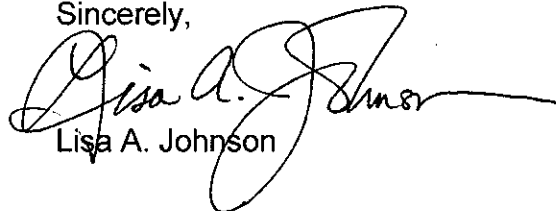
- Line 174 50:06 left on recording on mp3 160317\_\_002
- Line 183 49:48 left on recording on mp3 160317\_\_002
- Line 406 24:20 left on recording on mp3 160317\_\_002
- Line 457 19:13 left on recording on mp3 160317\_\_002
- Line 537 12:46 left on recording on mp3 160317\_\_002
  
- Line 700 1:23:53 left on recording on mp3 160317\_\_003
- Line 868 1:09 left on recording on mp3 160317\_\_003
- Line 870 1:09:27 left on recording on mp3 160317\_\_003
- Line 887 1:07:59 left on recording on mp3 160317\_\_003
- Line 923 1:05:03 left on recording on mp3 160317\_\_003
- Line 938 1:03:56 left on recording on mp3 160317\_\_003
- Line 1134 45:59 left on recording on mp3 160317\_\_003
- Line 1244 36:18 left on recording on mp3 160317\_\_003
- Line 1309 29:24 left on recording on mp3 160317\_\_003
- Line 1359 24:27 left on recording on mp3 160317\_\_003
- Line 1368 23:27 left on recording on mp3 160317\_\_003
- Line 1395 20:03 left on recording on mp3 160317\_\_003
- Lines 1396-1397 19:56 left on recording on mp3 160317\_\_003
- Line 1435 16:17 left on recording on mp3 160317\_\_003
- Line 1480 12:30 left on recording on mp3 160317\_\_003
- Line 1483 12:18 left on recording on mp3 160317\_\_003

Haroldson Letter  
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- Line 1527 6:20 left on recording on mp3 160317\_\_003
- Line 1573 1:24 left on recording on mp3 160317\_\_003

If you discover any areas within the document you feel need to be changed, please let me know. Feel free to contact me at 328-3092 or [lisaajohnson@nd.gov](mailto:lisaajohnson@nd.gov) if you have any questions or concerns. Thank you.

Sincerely,



Lisa A. Johnson

Enclosures

CERTIFICATE OF TRANSCRIPTIONIST


STATE OF NORTH DAKOTA     )  
  ) ss.  
COUNTY OF BURLEIGH        )

I, Lisa A. Johnson, an employee of the Office of Attorney General,

DO HEREBY CERTIFY that I transcribed the proceedings of the hearing to obtain oral/written comment on the proposed application for approval of livestock waste system, held March 17, 2016, at the Buffalo Community Center, Buffalo, North Dakota, and that attached hereto are the 60 pages so transcribed.

I FURTHER CERTIFY that, to the best of my knowledge, the attached 60 pages contain an accurate transcript of the recording of this March 17, 2016, hearing.

Dated at Bismarck, North Dakota, this 3<sup>rd</sup> day of May, 2016.

  
\_\_\_\_\_  
Lisa A. Johnson, Transcriptionist

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO THE REPRODUCTION OF THE SAME BY ANY MEANS, UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE OFFICE OF ATTORNEY GENERAL.

**HEARING TO OBTAIN ORAL/WRITTEN COMMENT  
ON THE PROPOSED APPLICATION FOR APPROVAL  
OF LIVESTOCK WASTE SYSTEM**

1           Please note that the hearing is being recorded for the purpose of creating a  
2 record. Let the record show that it is 3:11 on the 17<sup>th</sup> day of March, 2016. This is the  
3 time and place as scheduled, March 17, 2016, at 3 p.m., Buffalo Community Center in  
4 Buffalo, North Dakota. For the aforementioned hearing, on the proposed approval to  
5 operate for a concentrated animal feeding operation. The North Dakota Department of  
6 Health received an application for the Rolling Green Family Farms RE, LLP. The  
7 application indicates the facility will have gestation breeding barns that will house 5,312  
8 sows with an average weight of 400 pounds, a farrowing barn that will house 1,344  
9 sows with an average weight of 400 pounds, and the isolation barn will house 1,600  
10 pigs at an average weight of 150 pounds, and 800 pigs at an average weight of 45  
11 pounds. Manure will be stored in deep pits under the gestation barn and the isolation  
12 barn. Manure will be land applied at agronomic rates at least annually.

13           After the department review of the design submitted with the request for  
14 permanent application, a Notice of Public Comment Period on the Approval of Livestock  
15 Waste System was issued and posted on the Department's webpage as well as printed  
16 in the Fargo Forum, Fargo, N.D., on December 28, 2015. An additional Notice of  
17 Continuation of Public Comment Period and Public Hearing on the Application for  
18 Approval of a Livestock Waste System was issued and posted on the Department's  
19 webpage, as well as printed in the Fargo Forum, Fargo, N.D., on February 1, 2016. The  
20 notices were also posted at the Buffalo Post Office and Cass County Auditor's Office.  
21 Both public notices identify the purpose of the public notice, tentative determinations  
22 made by the department, where to obtain additional information regarding the proposed  
23 permit, where written comments could be directed. The second public notice also  
24 included the purpose and location of the scheduled public meeting.

25           It is important to note that all comments received by the close of the comment  
26 period on March 19, 2016, whether written or recorded during the scheduled public

27 hearing, will be considered prior to making a final determination on the proposed permit.  
28 Upon completion of the Environmental Health Section Review of all written and oral  
29 comments, a recommended determination will be provided to the Environmental Health  
30 Section Chief for a final determination. We estimate the process may take up to 30  
31 days, but as long as 90 days, to complete from the close of the comment period/  
32 hearing. The time to complete a review of the comments may take longer or be shorter,  
33 depending upon the number and complexity of the comments.

34 The following is the procedure we will follow in this hearing today. I will shortly  
35 open the hearing for testimony, at which time anyone interested in presenting testimony  
36 on the proposed permit will be allowed to speak. Anyone presenting testimony should  
37 state their name, address, and the organization they represent, if any. Also, everyone  
38 presenting testimony and everyone in attendance is requested to sign the attendance  
39 sheet for the record, located at this time at the front of the room. Please indicate on the  
40 attendance sheet whether you are giving testimony.

41 Please remember that this is not a legislative hearing, a judicative hearing, or a  
42 court hearing. The purpose of this hearing is to get input, such as additional data or  
43 viewpoints from interested parties, especially from those who have not had or will not  
44 have an opportunity to submit written testimony. Both written and oral testimony will be  
45 considered equally; it is not necessary to repeat comments submitted in writing.

46 I would like to emphasize that this hearing is not a question and answer session.  
47 However, if there is clarification needed in regard to the proposed permit, we will be  
48 listening to your testimony and will be happy to try and provide clarification after the  
49 public testimony portion of the hearing is completed. Also, please remember that the  
50 proposed permit only relates to health and environmental impacts associated with  
51 permitting an animal feeding operation. It does not relate to social and economic  
52 impacts, or compatible land use. Therefore, we ask that you limit your comments to  
53 those concerns relating to the proposed permit to ensure that all interested parties have

54 an opportunity to provide comment for the record. Please address your comments to the  
55 hearing officer and speak clearly into the microphone located at the podium on the side  
56 of the room.

57 The purpose of this hearing is to get additional viewpoints. To allow the person  
58 testifying to be heard clearly, please refrain from cheering, booing, applauding, or  
59 talking while we are taking testimony. Based on the number of people who have  
60 indicated on the sign-in sheet that wish to testify, I will limit each person to four minutes  
61 of testimony until everyone who wishes has had an opportunity to speak. At that time,  
62 you may add additional testimony if you wish. Are there any questions concerning the  
63 hearing procedure to be followed today?

64 Seeing that there are no questions, the hearing is now open for testimony. From  
65 the sign-in sheet we have randomly selected someone to begin, and uh, I will call by  
66 name as we go through the list and please um, the person testifying will go up to the  
67 podium and I will also let you know who will be next so they can prepare as well. So, we  
68 have selected to begin with, uh, Nathan Pesta. As Nathan makes his way to the  
69 podium, I will remind you too if you do not wish to testify at this time, you can decline  
70 um, to testify and then uh, you will be given an opportunity if you wish to add something  
71 later on in the process.

72 Nathan Pesta: Hi, my name is Nathan Pesta, I'm the design engineer for the  
73 project. Uh, between me and my business partner, uh, Dan DeHaan, we uh, we put  
74 quite a few hours into this project, uh, making sure we were meeting all the Department  
75 of Health requirements, and also we designed everything to meet the industry  
76 standards. Um, if you look at the application at all, my name is signed over on a lot of  
77 the pages. Um, this is my career and my business that I put my name on this and it's  
78 good as gold as far as meeting the uh, meeting the requirements that we needed to  
79 meet. Uh, my business is DeHaan, Grabs & Associates. We are an agricultural  
80 engineering firm. Um, we're based out of Mandan, North Dakota. Uh, where our main

81 business is in livestock facility design. Uh, with this farm, uh, we uh, sorry about that I'm  
82 a little nervous here. Um, we put a lot of time and effort into it to make sure that we are  
83 meeting the requirements that we needed to meet and are environmentally sound. Uh,  
84 our business started in 1999 and since the inception, with our livestock clients, we have  
85 promoted environmental and animal stewardship, uh, livestock is our passion. Um, bas..  
86 with this project, designing the livestock, the concrete structures, we used the  
87 Midwestern Plan Service, uh which follows building codes from the American Concrete  
88 Institute. So with that I close my comments.

89 Karl Rockeman: Thank you. Um, for those that testifying, uh, Marty will be  
90 keeping time. He will, uh, wave his hands at you when you have one minute left. Uh,  
91 you can conclude your remarks for the first go-round, everybody will be allowed  
92 however much time they need to testify once everybody's had that opportunity. Next, we  
93 have, uh, Randy Coon up with Lee Fraase on deck.

94 Randy Coon: I'd like to defer and so he can go on through.

95 Karl Rockeman: O.k., thank you. Uh, Lee Fraase you're up.

96 Lee Fraase: I'll defer my time too.

97 Karl Rockeman: And Bill Marcks is on deck.

98 Bill Marcks: I'll defer mine 'til later.

99 Karl Rockeman: 'k. Uh, Lee Fischer is up.

100 Lee Fischer: I'll def..defer mine 'til later.

101 Karl Rockeman: 'k. Um, next we have Vicki Wendt.

102 Vicki Wendt: I defer also until later.

103 Karl Rockeman: 'k, and Tim Frueh?

104 Tim Frueh: I defer 'til later.

105 Karl Rockeman: Alright. I apologize if I um, butchered your names, um, Carolyn  
106 Dostert, um, you're up.



107 Carolyn Dostert: I'm Carolyn Dostert, I live in Buffalo, North Dakota. Uh, I'm part  
108 of the Concerned Citizens of Buffalo ND, and I will also be part of the other group, but  
109 this is something that's personal. Um, the Concerned Citizens of Buffalo ND have done  
110 much research about CAFOs and how they affect the neighbors and communities  
111 surrounding them. We've heard the statements from people that maybe this is o.k. as  
112 long as it isn't in our backyard. We've heard that the ag special interest groups want this  
113 CAFO to come into **our** community, not necessarily theirs. We're concerned about how  
114 much weight these special interest groups will have regarding the location of this CAFO.  
115 We're asking the North Dakota Department of Health to consider **our** health and **our**  
116 well-being, our right as tax-paying citizens of this state to live where we, our children,  
117 and our grandchildren will have healthy air to breathe and water to drink.

118 We believe in farming and livestock. We want to protect our local farm families'  
119 health and their right to continue to have their family farming businesses grow without  
120 the interference of out-of-state entities. As we understand it, the North Dakota  
121 Department of Health exists to, has a purpose to, and has a mission statement to  
122 protect the health and environment of **all citizens** of North Dakota. Again, protecting  
123 **our** health, and the environment we live in is your job. The Concerned Citizens of  
124 Buffalo are asking that the testimonies given to you today be reviewed and considered  
125 and that the North Dakota Department of Health send a clear message to everyone that  
126 the location of **this** CAFO, and any future CAFOs in the State of North Dakota be  
127 farther away from cities and family farms.

128 We feel the proposed location of Rolling Green Family Farms planned CAFO is  
129 wrong. The proposed building site and the land where the manure will be spread are too  
130 close to the family homes in our community and their locations will affect the health and  
131 well-being of all the people who live in our community. We have heard that we are  
132 wasting our time, as this planned CAFO is a done deal, and that the North Dakota  
133 Department of Health has already made the decision. We have also heard that the

134 North Dakota Department of Health will do what they have been told to do by the  
135 powers that be in Bismarck.

136           These statements are terribly upsetting to us. We trust the people we send to our  
137 capital and the people representing us, the citizens of North Dakota, will work for all the  
138 people, not just the ones that are members of a special interest group that has lobbyists  
139 in our capital. We hope that you will not approve this illegal permit just because it has  
140 been submitted, that you will review all testimony and do **your** job to protect the citizens  
141 of our community and our state. I am asking you--will you, the North Dakota  
142 Department of Health, do your job according to your own mission statement, to protect  
143 the health and environment of the tax-paying, voting citizens of our community and  
144 every citizen in the State of North Dakota, or will you protect the business interests of  
145 special interest groups and out-of-state corporations.

146           Karl Rockeman: Thank you. Next up, we have William Grieve, and on deck,  
147 Liane Stout.

148           William Grieve: I give the stand up.

149           Karl Rockeman: O.k. We will pass over that. Liane Stout, and then....

150           Liane Stout: I would like to defer 'til later.

151           Karl Rockeman: O.k. Um, then we have Eejay Smith up and uh, Martin Nichols  
152 on deck.

153           Eejay Smith: Eejay Smith, I live at 2345 142<sup>nd</sup> Avenue Southeast, approximately  
154 2 ½ miles north of this proposed facility. Um, I grew up on a farm. I'm pro-farming, I  
155 understand that there's a farm. I should expect living in the country to have farm types  
156 of things happening, uh, near me, but these are...this is an extraordinary operation, it  
157 should have extraordinary control...er...of...um, extraordinary uh, scrutiny. It should be  
158 um, um, it, it is very questionable to me whether there is anything that can be said here  
159 that will uh, um cause this to...to not happen, I...I understand that, uh, but I think that  
160 there's a number of issues that haven't even begun to be addressed. I still feel that the

161 uh, um if you speak to any farmers around here that have large cement projects, they  
162 do not hold up. Our soil is more plastic than it is in many places. The uh, um, the uh,  
163 large cement projects in this area have not had a history. So I would say that anybody  
164 that has a large municipal swimming pool, for example, they've only lasted well beneath  
165 what their expected lifetime was, uh, because the uh, uh, plasticity of our local soil.

166 I have concerns around the way that the um, animals are going to be uh,  
167 composting, uh, as far as vermin and um, groundwater issues that they could create. I  
168 don't believe that you could possibly control, uh...uh, upwards of 900 animals in a good  
169 manner. I, uh, have not seen any plan, uh, for a uh...uh, emergency plan in case it  
170 spills. If there is a spill, I mean I'm told there won't be one, what if there is, there's no  
171 plan in place that I have seen. Um, there's a...uh...a number of issues with this and I  
172 would like to recommend that this uh...um, application be rejected.

173 Karl Rockeman: Up next, Martin Nichols.

174 Martin Nichols: (( ))

175 Karl Rockeman: I'm sorry, can you speak up.

176 Martin Nichols: I don't wish to testify.

177 Karl Rockeman: O.k.

178 Martin Nichols: At least not in this one.

179 Karl Rockeman: And I apologize, some of these I'm not clear on whether they  
180 indicated yes or no, so...um, that's fine, um Michelle Grilley, with Daniel Leino on deck.

181 Is Michelle Grilley here?

182 Michelle Gilley: Gilley?

183 Karl Rockeman: Gilley, yes, sorry. (( )). Then Dan Leino, L-e-i-n-o.

184 Dan Leino: Hello. (clears throat). My name is Dan Leino, uh, my wife and I just  
185 moved, uh, to 14390 40<sup>th</sup> Street Southeast, uh, it is a Wheatland address. We are  
186 located approximately 3 ½, almost 4 miles away from where this proposed feed lot will  
187 go. Um, my initial concerns and my health concerns being diagnosed with asthma at a

188 very young age (coughs), um, and growing up in East Grand Forks around a lagoon,  
189 um, pretty close to the sugar beet plant, uh, especially being located downwind, my  
190 children, which have just been showing signs of asthma, and I do know that when we  
191 drive through West Fargo, uh, even on the interstate when I head south at the West  
192 Fargo waste stabilization ponds, uh, I don't think there has been one day in the last two  
193 years that my kids have not coughed. Uh, the idea of them having to cough every single  
194 moment they're at home really, really affects me not only as a father, but also as  
195 somebody who has studied the medical field. Um, with these feed lots, especially with  
196 the uh, waste that is going to be produced. Uh, the stench that's going to be carried  
197 downwind, uh, seven units is extremely high for somebody with a diagnosed medical  
198 history for respiratory diseases. Um, along with asthma, when you can't breathe, you  
199 wind up, uh, getting really frequent headaches. Uh, you wind up coughing, you wind up  
200 not sleeping, you wind up getting sick. And, we moved out to the country to get away  
201 from all of that.

202 Uh, University of Iowa, (clears throat), has even shown an increase of people  
203 developing asthma even with no, um, diagnosis anywhere in the familial history. Uh, just  
204 living within 2 ½ miles of these feed lots, and that's a perfectly healthy individual  
205 growing up around the area—all of sudden, within a year and a half they're diagnosed  
206 with asthma—how is that happening. If people are, if the board and the Department of  
207 Health is actually concerned for our health, they will actually take a look at some serious  
208 research that's been done for the development of respiratory diseases, along with, um,  
209 the swine flu—it is the most deadly disease ever in the U.S. It killed more teenagers  
210 between 1918-1923 than World War I did. And those people and those teenagers, their  
211 body reacted to the H1N1 swine flu virus. Now, all of sudden we're going to start talking  
212 about having over 9,000 of swine living within the area where mutagenic DNA, and you  
213 take a virus, it's going to find a way to replicate and mutate, and all of sudden you are  
214 going to get an airborne—it's not by water, it's not by anything, it's by airborne vectors.

215 The wind will blow it and all of sudden we'll wind up getting sick. And I really hope the  
216 North Dakota Department of Health takes a serious look at that. Thank you very much  
217 for your time.

218 Karl Rockeman: Thank you. Next up, we have Antoinette Babcock, followed by  
219 uh, Darrel Lies.

220 Antoinette Babcock: I will be also speaking with the, uh, group later on, so just a  
221 few personal remarks I have to make. Uh, I am going to try to give you a little bit of  
222 background of how this thing came to be in Buffalo and how we found out about it. The  
223 open records law shows that state officials worked behind the scenes to get Rolling Hills  
224 a permit almost a year before the people of Buffalo found out when someone leaked to  
225 me that they had overheard that there was going to be a hog farm built just south of  
226 Buffalo. I realized that this was pretty serious and I went ahead and verified it and I  
227 made four short phone calls, and after speaking with those four people I knew it was  
228 true, and a moment later, um, a visitor came to my house who wanted to talk to me and  
229 see if we couldn't just sit down and discuss this and not make a big deal of it. Uh, being,  
230 uh, part of the city government I realized that was not the way to approach this, that all  
231 the citizens needed the opportunity to...to find out about it, to get information and to ask  
232 questions. And so I took it upon myself to call Rolling Hill Farms in, um, Minnesota and  
233 they graciously accepted my invitation to come here to this hall on the 18<sup>th</sup> of January,  
234 um, where we were met with a full house of, uh, concerned, upset citizens.

235 Some things we learned that evening: Rolling Green has been invited to our  
236 state, this is a quote from them, "They were here to stay, and we're not going to leave,  
237 and if we didn't like it, we needed to change the law." Workers at the plant have largely  
238 have college degrees and be paid a salary of up to \$50,000 per year. Oftentimes, these  
239 workers would become lifetime employees and receive a retirement benefit when they  
240 retire. Buffalo could expect hundreds of thousands of dollars in economic gains, and  
241 there could be fifteen or sixteen new jobs out of Buffalo. The workers would probably

242 move to Buffalo and even build homes here. The workers would become part of our  
243 community and Rolling Green Farms would benefit the community by making annual  
244 donations to various benefit things and other things we have going on in the city. Public  
245 records would show that, uh, there were talks at least a year in January, 2015 before I  
246 heard about it in 2016, and I would like to know who it was in the state government that  
247 initiated these talks and got this ball rolling. We've heard rumors, but I don't know who it  
248 was for sure, but I'd like to know. There's something wrong when this is happening.

249         Who's decided that the quality of life in our community doesn't matter, they can  
250 take it away from us without giving us a chance to tell them we don't want to. Who is  
251 concerned about the health of our people? The State Health Department promises safe,  
252 sparkling water, and clean air to breathe—that's on the front page of their website. What  
253 about the stress of this event on many people who struggle, not only with physical  
254 illness, but the depression and mental illness. Who cares that our community has been  
255 torn apart and will probably never be put back together again the way it was before.

256         I quote Dr. Terry Dwelle, M.D., with the Health Department, from the front page  
257 of the North Dakota webpage: "All of us in the department are committed to  
258 safeguarding the health of every North Dakotan. We look forward to continuing our  
259 service to you."

260         I have a question: after all is said and done, in the long range scheme of things,  
261 who is going to benefit from this hog farm? And don't tell me that it's going to be the, uh,  
262 corn growers. I had a corn grower in our community tell me that his production this year  
263 alone would take care of this farm for two entire years. He said, if I were to do that, what  
264 are the other corn growers going to get out of it? So, he notes, it's ridiculous. And, um,  
265 why was Cass County chosen as a site, and if this farm is allowed to come in, how  
266 many more farms will follow? And I ask once again, who is going to benefit.

267         Karl Rockeman: Thank you. Uh, Darrel Lies is followed up by Carolyn Dostert.

268 Darrel Lies: Good afternoon, Darrel Lies representing North Dakota Farm  
269 Bureau. North Dakota Farm Bureau is in support of the enhancement and expansion of  
270 livestock feeding and farming in North Dakota, whether it's a hundred or ten thousand  
271 head. Animal agriculture needs to be a part of the diversification and enhancement of  
272 North Dakota's number one industry. Agriculture has been, is, and will be the balance  
273 beam of North Dakota's economy if we are willing to support diversification within our ag  
274 economy in our ag communities.

275 The request to locate a pig farm near Buffalo has stimulated many questions and  
276 concerns. We understand at times emotions can run strong, and while we respect the  
277 opinions of those who are in opposition, which we exemplified by extending an invitation  
278 to visit several of them, which we did, we must draw the line when lies and  
279 misconceptions are being used to mischaracterize the truth. It seems we may have  
280 reached that point. Some of the opponents of this family farm have said that there are  
281 no positive economic impacts to be gained and extremists have even stated that these  
282 types of farms release chemicals into the air to quote, "deaden the sense of smell of  
283 local community residents." Both of these are untrue, in fact I would suggest and more  
284 accurately characterize this as boldfaced lies.

285 We will not stand by and let any segment of agriculture be degraded through  
286 these malicious tactics. The fact of the matter is, increased animal agriculture **will** have  
287 a positive impact on all of agriculture through the use of abundant feed grains, creation  
288 of jobs, directly and indirectly, through needed companion businesses. This will benefit  
289 the economy of North Dakota, regardless of the type of livestock--whether it is a feedlot  
290 for beef or lamb, a poultry operation, a pig farm such as the one proposed--expansion of  
291 livestock will pay dividends for North Dakota. As common sense North Dakotans, we  
292 need to ask ourselves, first and foremost question: "Where's our food supply going to  
293 come from?" Are we going to depend on foreign food as we have in the past on foreign  
294 oil? America is blessed with the ability to provide safe, affordable food supply. We have

295 learned how to raise grains and livestock efficiently with minimal environmental impact  
296 through dedication, innovation of our farmers, together with private and public  
297 researchers, have found ways to raise more food on less acres than ever before.

298 We are confident the Health Department will follow the protocols and rules which  
299 have been set forth in the law, and upon verification that those requirements have been  
300 met, will be granting the request of Rolling Green Family Farms to operate a pig farm at  
301 this location.

302 At this time, I would like to thank the Health Department for their professionalism,  
303 their allowance of the comments, of which, folks, we don't take lightly when we analyze  
304 things at North Dakota Farm Bureau. I personally read every comment that was  
305 provided to the North Dakota Health Department. Most of them I read twice. We do not  
306 take these things lightly. We understand concerns—we don't want to diminish those—  
307 we do not want to belittle those folks, we want to respect them. But on the same token,  
308 we ask that the respect be given to those that favor such livestock operations in North  
309 Dakota. Thank you.

310 Karl Rockeman: Thank you. Next up is Carolyn Dostert, if you wish.

311 Carolyn Dostert: I prefer later.

312 Karl Rockeman: 'k. And then followed by Brad Nagle, and after him, Craig  
313 Jarolimek.

314 Brad Nagle: I will defer.

315 Karl Rockeman: Following Craig, we will have Kathy Tyler, perhaps?

316 Kathy Tyler: I defer.

317 Karl Rockeman: O.k. Then Jennifer Fraase.

318 Craig Jarolimek: Good afternoon. Actually, I find it quite, uh....Craig Jarolimek, I  
319 am a pork producer from Forest River, North Dakota. Actually, I find it kind of humorous  
320 that we're debating Rolling Green on St. Patrick's Day. (laughter from audience). Uh,  
321 I'm a, a pork producer from Forest River, North Dakota. Actually, I'm a shareholder in



322 uh, two of the uh, uh, operations that uh, Mr. Rockeman highlighted earlier. Uh, Viking,  
323 which is at Edmore, North Dakota, and uh, Paramount Pork, which is at Bottineau,  
324 North Dakota. Uh, my wife and I ventured into that as shareholders. We have a small  
325 part uh, in that operation and uh, that was developed about seven years ago, I believe it  
326 was. And what I want to say is that we're very proud of our operation, pork operations.  
327 Uh, the Health Department does monitor us; they do visit us on an off. Uh, we keep  
328 records in place, and uh, to this day, uh, we've operated under the law. And I was  
329 involved in another operation that was cited near Cando, and I think that same  
330 operation is...has the same record. What I want to say is that um, what I want to say is  
331 that all the fears that you folks have, we faced as well, uh, from those communities, and  
332 the record shows that a lot of those fears never happened. Uh, we're operating very  
333 well; we're good neighbors. We take care of township roads, uh, we contribute to the  
334 community, uh, we have jobs in the community, we're using local grain. Uh, the grain for  
335 those operations is processed at Rugby. Uh, they expanded their billing, and so  
336 everything that you fear, or that you have been told, doesn't come true, and what the  
337 application of the permit, uh, does hold true. And it gets very, it costs a lot of money to  
338 adhere to that permit, if we don't, we're going to lose our permit and our investment is  
339 gone.

340 We're under the gun to perform, and so we have, and it's ah, just, if you could  
341 trust or look at those communities that we're in, they had the same fears, but nothing  
342 happened. Birds still fly forward, babies are still born. So, I mean it's uh, I know it's  
343 tough and it's hard, uh, but trust the fact that our operations adhere to the permits and  
344 we do what's right. Thank you.

345 Karl Rockeman: Next up, uh, Jennifer Fraase followed by Terry Grieve.

346 Jennifer Fraase: Hi, my name is Jennifer Fraase, I'm a landowner from half a  
347 mile away from this proposed sight, and a homeowner approximately a mile and half  
348 from the proposed sight. Um, the mission of the department is to protect and enhance

349 the health and safety of all North Dakotans and the environment in which we live. Study  
350 after study shows that these type of operations have detrimental effects on people that  
351 live near them and for those who work in them. The United States EPA scientists have  
352 verified that large releases of ammonia and hydrogen sulfide from animal manure  
353 present a legitimate threat to our health. Some of these health issues include irritations  
354 of the nose, throat, eyes, symptoms of vomiting, headaches, nausea, diarrhea, an  
355 increase in infant mortality, asthma, and chronic bronchitis—those are just to name a  
356 few.

357 Studies also show that the ammonia and methane gases and fumes cause  
358 health concerns. What a CAFO does to the water quality is also very evident from  
359 numerous studies that have been done around the country. Cow excrements contain  
360 more pathogens than human waste and those pose a threat to our water supply. That  
361 includes rivers and streams which have already been polluted in other states by existing  
362 CAFOs, to say nothing of what they've done to the groundwater where they are located.  
363 This is a very real and scary threat to our water system, one that you as a department  
364 should be looking to protect.

365 Within a two mile radius of this proposed sight, there are fourteen homes.  
366 Studies have shown that CAFOs have a large impact on infants, senior citizens, and  
367 those with lowered immune systems. Six of those fourteen homes have people living in  
368 them that fall into those three categories. This proposed site will also affect my own  
369 personal health. I walk by snowshoe, I bike, I can't even imagine what it is going to be  
370 like to go outside with that site a mile and a half away. In all reality, I will probably have  
371 to discontinue my exercise routine. If I choose to continue, if this site is built, it is a  
372 proven fact that when you exercise, you breathe in deeper, you inhale more, and there  
373 are studies that show that the pathogens that are in the air will affect our health and that  
374 will affect my health, personally.

375           It's also going to affect my health when I cannot open my windows anymore, and  
376 then all summer long I have to have my air-conditioning running, and it doesn't take a  
377 rocket scientist to look up and find out the detrimental health effects from living in a  
378 home where you cannot have fresh air.

379           The American Public Health Association has urged federal, state, and local  
380 governments, and public health agencies to enact a freeze on the building of all new  
381 CAFOs. As a department of health, you can do exactly that. As a health department,  
382 you better than anybody should know and understand the health effects to our water  
383 and otherwise that these CAFOs have on people, neighborhoods, and communities.

384           I am asking you to fulfill your duty as our state health department to protect my  
385 health, and that of my neighbors, and that of my community by denying this industry a  
386 health permit. I strongly urge you to deny this permit. Thank you.

387           Karl Rockeman: Thank you. Next up, uh, Terry Grieve.

388           Terry Grieve: I defer until later.

389           Karl Rockeman: O.k. Then next we have Debbie Coon.

390           Debbie Coon: I will defer until later.

391           Karl Rockeman: Followed by Judith Von Bank.

392           Judith Von Bank: I will defer also.

393           Karl Rockeman: Um, and Geneva Marcks. Sorry, is that the name? (From the  
394 audience: "Gerald", "Gerry") Gerald. Gerald. Thank you. Gerald Marcks.

395           Gerald Marcks: I will defer until later.

396           Karl Rockeman: O.k. I'll know how to pronounce it next time.

397           From audience: It shouldn't be too hard.

398           Karl Rockeman: Uh, Paul Kasowski?

399           Paul Kasowski: I'll pass, thank you.

400           Karl Rockeman: O.k. Um, David Hopkins.

401 David Hopkins: Good afternoon, my name is David Hopkins, I'm a registered  
402 professional soil classifier in the state of North Dakota since the late mid-80s. Um, I've  
403 got this little survey of Cass County here in this bag, and one of the things that surprised  
404 me in looking over the um, the application for this, this uh, farm is that the soil  
405 information presented mentioned the two major map units, Hamerly-Tonka, and the  
406 various and sundry Barnes, um, cousins that are found in the ((science bay)), but they  
407 were just giving information on building of the chemical properties, nothing on, on  
408 seems like cannon exchange capacity. Um, water relationships, depth anoxic situations,  
409 I've poked holes all over this northern part of this township for a long time, um, this is a  
410 area that's been significantly modified by Agassiz's water's coming up and going down,  
411 and so there's a lot of sandy materials out on this landscape. Just as sands were  
412 mentioned earlier as a beneficial issue, uh, having to do with the um, seeders lagoon  
413 and such, I'm glad to know about the drainage underneath that, the plans, that's  
414 important obviously. But, all around the landscape there's sand lenses um, throughout  
415 this landscape, so, so as an example for instance, um, I took everything from, uh, I did a  
416 web soil survey and some of you all know about that. Some of you have taken  
417 agriculture courses, some of you are professional agronomists, and you know that you  
418 can use the USDA's web soil survey. But, um, to run, uh, various and sundry  
419 interpretations, and so running it on about 7200 acres from I-94 up to within a half a mile  
420 of um, of uh, of Buffalo, um, and then east of the Buffalo road and then west of the Lake  
421 Agassiz beach lines, 36% of those map units are not, are...are severely limited for  
422 manure applications. It's 36% of that 7000, 7200 acres. I just chose a big block of land.  
423 Um, I realize there's other pieces of land that have been planned, but, um, they would  
424 have their own proportions. So, 36% or, um, or, um, were unsuitable, um, severely  
425 limited. 22% of that 7200 acres is...is limited, um, and the problem is that one of the  
426 map units that um, Hamerly Y yard wasn't really um, evaluated correctly. So if you look  
427 at the soil surveyed for the Y yard, and that map unit makes up 1500 acres of the 7200

428 acres in this little model, um. In this soil survey, you see that this soil scientist  
429 recognized redox features at 10 inches underneath the Y yard, so that means the water  
430 table is strongly, is affected the nature of what the Y yard is. So when we, you know,  
431 manure application is just fine if it's on the right kind of soils, but this is a problem  
432 (aside: uh, thanks) um, uh, this is a problem in terms of this particular situation because  
433 of the nature of this particular landscape. There's too much, uh, poorly drained soils, uh,  
434 in this area, so, I think it's a mistake to consider that there's going to be effective,  
435 efficient manure, um, recycling in the landscape. Um, there's definitely going to be  
436 lateral movement of...of waters in the subsurface that have higher levels of nutrients  
437 that would normally be there, so, I just wanted to make that point. Thank you very much.

438 Karl Rockeman: Thank you. Next up is Alicia Wisnewski.

439 Alicia Wisnewski: My name is Alicia Wisnewski. I am a local veterinarian. I reside  
440 on rural property in Ayr, North Dakota. My concern for being here today is because of  
441 an issue that is...affect us here because of CAFOs, a public health risk that's not  
442 currently being addressed. The CDC's 2013 report on antibiotic resistance reported that  
443 there were 2,049,442 illnesses and 23,000 deaths due to antibiotic resistant illnesses. In  
444 North Carolina, during 2005, it was estimated that um, food added to antibiotics use was  
445 3 million pounds of antibiotics during that year alone. It was also estimated to be the  
446 same amount of antibiotics that was used nationally to treat people. Um, nationwide,  
447 antibiotics used nationally for growth promotants is estimated to be at 24.6 million  
448 pounds per year. And why is this important to us as a public health risk is that all  
449 microbes which are bacteria that are either in or on animals or us when we give  
450 antibiotics—it doesn't kill all bacteria, if it killed all bacteria we would all die. But all  
451 bacteria that live through the exposure of those antibiotics, live through it, and they have  
452 the ability to now survive in light of the antibiotic being used in a patient. Bacteria also  
453 communicate to each other, so when bacteria meet other bacteria that have that  
454 resistance capability, they can share the knowledge on how to be resistance...resistant.

455 This poses a threat to all of us. The problem is that right now legislation doesn't dictate  
456 that we can't use...or, that we can still, it should be that we can't use antibiotics as  
457 ((feed-through)) for growth promotants, so that's where the public health issue comes  
458 in—it should be our public health, um, monitoring this.

459 Um, University of Illinois in 2009 completed an evaluation of antibiotic resistance  
460 and residues in water and soil in close proximity to swine production facilities. They  
461 found tetracycline, um, resistant bacteria underlying two of these CAFOs. It was also  
462 found in the soil where manure is added to these facilities, so I challenge our Public  
463 Health Department—this is a real threat to our community. It not only affects us, it  
464 affects everybody come in contact with. If we pick up those bacteria, um, that are  
465 resistant, we share it with everybody we come in contact with. When I shake your hand,  
466 or I pet my dog, we share resistance, and really, with three patients right now at my  
467 clinic that are resistant to antibiotics, two of those patients have never been on  
468 antibiotics; where did they get it from?

469 We had a patient just last night; we had to remove that dog's ear canals because  
470 it was resistant to everything. That dog, we could not get it cleared—his canals became  
471 calcified. We had remove them to remove that threat. That dog that's sitting at home  
472 with that family, they sit on the kids' bed, they share those bacteria. They share that  
473 resistance.

474 The American Medical Association and the American Academy of Pediatrics,  
475 among other medical and health groups, have issued a stance against CAFOs due to  
476 the impact on antibiotic resistance that they are posing to our communities and the risk  
477 that it's posing to our populations. Um, I would say that even though this doesn't directly  
478 affect this permit, it is an area that our public health department is missing. We say that  
479 we're out to protect our public health of our communities. There's soil testing available.  
480 There is well water monitoring available, and it's not currently being done. And if I'm not  
481 able to at least impact this CAFO being set up, I would encourage the Public Health

482 Department to at least recognize it for future CAFOs. Um, in my personal, professional  
483 opinion, we should not be having addition of any CAFOs, particularly in our state,  
484 because I feel rather near and dear to my family and to my family's health, until this  
485 resistance issue and issue of antibiotic resistance and antibiotic residue is taken care of.

486 Karl Rockeman: Thank you. Next up, we have Sheila Thompson, followed by  
487 Roy Thompson.

488 Sheila Thompson: I'll defer. Not until later.

489 Karl Rockeman: Alright. Followed by Craig Wendt.

490 Craig Wendt: I will defer 'til later.

491 Karl Rockeman: Next we have Sean Simpson, followed by Barry Kerkaert.

492 Sean Simpson: Afternoon. My name is Sean Simpson, I'm from, um, 1300 South  
493 Highway 75, Pipestone, Minnesota. I am also here on behalf of Rolling Green. Uh, most  
494 importantly, I'm here on behalf of the Pipestone system which is charged with, uh,  
495 managing this facility. And it manages this facility along with about 50 others throughout  
496 the, uh, Midwest in about five states.

497 I want to make something entirely clear today. I understand the concerns just like  
498 I said last time, but our intent is not to be evil, our intent is not to harm the people of the  
499 community. Our intent is not to pollute the community—that's simply not the case. Of  
500 the best evidence that I can tell you folks that, that that won't happen, is because we  
501 operate responsibly. We understand the communities we live in. And the best evidence  
502 I can tell you is the people that work for us. We have over 700 employees who work in  
503 those barns **every single day**, and the health concerns that I've heard here today don't  
504 materialize. They're over those pits every day, they're with those animals every day,  
505 they're caring for those animals every day—700 employees there every single day,  
506 every minute. They're not sick--Barry Kerkaert, veterinarian, has been in barns all his  
507 life—he's healthy. We got a lot of fear factor that all of sudden we put a hog barn up that

508 there's these contaminations in the air that are going to drop people. That's just simply  
509 not the case.

510 What it really is, is it...people just don't want it in their back yard. So they'll go on  
511 the internet and they'll find something to support their view, but that's not reality folks.  
512 Reality is, responsible operations won't harm the community. We intend to have our  
513 employees in this community. I heard the good mayor kind of laughs and say "Well they  
514 said they'd have..." yes, we will have 21 people here, everyday—living and working in  
515 the community.

516 We will source locally. It doesn't make any sense for me to get my fee in  
517 Minnesota. Economically, that doesn't make sense. We will source it locally. We will  
518 have indirect jobs in this community. We will contribute to the tax base in this  
519 community. We're not asking for any benefits; we're just asking to be good neighbors,  
520 which is what we intend to be.

521 Now, I know we'll have some people come up that say "listen, they're in my  
522 community and I don't like them", that's true, but they're not sick, they don't like the  
523 smell sometimes, and I'm here to tell you that once in a while, if you're close, it's going  
524 to smell. If you're three miles away, it won't smell. If you're a mile and a half away, it'll  
525 barely smell, but it will smell sometimes. So do feed lots, so do manure pits—it's just a  
526 fact of life when you're in the country, but to say that "not in my backyard" like this  
527 gentleman just said, you're right, well then where are we going to produce livestock?  
528 Where are we going to get protein? We can import it. At some point in time, this has to  
529 be reality, and I understand you don't want it in your backyard, but that just means it's  
530 got to be in somebody else's backyard. If you're fine with that, that's o.k., but I'm here to  
531 tell you, just reiterate again, we're not here intending to hurt anyone. We're not  
532 intending to pollute the environment. If something happens, we'll take care of it—I don't  
533 expect that it will, but we will take care of it. Thank you.

534 Karl Rockeman: Thank you. Next up, Barry Kerkaert, followed by Tom Bodine.



535 Barry Kerkaert: Good afternoon, uh, my name is Barry Kerkaert and so, uh, I am  
536 the face to the name of this permit, uh. Sean did a nice job covering some stuff, I'm not  
537 gonna trying to (( )) on him here, but I did want to tell you, I'm a veterinarian from  
538 Pipestone, Minnesota. I am one of the owners of a company called Pipestone Holdings;  
539 I'm the vice president. I am the person who signed off and said we would be responsible  
540 with this site if there's problems. It'll be me representing the owners of this site, um. We  
541 are very proud to say that we do coordinate 400 independent farmers, small farmers,  
542 into what we call the Pipestone System, which is 200,000 sows. Sounds big, but that's  
543 divided amongst 400 families plus their kids, to make protein so all you folks get to eat  
544 bacon, eggs, and some of you might say "I don't like bacon", but we do need to make  
545 our food here, and that's what those independent farmers do.

546 There's sixty farms, Sean said fifty, it's about sixty that we manage. The 200,000  
547 sows--we're in seven states today. Uh, and why we need a different space for different  
548 reasons. Mainly, the location where the owners are and that brings us to why are we  
549 here? Why in North Dakota? Not in my backyard. You know, uh, different places we  
550 went, there's always one or two or three folks that say "not in my backyard". And I would  
551 just tell you, if we can't do this in an ag zone community, where your state laws and  
552 rules draw the cylinders that we got to operate outside of, where can we do it, and if  
553 we're all going to draw circles around our places, then pretty soon you chuckle, where  
554 are we going to get our pork, China. Oh, you might chuckle and say, ah, that's not true,  
555 we're all going to put five pigs in our backyard, I'm telling you, that's not sustainable.  
556 That's why we do it the way we do it today; it's more sustainable.

557 So, why did we come to North Dakota? I hear the rhetoric and um, some scandal  
558 of why we're here, I don't know. We're here because the state of North Dakota reached  
559 out and said, "Pipestone, how're you guys develop an agriculture livestock production  
560 pig farm? All our pig farms are gone, they're all gone, right?" You listen to them, it's like  
561 ten farms left in the whole dang state. So, we explained that to them. That was the first

562 meeting. Then after that, they reached out to us and said, “Why don’t you ever come to  
563 North Dakota?” and we said, “Distance. We don’t want to go up there, we can do it  
564 closer.” So why did we come to North Dakota this time? Because we go interviewed by  
565 three farmers, three farmers, I remember the day, and had different reasons to pick the  
566 one we did, who I thought were top flight people—still do today, despite what some of  
567 the evil things I would say some of you folks have said about them. When we came  
568 here, they never said one of those things about you.

569         And so, we came here because we thought what they had met our needs. They  
570 showed us properties, they showed us neighbors’ properties that they thought might  
571 participate. We identified what we thought was a perfect spot—close to the interstate,  
572 that’s good for us and roads. Only a half mile on a township road—I’ve been asked what  
573 we’re going to do; we want good roads too, we’ll help out with the township road. And  
574 so, we identified that location because, 1.6 miles to the closest neighbor, he’s actually in  
575 favor—1.7 to the next neighbor here—he’s opposed, I understand. But we went there  
576 because we thought was a great site.

577         Now today it’s still not good enough. Wherever I go, there will be a part of these  
578 folks that say it’s not good enough. What I’m asking is, it’s the leaders in the  
579 community—the veterinarian over here, I appreciate her comments, but we’re all about  
580 decreased antibiotic use. That’s responsible things, right. I understand what she’s  
581 talking about. Her perspective’s different than ours; our experiences are different.  
582 Absolutely, we’re going to have high health pigs here, low antibiotic use, and that’s why  
583 we’re here, so that we can have the high health animals, so we can decrease antibiotic  
584 use, not participate in the resistance stuff. I’m sure she treats animals too on antibiotics.

585         So, I’m asking the business leaders—lead with responsibility, don’t lead with fear.  
586 To Sean’s point, all these myths about how the odors are going to kill people, for gosh  
587 sakes, I’ve been with pigs since I was eight years old, I’m going to go to a pig farm on  
588 Monday, next to Kathy’s farm. It’s a beautiful site, Kathy. I know you don’t necessarily

589 agree, but it's a beautiful place to be. I'm gonna go on that farm. I do it four or five days  
590 a week. So, what I am here to say—put back the fears fellows, face reality, be objective.  
591 We gotta make the pork somehow. You're gonna have more than thirty people on that  
592 farm. Some of 'em are here today. **Thirty people** will own that farm—some from North  
593 Dakota, not all. Thank you for your time.

594 Karl Rockeman: Thank you. Next up, Tom Bodine followed by Tamra Heins.

595 Tom Bodine: Yes. For the record, my name's Tom Bodine. I work for the  
596 Department of Agriculture, um, in Bismarck. Um, I'm here on behalf of Commissioner  
597 Doug Goehring who was able, not able to be here today. And I present a statement  
598 from the commissioner here today. But I'll just read, uh, uh, a little bit and give some  
599 examples of things.

600 North Dakota Department of Agriculture works to enhance all forms of  
601 agriculture. We do not discriminate against small operations versus large operations.  
602 Our job is to assist current and new producers in their aspirations to enhance and  
603 expand their operations. We work diligently to educate producers of any state and  
604 federal regulation during this process to ensure that the appliance, um, is met moving  
605 forward. And I can give an example, we do have livestock development assistance that  
606 the state has granted us. We work to educate about what we have here in this state to  
607 offer. When we go out, we talk about all the things that North Dakota has, especially on  
608 the property side. Wide open spaces, all those types of information. And that's one of  
609 the reasons, um, I guess companies like Rolling Greens look at North Dakota. Um, also,  
610 last week I got a call from a, a school district looking to expand a greenhouse. So we  
611 assessed in that process.

612 We have people working for you at the department, working all entities. We work  
613 all the way from organic farmers to help 'em get certified, all the way up to uh, confined  
614 feeding operations. The one thing it says is, uh, the advanced technology available to  
615 modern agriculture producers, combined with the strictness of environmental

616 regulations required at both the state and federal level for, uh, required for both at the  
617 state and federal level make concentrated feeding operations safe.

618 Expanding any form of livestock production in the state will add value to our  
619 crops and our rural communities. One thing that, you look at Cass County—you guys  
620 are number one leader in soybean production seven of the last ten years. You've been  
621 second in soybean production per county across the United States two of those years,  
622 and you were third one of those years. So basically, you could say Cass County is the  
623 number one producing county in the United States when it comes to soybean  
624 production. When you look at soybeans across the state, we export 95% of the  
625 soybeans we raise. We only utilize 5% here within the state. So, as you look at being  
626 able, and soybeans are one of those staples when it comes to food, uh, for livestock. If  
627 we can add value here, it's going to benefit all those involved.

628 When you look at our livestock industry, it provides several billion of economic  
629 activity, thousands of jobs, and hundreds and millions in both property tax and income  
630 tax. North Dakota ranks sixth in the nation in the value of our crops, but we are 34<sup>th</sup> in  
631 the value of our livestock. The balance between crop production and livestock is exactly  
632 what we're experiencing right now. Instead of us utilizing crops we raise through a  
633 animal or a processing type of situation, we're exporting that value and someone else is  
634 adding value outside of North Dakota. So, with that, we understand the concerns, uh,  
635 people have, um, and it's just like I would speak earlier, um. These times, any time a  
636 CAFO has gone into an area, there are people concerned, and so with that I'll, I'll shut it  
637 off. Thank you.

638 Karl Rockeman: Thank you. Tamra?

639 Tamra Heins: My name is Tamra Heins. I am the executive director of the North  
640 Dakota Pork Council. I am happy here to be with you this week. It is National Agriculture  
641 Week, and I represent North Dakota pig farmers, both large and small, in the state of  
642 North Dakota. We have a nine member board of directors that include members that

643 have sow facilities that have 5,000 sows in 'em, and we have members that are niche  
644 marketers that probably have five sows in market, 20-50 animals in...through direct  
645 selling in a year.

646 The North Dakota Pork Council supports animal agriculture production, and this  
647 sow facility. We believe they have met all the requirements of the North Dakota Century  
648 Code, and that the health department will continue to monitor them and provide, provide  
649 the assistance that they need to adhere to all the laws of the North Dakota statutes.

650 Several years ago, the National Pork Board and the National Pork Producers  
651 Council came together and came up with what we call the We Care initiative. The We  
652 Care initiative is seven basic principles that is involved in the Pork Quality Assurance  
653 program. Now the Pork Quality Assurance program has over 6,000 farmers, have taken  
654 a test and been certified in this assurance. And I can guarantee you that every one of  
655 the pipestone systems will also be involved in this PQA and they will be certified as well.

656 The seven principles are number one, we want to produce safe food. Number  
657 two, we want to protect and promote animal well-being. Number three, we want to  
658 insure practices to protect public health. Number four, we want to safeguard natural  
659 resources and all of their practices. Number five, we want to provide a safe work  
660 environment, and number six, we want to contribute to a better quality of life in our  
661 communities.

662 Over the last several years, we've moved these pigs into barns. We raise hogs  
663 considerably different than we did five years ago, ten years ago, certainly fifteen to  
664 twenty years ago. We've done this and the things that we have done because of this,  
665 we've basically eliminated trichinosis in pork, we've reduced our carbon footprint in the  
666 last fifty years by 35%, we have reduced our water usage by 41%, and we've reduced  
667 land use for feed by 78%. We're raising the best pork ever, and we're producing more of  
668 it with less resources.

669           The North Dakota Pork Council encourages the Department of Health to approve  
670 this application for their permit, and we count on them to use their jurisdiction to make  
671 sure and maintain that our excellent environmental quality of life is maintained.

672           Karl Rockeman: Thank you. Alright, at this time, for some of those who have  
673 deferred speaking, we will have an opportunity for them to present their testimony. Um,  
674 uh, is there anybody that wishes to present additional testimony?

675           Unidentified speaker: Well, the Concerned Citizens of, uh, Buffalo would like to  
676 set up some tables. Uh, give us like five minutes.

677           Karl Rockeman: Yeah, we'll take, uh, five minute, uh, recess, here and  
678 reconvene.

679           Karl Rockeman: Alright, we will start again. One note of correction, I did, uh, miss  
680 one page here, so we do have a few more people that, to get their first opportunity to  
681 testify and then we will go to the group of people that had deferred until later, so. Well  
682 starting off, I have Scott Ressler, uh, listed, and um, David Vanverda, Vaneuvra, up  
683 after that.

684           Scott Ressler: Good afternoon and thank your for the opportunity to comment.  
685 I'm Scott Ressler, the environmental services director of the North Dakota Stockman's  
686 Association, an 86 year old beef cattle trade organization. We're here today as a long-  
687 time advocate of animal agriculture, environmental stewardship, and private property  
688 rights. As such, we want to go record in support of this proposal. To us, the  
689 consideration boils down to this: are they in environmental compliance, are zoning  
690 requirements being met and adhered to? Based on the information presented, the  
691 answer to that question is an emphatic yes. In other words, if all legal requirements are  
692 being satisfied, this operation and other operations, whether it be beef, swine, dairy,  
693 must be allowed to move forward.

694           Animal agriculture is an important economic driver for North Dakota, and there  
695 are opportunities towards growth across the state. Our entire state benefits from

696 responsible animal ag development and we urge your support on this project. Thank  
697 you.

698 Karl Rockeman: Thank you. Next up is Seth Bacon. Oops, excuse me, David  
699 Vaneura. (laughter from audience).

700 David Vaneura: (( ))

701 Karl Rockeman: O.k. Then it is Seth Bacon.

702 Seth Bacon: Hi. My name is Seth Bacon. I am the president of North Dakota Pork  
703 Producers Council and yes, my last name is Bacon, so it's kind of meant to be. (laughter  
704 from audience). However, I am not here to talk on behalf of North Dakota Pork Council  
705 who represents all type of pig farms across the state. I am here to give you just a quick  
706 shot of my story of raising pigs on 5,000 head sow unit for the last eighteen years in  
707 Grand Forks County. Growing up raised some pigs with my dad, raising 4-H and FFA  
708 projects, selling butcher pigs through the local livestock rings and Cloverdale processing  
709 plant in Minot, which all three are now gone. When I was at NDSU, I worked at the  
710 NDSU Swine Unit on campus, and at the time, raising pigs on dirt my entire life, coming  
711 into a hundred sow units seemed enormous. I joined our pig cooperative in 1998 when  
712 the farm was just getting started, it just worked out that I was getting out of college, the  
713 farm was just getting started. Our cooperative is made up of family farmers who all  
714 pooled their resources together to raise pigs in North D.....raise very, very healthy pigs  
715 in North Dakota.

716 There was some concerns when the farm first started, which were met, and now  
717 we are a respected member of the business community. We have twenty full-time  
718 positions that are filled with people from all the surrounding areas. Our starting wages  
719 are \$13.50/hr. plus benefits and have a million dollar payroll which brings a lot of money  
720 to small town North Dakota, especially now with commodity prices being low and the oil  
721 boom kind of being at a lower pace right now.

722 Manure stinks no matter what you put...type of critter it comes out of, including  
723 people. We don't think of it as waste that needs to be disposed of, rather, as long as it is  
724 managed and handled very correctly, which we do, it becomes a very, very valuable  
725 asset to local grain farmers. I love what I do, and I wouldn't.....I'd be doing it somewhere  
726 else if I couldn't stay here. I was born and raised in North Dakota, and there's no place  
727 else I'd rather be. My peers are growing up saying the same thing. Thank you for your  
728 time.

729 Karl Rockeman: Thank you. Alright, now we will move on to those that deferred  
730 for the first time. We will, uh, they have a, uh, group, um, to go in order. We'll start with  
731 Carolyn Dostert. And if you would, when a new speaker comes up, please state your  
732 name so they can have it for the record. At this point we will no longer be timing, you  
733 have as much time as you would like.

734 Carolyn Dostert: My name is Carolyn Dostert and I live in Buffalo, and I'm  
735 representing the Concerned Citizens of Buffalo, and I'd like to present a letter from the  
736 Johns Hopkins Center for a Livable Future Bloomberg School of Public Health in  
737 Baltimore, Maryland. It's addressed to Dr. Terry, Dwelle, State Health Officer regarding  
738 Rolling Green Family Farms, RELLP.

739 Dear Dr. Dwelle,

740 We are researchers at the Johns Hopkins Center for a Livable Future, based at  
741 the Bloomberg School of Public Health. The Center engages in research policy  
742 analysis, education and other activities guided by an ecologic perspective that diet, food  
743 production, the environment, and public health are interwoven elements of a complex  
744 system. We recognize the prominent role that food animal production plays regarding a  
745 wide range of public health issues within and associated with that system.

746 We have been contacted by the Buffalo, North Dakota residents concerning the  
747 proposed 9,000 head capacity sow operation, Rolling Green Family Farms. We  
748 understand that the North Dakota Department of Health is preparing to review a



749 confined animal feeding operation permit application for this operation, and we are  
750 writing to express our concerns regarding the potential public health impacts of this  
751 operation. Based on evidence from numerous scientific studies of similar facilities, the  
752 proposed operation, if constructed and put into operation, may present a range of health  
753 risks to members of the surrounding community.

754 Our concerns regarding the proposed swine operation include the following:

- 755 1) Antibiotic resistance and the spread of infectious diseases to communities
- 756 2) Ground water and surface water pollution and associated health impacts
- 757 3) Air pollution odors and associated health social impacts

758 These are detailed below with supporting evidence from peer reviewed scientific  
759 literature. Thank you for the opportunity to comment on this important issue. We  
760 appreciate you taking these concerns into consideration.

761 [She continues] Residents in Buffalo and surrounding areas have relayed  
762 concerns to us regarding community members' various chronic health conditions,  
763 including asthma, chronic obstructive pulmonary disease (COPD), high blood pressure,  
764 cancer, and other ailments. There is evidence that some of these conditions, primarily  
765 asthma, may be exacerbated by living near industrial food animal production facilities,  
766 which raises concerns about whether these residents could be particularly vulnerable to  
767 the health risks described above.

768 We hope our letter is helpful in describing some of the potential public health  
769 harms associated with large scale swine confinement operations. We strongly advise  
770 the North Dakota Department of Health to take these consider....or these concerns into  
771 consideration when deciding whether or not to approve the construction of Rolling  
772 Green Family Farms. Through our research, we know that the health departments face  
773 many barriers addressing issues surrounding industrial food animal production, and  
774 we're prepared to serve as a resource for your office. Please do not hesitate to contact  
775 us if you have any questions.

776 Sincerely,  
777 Anthony So, M.D., M.P.A.,  
778 Robert S. Lawrence, M.D.  
779 Jillian P. Frey, Ph.D. and Ph.( ( )  
780 Keve E. Knockman, Ph.D., MHS  
781 Robert P. Martin  
782 Brent F. Kim, MHS  
783 And Claire M. Fitch, MSPH

784 They also attached all of their reference material for your approval.

785 Judith Von Bank: My name is Judith Von Bank. I live at 3610 140<sup>th</sup> Avenue SE,  
786 and my husband's name is Robert. We live a little over a mile from the proposed large  
787 scale corporate hog operation. My husband and I are very concerned about what the  
788 hydrogen sulfide and methane gas will do to our health. My husband has severe asthma  
789 and he won't be able to enjoy the outdoor activities and the lifestyle that he has enjoyed  
790 at our farm for the past 77 years. Robert needs exercise because of his fibromyalgia,  
791 and it will be impossible to walk on our country roads. We are very concerned that our  
792 quality of life will be completely destroyed. I'd like to read a letter from my husband's  
793 physician, Dr. Patrick Stoy, Pulmonologist.

794 "Dear Robert,

795 In discussion with your wife, I have learned that there are plans to construct a  
796 large hog operation near your home. This, to me, raises significant concerns with regard  
797 to your severe, difficult to manage asthma. I would anticipate that the fumes that would  
798 include ammonia and methane gas generated by this kind of an operation would lead to  
799 considerable difficulties managing and dealing with your asthma, and a great deal of  
800 breathing difficulties for you.

801 I think this plan of construction is certainly not in your interest whatsoever, and if  
802 there were a way to relocate that operation at a great distance from you it would be  
803 highly advised. Thank you.”

804 Vicki Wendt: My name is Vicki Wendt. I live at 3805 139th Avenue SE, just south  
805 of Buffalo. I am presenting here on behalf of my neighbor, Arnetta Frueh. She wanted to  
806 be here today, but her mom is potentially in her last couple weeks, so she’s with her, so  
807 I’m.....this is on her behalf. Arnetta writes:

808 “As a concerned citizen of Buffalo, we are here to express our concerns to the  
809 Department of Health about a proposed corporate hog operation that will be located one  
810 and a half miles from our dream home. We are very concerned about the effects of  
811 hydrogen sulfide, methane gas, and ammonia gases, and any particulate matter to our  
812 health and those of our family members. We have two grandsons with asthma, my  
813 mother has terminal small cell lung cancer, and myself with anxiety and stage four  
814 kidney failure.

815 We walk our country roads, not just for pleasure, but also for health reasons. We  
816 look forward to being outside using every ten acres of space after a long North Dakota  
817 winter.”

818 That is signed by Arnetta Frueh, and she also has a couple more pages  
819 describing in detail her concerns and I’m just gonna talk about a couple of highlights.  
820 Um, she says, her and her husband a mile and a half from this site, they said, when we  
821 first heard about this we were excited. They thought, something’s coming to Buffalo, this  
822 is great. Um, we also didn’t know what a CAFO was. So, they started researching and  
823 when we looked it up we were not looking for anything but good things and we were  
824 shocked. So, I have heard that we are not supposed to believe anything we read on the  
825 internet I guess, um, I get that when it’s, you know, some random person’s Facebook  
826 comments, and you know, there’s such thing as hearsay and babbling on the internet,  
827 and there are studies done by universities that are not made up. Whatever we’ve talked

828 about hasn't all been us just blatantly lying because we are out of fear. We are reading  
829 legitimate studies, or about legitimate studies.

830 Arnetta goes on to say, "We have three grandbabies that we wear on our  
831 chests." She talks about snowbanks and go carts and bicycles and climbing trees—  
832 helping grandma with the garden. And they pick apples and taste test them, they're a  
833 mile and a half from this proposed site. Now, two of these grandchildren have asthma.  
834 Arnetta says, "I am not against hog farming or any other farming," which I think just  
835 about all of us in this room would say, we're not against it all, we oppose, what I oppose  
836 is the amount of hogs and byproduct in such a small area and so close to a community  
837 and farms within the proposed area. Thank you.

838 Gerald Marcks: My name is Gerald Marcks and I live at 3506 140<sup>th</sup> Avenue SE.  
839 Uh, I was born in the same bedroom that I sleep in now at 77 years. My granddad and  
840 my dad farmed this land for over 80 years before I bought my father out. I've farmed  
841 ever since I was a sophomore in high school and I have been involved with milk cows,  
842 beef cattle, hogs, in my earlier years. I am still farming today 'cuz I enjoy the benefits of  
843 being my own boss and seeing what the next year brings.

844 The last ten to twelve years I had heart disease. Two minor heart attacks, triple  
845 bypass surgery, two stints put in, and I have a leaky valve. I take a lot of medicine for  
846 these conditions—high blood pressure, bad cholesterol, blood thinners and others. Part  
847 of my health routine is walking and staying active. I am concerned that the hog factory  
848 will be a detriment to my well-being. All of my land lies within 2 ½ miles from the  
849 planned site, and my farmhouse is 1 ½ away. With all the air pollution, hydrogen sulfide,  
850 ammonia, methane and toxins, carbon dioxide and particulate matter that will be  
851 released into the air, I am concerned about my health.

852 One quarter of my land is 80 feet from the proposed buildings. Excess runoff  
853 from this site flows across the land and another quarter of the farm is across the  
854 township road 1,860 feet away. If this isn't enough, my neighbors will be applying

855 manure on 1,140 acres all around me to the northeast and west. All 1,500 acres that I  
856 farm will be impacted. I hope that the people at the health department will take this  
857 under consideration and deny this permit.

858 At this time, I would like to read my wife's, she's here in attendance today but  
859 she's unable to get up here, so. Uh, I will read a passage she's written.

860 "My name is Jacqueline Marcks. Gerald Marcks is my husband and our farm  
861 home is 1 ½ miles from the proposed hog factory. I have lived there since we were  
862 married 56 years ago. I am a cancer survivor--colon cancer survivor. I was diagnosed  
863 with primary biliary cirrhosis of the liver at Mayo Clinic in Rochester, Minnesota. I  
864 doctored there for two years, going every six months and was told that I would be a  
865 transplant candidate someday. I was told later that the doctors in Fargo would be able  
866 to treat my condition and all my records were transferred to St. Luke's, now Sanford.

867 Two years ago I had a TIPS procedure done where the veins to my liver were  
868 (( )) and two stents were put in. My immune system is weak and my blood panel is  
869 askew. However, I am maintaining now. I have been hospitalized several times in the  
870 past few years and have appointments every three months with a (( )) specialist for my  
871 ailments. I am currently also in a group study at Mayo Clinic for hereditary primary  
872 biliary cirrhosis. I am concerned that air quality coming from the proposed hog factory  
873 near Buffalo would be harmful to my weakened condition. I fear that air emissions,  
874 again with hydrogen sulfide, methane, along with particulate matter will be released  
875 from this close hog factory and manure will be spread on land next to ours and all  
876 around, which will add to my medical problems. In closing, I ask the Department of  
877 Health and Water to deny this permit. Thank you."

878 Debbie Coon: My name is Debbie Coon and I am reading a letter from Tracie  
879 Zaun, who is a resident in Buffalo.

880 "To Whom it May Concern:

881 As you are aware, there is a lot of concern stemming from the community  
882 meeting in Buffalo, North Dakota on January 18<sup>th</sup>, regarding Rolling Greens Family  
883 Farms moving in a hog farm operation. I am writing a letter of concern due to medical  
884 reasons. I am a 40 year old female, and has been dealing with a compromised immune  
885 system; I have Lupus.

886 As you are well aware, when someone has a compromised immune system, they  
887 have a harder time fighting off viruses, bacteria, and (( )). I have days where I feel  
888 normal, but I also have days that make it difficult to leave my house. When I heard  
889 about a hog farm coming to our community, I had immediate concerns for my health  
890 and others in the community that also suffer from auto immune diseases and other  
891 health issues.

892 One of my biggest concerns that I have is zoonotic disease transmission,  
893 especially from MSRA. In some of the research that I have looked at, people who live  
894 within a mile of a hog operation are nearly three times more likely to carry MRSA in their  
895 noses than the general population. That's from a chemist study in 2014. And also  
896 another MRSA study conducted in Pennsylvania in 2013, Joan Casey, Frank Curriero,  
897 Sara Cosgrove, KE Nachman, Brian S. Schwartz, 2013, found that people who live near  
898 fields treated with industrially farmed hog manure are significantly more likely to be  
899 treated for infections and that people who live near hog operations showed a similar but  
900 weaker association with MRSA infection rates. With this being said, those that have  
901 weakened immune systems are at increased risk for developing staph infections,  
902 including MRSA.

903 It has been brought to my attention that there will be application of manure from  
904 the hog farm to fields that are adjoining land my husband and I own. This brings  
905 concern to me also as this could increase risks to my health and others near and dear  
906 to me. Thank you for taking the time to listen to my concerns regarding my health and  
907 those that live in the community, as there are elderly folks that live in the community that

908 could be affected. Do not allow this illegal permit to build this facility, as I do not  
909 consider this a family operation and I care about family, friends, and neighbors in our  
910 community.

911 Sincerely,

912 Tracie Zaun”

913 She also has a letter from her, um, medical physician:

914 “To Whom it May Concern:

915 Tracie Zaun has di...has the diagnosis Lupus. This patient was seen in my office  
916 and is currently receiving medical care. Thank you.

917 Melissa Erdmann, MP”

918 Terry Grieve: Good afternoon, my name is Terry Grieve. I live in Buffalo. My  
919 mother, Carol Beilke, has asked me to read a letter that she has written. Mom writes:

920 “I am very worried about the effects a large swine operation will have on me if  
921 allowed to be built just two miles from the city of Buffalo, where I live. I have congestive  
922 heart failure and COPD. I use oxygen almost continuously. I own land within a mile of  
923 where the operation would be built, often give rise to (( )) during the farming season. I  
924 like to be outside and enjoy the fresh air. Will I be able to do so in the future without  
925 jeopardizing my health. I have attached a letter from my doctor stating her concerns.  
926 Reading it makes me even more concerned and scared. I ask you to deny the permit so  
927 my health and well-being and that of my family and friends in and near Buffalo is not  
928 sacrificed for the growth of one business. Thank you for your time and consideration.”

929 She also asks that I share the letter she received from Sanford Health. The letter  
930 reads:

931 “To Whom it May Concern:

932 Mrs. Carol Beilke is a patient of mine followed in internal medicine at Sanford  
933 Health System. I have cared for Carol for many years. She suffers from a serious lung  
934 condition requiring continuous oxygen. I have concerns about her health in the event

935 that a large confined animal feeding operation be located near her home. My concerns  
936 include air contamination, with dust, mold, bacterial endotoxins and volatile gas, which  
937 would very likely negatively affect her breathing capacity and respiratory status.

938 ((Strike)) is a clearly documented respiratory symptoms associated with  
939 exposure to chemical components of CAFO air emissions. In particular ammonia and  
940 hydrogen sulfide. This would seriously detrimental to my patient. I encourage the North  
941 Dakota State Health Department to take this into close consideration and ban CAFO's  
942 near communities that will suffer from toxic emissions. Thank you for your time and kind  
943 consideration.

944 Sincerely,

945 Dorene Gistad-Stave"

946 Thank you.

947 Sheila Thompson: My name is Sheila Thompson, and I want to speak on behalf  
948 of my husband Roy and myself. We live about a mile from this proposed operation. We  
949 built our own home, handicapped accessible, planning on it being our retirement home,  
950 but also for our grandson Jake, who is crippled.

951 Being outside is one of our great pleasures. Having a big garden and flowerbeds,  
952 we spend many evenings working in them and enjoying our gazebo. If this operation is  
953 built, the manure would be spread on every field surrounding our home. We'd both be  
954 endangering our health, by being outside, breathing the exhaust of these hog barns.

955 What effect will the hydrogen sulfide and high levels of ammonia have on our  
956 health, the vegetables we grow and more importantly, our kids and grandkids. Our  
957 oldest grandson, Jake, is with us every weekend. He has had many brain surgeries. He  
958 has cerebral palsy. He is blind in one eye and losing sight in the other. We are very  
959 concerned how air quality will affect him.



960 Our kids and grandkids come for visits. Our daughter Rachel has asthma and  
961 allergies so bad, she has to have inhalers and a portable breathing machine with her at  
962 all times. If it's too bad, she'll no longer be able to visit.

963 The Health Department should be concerned for all North Dakotans. Everyone  
964 should be able to breathe clean air and have clean water. We are asking you to please  
965 deny this permit. Thank you.

966 Antoinette Babcock: I'm Antoinette Babcock and I'm a resident of Buffalo. I am  
967 speaking on behalf of The Concerned Citizens who are submitting a health petition  
968 which has been signed by 194 people. The petition reads as follows:

969 "We, the undersigned citizens and/or property owners, who live and/or work in  
970 Buffalo or in the surrounding townships of Buffalo, Hill, Howes, Tower and Wheatland,  
971 have been provided information from the document entitled "Understanding  
972 Concentrated Animal Feeding Operations and Their Impact on Communities" authored  
973 by Carrie Hribar, MA, 2010, National Association of Local Boards of Health, Bowling  
974 Green, Ohio. We are alarmed by the magnitude of environmental problems associated  
975 with CAFO, which pose a direct impact on our health and welfare. We do hereby  
976 oppose the permit for application number DNAF00853, filed by the Rolling Green Family  
977 Farms, RE, LLP, of Pipestone, Minnesota, for permission to operate a swine production  
978 facility on the southeast corner of the northwest corner of section four, township 139  
979 north, range 54 west in Cass County, North Dakota.

980 In addition to the health petition, we are also submitting a reference list of our  
981 research data and the printed document that address the health risks related to swine  
982 CAFOs, including issues regarding socioeconomic growth, impact water and air  
983 pollution and various diseases such as MRSA. We also have attached many letters  
984 which are still arriving, written by concerned citizens addressing their individual health  
985 issues that affect their daily life. These concerned citizens **do not** want the North

986 Dakota Department of Health to grant this illegal permit. We all rely on the North Dakota  
987 Department of Health to protect our health, safety and welfare. Thank you.”

988 Liane Stout: My name is Liane Veronica Stout, and I am a resident of Buffalo. I  
989 was born and raised in Buffalo, North Dakota. I am very proud of the quality of  
990 education that I received at the Buffalo Public Schools. The Consolidated Maple Valley  
991 School District has continued this tradition of quality education for over 200 students  
992 from our community as well as neighboring towns of Fingle, Oriska, and Tower City.

993 Education is an important part of our communities and has given a way of life we  
994 appreciate. We have a strong sense of caring and concern for all who live here. Our  
995 rural lifestyle is based on sustainable agriculture and locally owned family farms. It was  
996 a shock to me when I was informed in January that a proposed concentrated animal  
997 feeding operation for 9,000 swine was to be located several miles southeast of Buffalo. I  
998 had been involved with a group of concerned citizens who have been reviewing and  
999 researching this complex environmental impact and the health risks of this type of  
1000 operations. These are several of my great concerns:

1001 1) Water and air pollution. The potential of water pollution from the waste  
1002 produced by 9,000 swine can contaminate waterways, including the Buffalo Creek, the  
1003 Maple River, and eventually the Red River. The land around the building site is one of  
1004 the highest elevations in Cass County. Other states with large numbers of CAFOs have  
1005 experienced 20 to 30 serious water pollution problems a year due to the manure  
1006 application process in the fields. At the least, the quality of daily life in our  
1007 neighborhoods could be seriously reduced due to the foul smelling air. Serious  
1008 respiratory illnesses can result for workers, and we are especially concerned about  
1009 similar health impacts for our children and our senior citizens and all of our neighbors.

1010 2) Property values and local economy. Residential property values often  
1011 significantly go down when an industrial hog farm moves into the area. We do not  
1012 understand how this would be good for any growth or sustainability in our community if

1013 nobody wants to move here or continue to live here. Once built, the concentrated animal  
1014 feeding operation usually have their feed trucked in, the animals regularly trucked out,  
1015 and often low paid labor is used. This scenario robs our community of local economic,  
1016 environmental, and social benefits, plus saddles us with the costs we will have to pay to  
1017 haul these thousands of pigs and truckloads of feed, all with reduced property taxes.

1018 On a personal issue, I have asthma and chronic allergies and have had that my  
1019 entire life. Any respiratory distress can put me in the emergency room struggling to take  
1020 each breath. As scary as this is for me, I am horrified by the threat to the neighboring  
1021 individuals who are exposed to the daily emissions of this type of swine factory so close  
1022 to their home.

1023 Please carefully consider what we have to lose. I do not want a permit granted to  
1024 Rolling Green Family Farms. It will cause irreparable damage to the people in the  
1025 community that I call home. Thank you.

1026 Bill Marcks: As has been stated previously, I would thank the members of the  
1027 North Dakota Department of Health for giving us a chance to hear us. When I recently  
1028 was made aware of the proposed pig CAFO, friends of mine from other areas of the  
1029 state said, "Don't waste your time; the decision has already been made in Bismarck."  
1030 Their being here today reassures me that our, they listen to us, our system does work.

1031 I'm Bill Marcks. I was raised on our family farm in Buffalo, by Buffalo. After  
1032 college, I started in the U.S. Army, worked in the Fargo Public Schools for many years  
1033 and eventually returned to my hometown of Buffalo about thirty years ago. I'm a past  
1034 mayor of the community and I'm proud to be involved in our American Legion and the  
1035 City of Buffalo Historic Preservation Commission, the Buffalo Community Club, and the  
1036 city park board.

1037 Before I go into the rest of my statement, I jotted a few things down during our  
1038 last break, and I'm really amazed at all the wonderful comments I've been hearing from  
1039 over here the last hour or so. When I've done all of my research, I had no trouble

1040 finding, I had a lot of trouble finding that kind of information in studies, but I had  
1041 absolutely no trouble finding very negative things in many, many studies.

1042         The proposed concentrated animal feeding operation to be located southeast of  
1043 Buffalo could be devastating to the quality of life I enjoy now with my friends, my family,  
1044 neighbors, in our small community of about 200. I'm alarmed by the potential for serious  
1045 health risks for me and everyone exposed to the daily emissions of such a large swine  
1046 factory. I currently take medication for high blood pressure and allergies and do not  
1047 want my health compromised. Sorry.

1048         Our group of Concerned Citizens of Buffalo is certainly not opposed to local  
1049 family farms with animals, but resists to corporate control and potential devastation of  
1050 our water and air quality and much more. I challenge you, all of you, to show us  
1051 communities who really feel they are better off with this type of factory farming. It's  
1052 simply not true, at least anything I can find in writing, that the employees of this hog  
1053 operation will be our neighbors, friends, and families. The employees will not be family  
1054 farmers; this is much different than what makes North Dakota a leader in agriculture.  
1055 We have been leaders because of our strong family farmers and ranchers who own  
1056 their farms and understand what it means to be connected to the community where they  
1057 live and where they work.

1058         As part of the Concerned Citizens of Buffalo, I have done my own research to  
1059 learn about the huge impact of this type of factory farming. I want a voice in my destiny,  
1060 for the community I call home, and a sense of well-being for my family, friends, and  
1061 neighbors. I strongly oppose any permit for the Rolling Green Family Farm, slang,  
1062 CAFO, and ask the North Dakota Department of Health to stop them from moving into  
1063 our neighborhood and possibly further around the state. Thank you.

1064         Kathy Tyler: Hi, I'm Kathy Tyler, 48170 144<sup>th</sup> Street, Big Stone City, South  
1065 Dakota, 57216, and I, too, would like to thank you for your time today and giving

1066 everyone an opportunity to, to voice their fears and their opinions. That is much  
1067 appreciated.

1068 Um, I live about two miles south of Fargo. I'm a member of the Grant County  
1069 Concerned Citizens, and I was invited to speak here today. Um, I've, kind of ironic, we  
1070 found out about this situation through one of our county commissioners and they  
1071 wanted to make sure that someone would talk to the people up here and I thought that  
1072 was rather ironic.

1073 Before you get any id...,before you get the idea that I am a city slicker, and  
1074 complaining about odor, I grew up on a farm, I live on an acreage, and I, we own  
1075 approximately 400 acres of farm ground that we lease out. My husband and I would be  
1076 farmers or ranchers today if the stars would have aligned when my dad was retiring, but  
1077 that just didn't work out.

1078 We've lived in our current rural address since 1974, and up until this past  
1079 summer we have had no complaints about any of our neighbors. Our neighbors include  
1080 numerous farmers, both active and retired, retired and working couples, a small organic  
1081 dairy of about 70 head, um, 700 dairy, cow dairy, about a mile south of us, a power  
1082 plant and then milk production facility, so we are very, very, um, we are varied in our  
1083 neighborhood.

1084 Pipestone - Teton completed their facility in our neighborhood last spring. It's  
1085 probably about 5/8 of a mile from my front yard, um, southwest. Within three months the  
1086 smell started. They have phase 1 fans coming off the pits, and these fans run 24 hours  
1087 a day. You may have heard from some who have visited a facility that there is no smell.  
1088 According to employees at the plant, plant, excuse me, at the facility, there is basically  
1089 no smell inside the barns because these fans, which are necessary, are running 24  
1090 hours a day. If that air from those pits did not, was not exhausted, those pigs would not  
1091 survive, and that is the air that they're sending out to us, their neighbors.

1092 This, in its, I...I again, I will reiterate, we only live about a ½ a mile away from  
1093 that facility, so I'm not going to go into a lot of our situations, I will hit the mile marker on  
1094 that. The smell that we experience is like no other smell. It seems to be heavier air and  
1095 it seems to come in waves. For example, if we are out for a walk or riding horseback or  
1096 whatever along our road, you can hit the smell, go another 1500 feet and it's gone. It's  
1097 kind of like a plume, as someone described, but there are times where it is so tough that  
1098 you have to hold your breath until you get through that area.

1099 Like I said, we have two dairies in our neighborhood. One dairy, a small organic  
1100 dairy - approximately 70 cows - and that's a guess, is about a nor....a mile northwest of  
1101 their pig barn, pig farm. When they are downwind, they smell the pigs in their dairy yard,  
1102 o.k., so we're talking about a 70 cow dairy yard – they smell the pigs within their dairy  
1103 yard. The other, a larger dairy, and I'm assuming there's 700 cows in that dairy, it's two  
1104 barns, is southeast of the pig barn about ¾ of a mile. The farmer has talked to me about  
1105 the odor in his yard; he can stand on the south side of his barns, both of his barns, the  
1106 odor goes all the way through a grove of trees, over both of his barns and sits on the  
1107 south side.

1108 Our neighbors and we have been keeping track of the smell on calendars since  
1109 last August. What it boils down to, that if you are downwind, you will be affected by the  
1110 stink coming from the barns. I have personally smelled the odor up to three miles away.  
1111 Some days it's worse than others, it depends on cloud cover, humidity, wind speed, the  
1112 whole bit.

1113 You were probably told that the odor would be minimal, and I...I also saw in one  
1114 of the newspaper articles that that was stated by a Pipestone official, and they also told  
1115 us that, in fact, their application for this facility stated in part, letter E, "All manure is  
1116 stored under the buildings in concrete pits; therefore, drainage is not a concern for  
1117 potential odor production." And letter F, "There will not be open pens to create potential  
1118 odor." Well, the odor is not minimal, nor was it potential. It is maximum and it is actual.

1119 The place stinks. Luckily, we've had no one in our neighborhood has experienced  
1120 health problems as of yet.

1121 I've been accused, we've been accused of being anti-ag, anti-small farmer, and  
1122 because of our complaints against the Pipestone System in our area. We are in no way  
1123 anti-ag or anti-farm. One must remember that all farms are ag, but not all ag is farms.

1124 One thing that I ask of this committee, well two things, really, please don't grant  
1125 the permit for this location. And location is so important. You know you ask, o.k. well,  
1126 where can we put it? Find your hog producers and put it in their backyard. And if you do  
1127 grant this permit, please require that the facility have an expert design and install  
1128 biofilters or other equipment that will reduce odor and contaminated air by at least 9%  
1129 on a year-round basis. Research shows that this is possible. And also require that those  
1130 biofilters be maintained so as to consistently achieve this goal. I thank you for your time  
1131 and I'm very willing to answer any questions about my situation if anyone chooses to do  
1132 so. Thank you.

1133 Randy Coon: Hello, my name is Randy Coon, and I farm south of Buffalo. Uh, the  
1134 opinions expressed on the topic of (( )) management are solely those of the Concerned  
1135 Citizens of Buffalo, do not represent any other individual, entity or institution. I am here  
1136 today as a private citizen and I do not represent North Dakota State University with the  
1137 Department of Agribusiness and Applied Economics.

1138 Using liquid hog manure as crop fertilizer does present problems. Manure is not  
1139 a plant nutrient balanced product. In other words, the ratio of nitrogen to phosphoresce  
1140 is such that applying enough nitrogen for crop nutrient requirements will result in excess  
1141 phosphorus being added to the soil. It is possible for this phosphorus to reach high  
1142 enough levels to cause a movement off site and get into the groundwater. North Dakota  
1143 State University and the University of Minnesota researchers have recommended  
1144 applying enough manure to meet the phosphorus requirement. We strongly recommend  
1145 the nutrient management plan be required to use phosphorus to set the maximum

1146 application rate, and the soil be tested using total extraction method to determine the  
1147 total phosphorus in the soil.

1148 Determining the sustainability of the nutrient plan was difficult because five of the  
1149 six land easement contracts were incomplete. Water quality risk assessment maps  
1150 provided incorrect legal descriptions and acreages, with one quarter section showing  
1151 200 acres. The maps showed boundaries for each parcel that include setbacks which  
1152 consist of waterways and non-cropland acreage, but do not include the Howes  
1153 Township ordinance setbacks. These setbacks are important because when turning, the  
1154 applicator lifts, the applicator would leave the pump running and drops the manure clear  
1155 around the corner, around the, just, on top of the ground. They didn't show you that in  
1156 the film.

1157 For these reasons, the proposed vague language, it's overstated. Nutrient  
1158 content of liquid manure can vary greatly. An NDSU study by Lingeman recommended  
1159 using analysis of 27 pounds of nitrogen, 27 pounds of phosphorus, and 15 pounds of  
1160 potassium per thousand gallons of liquid manure. Soil tests provided in this, um,  
1161 application for field number one, showed 24 pounds of nitrogen, two parts per million of  
1162 phosphorus, and 182 parts per million of potassium in the soil.

1163 To achieve a realistic corn yield goal of 140 plus bushels per acre, 170 pounds of  
1164 N, 102 pounds of phosphorus, and 170 pounds of potassium would be required.  
1165 Because phosphorus in liquid manure is 80% available, 1000 gallons of liquid manure  
1166 would contain 21.6 pounds of phosphorus. Dividing the 102 pounds required by the 26,  
1167 21.6 pounds available would give 4,722 gallons per acre for a rate. If the sediment in  
1168 gallons we estimated of liquid manure were used to be disposed of each year, 1,482  
1169 acres of corn would be required.

1170 Soil tests indicate no nitrogen is needed for soybeans, so liquid manure should  
1171 not be applied for that crop. A typical corn, soybean rotation would require applying  
1172 manure to the same ground every other year. Applying the liquid manure above the



1173 recommended rates would lead to excessive nutrients getting into the groundwaters and  
1174 rivers. Almost all the proposed acres for this manure distribution drain into the Maple  
1175 River, which further drains into the Red River. The Red River flows north into Canada,  
1176 and this could lead to contamination of international waters. This illustrates the  
1177 importance of restricting application rates to match the phosphorus requirements.

1178         The proposed location for the facility is in a very unique soils area. Its proximity to  
1179 the Lake Agassiz shoreline has a significant effect on the area's soils. National  
1180 Resource Conservation Service, NRCS, web soil survey maps can provide numerous  
1181 measurements for these soils, including a sustainability and limitations rating. This  
1182 category is further subdivided into waste management for manure and food processing  
1183 waste. These ratings are based on soil properties that affect absorption, plant growth,  
1184 microbial activity, and rotability. The ratings go from 0.0 to 1.0, with a 1.0 rating being  
1185 classified as very limited for this use. Um, we have a map up there of the land right  
1186 adjacent to the east of the proposed site. Um, limitations for these soils cannot be  
1187 overcome without major reclamation, special design, or expensive installation  
1188 procedures.

1189         These soils are named Hamerly-Tonka soils. The red colored area on the map  
1190 represents the areas that have a 1.0 rating and um, these are very limi...this is a very  
1191 limited reading. If the Hamerly-Tonka soils are to be considered for manure application,  
1192 we strongly recommend an environmentally responsible nutrient management plan with  
1193 strict adherence to the application rules and very close monitoring by the Department of  
1194 Health to prevent pollution and environmental problems. Next one.

1195         Further contributing to the potential pollution problems is the amount of tiled  
1196 acres that drain into the Maple River. The north ½ of section 36 of Tower Township is  
1197 tiled and this is land that's been designated for manure application. NRCS maps provide  
1198 information regarding agronomic concerns for pesticide and nutrient leaching. The  
1199 Hamerly-Tonka soils in this parcel are rated from 0 to 1.0 with the 1.0 being the very

1200 limited for this use. About 2/3 of that land is rated at a 1.0, indicating a high-risk  
1201 pesticide nutrient leaching.

1202           The waterway that goes to the southwest corner of that land drains directly into  
1203 the Maple River; it's ½ mile away. Applying liquid manure to this land poses a high level  
1204 of environmental risk. We recommend that tiled acres not be allowed to be used for  
1205 application of liquid hog manure, or in a minimum, application should be in the spring  
1206 and under close supervision and monitoring by the State Health Department.

1207           Based on the information we have provided, there is not sufficient acreage  
1208 available to dispose of the seven million gallons of liquid hog manure produced  
1209 annually. Acreage contracts overstate the available acres in drain tile land and Hamerly-  
1210 Tonka soil problems have not been addressed. Over applying liquid manure to the soils  
1211 could prevent serious environmental problems. This nutrient management plan is not  
1212 achievable or sustainable. Further compounding the problem of disposing of the liquid  
1213 manure is the easement map, which will be talked about by Craig Wendt.

1214           The Concerned Citizens of Buffalo urge the State Health Department to stay true  
1215 to their mission statement. This illegal permit request must be denied to protect the  
1216 health of Buffalo area citizens and everyone's air quality and water quality. Thank you.

1217           Craig Wendt: Hi there, my name is Craig Wendt, um, a lifelong resident of  
1218 Buffalo; I consider Buffalo my home and I live approximately one mile south of the  
1219 interstate, so about 3 ½ miles south of Buffalo, and where they're proposing to put this  
1220 hog factory as the crow flies, I'm 2 ½ miles away from it. Uh, they're proposing to uh,  
1221 spread the manure as close to as a ½ mile behind my house, approximately 300 acres.  
1222 Uh, my wife and I and our two teenage daughters, um, live just a few miles straight  
1223 south of Buffalo, as I mentioned. I'm not a farmer. Both my wife and I choose to live out  
1224 here because this is our hometown. We both live in Far.., both work in Fargo.

1225           Our daughters are currently attending Maple Valley School where I graduated in  
1226 1987. I'm horrified that this out-of-state corporation can build a hog factory so close to

1227 our community. Um, as Mr. Coon was talking about um, I..I want to go into a little bit  
1228 here about how the area farmers and landowners have signed a mutual agreement to  
1229 refuse easements. These ease....easement, this agreement states, "The undersigned  
1230 landowners of the property in and around Buffalo, Hill, Howes, Tower, and Wheatman  
1231 Township are aware that Rolling Greens Family Farm and its affiliates are attempting to  
1232 secure easements to apply manure or solids to the agriculture land around the above-  
1233 referenced townships. Uh, we pledge to withhold the grant of any easements to Rolling  
1234 Green Farms, its subsidiaries, affiliates, for the purpose of 1) application of manure  
1235 waste, 2) to install a pipeline across(t) our land,"

1236 And what I'd like to talk to you about is the map up there, uh, right there. The  
1237 white and yellow boxes represent townships. So, when you're looking at the white and  
1238 yellow, that's what, they're just different townships. The green represents where they're  
1239 planning on applying the manure, and if you see where the star is, that's where the  
1240 facility is located. That's approximately 1/2 mile north of the interstate and as the crow  
1241 flies, a little over two miles, uh, from Buffalo. So all the green represents where they're  
1242 proposing to put this. All the red represents all the signed signatures we have from area  
1243 landowners and farmers that are holding back and saying 'we do not want this, uh, or  
1244 we're going to ((allow need)) easements of pipes across(t) our land.'

1245 Um, there's a total of 46 pages of signed documents which account for a little  
1246 over 33,000 acres. The number of acres refusing easements speaks volumes that the  
1247 people around Buffalo and the community are not for this. So, when you're looking at  
1248 the amount of acres that they already have secured, and you're hoping they're going to  
1249 pick up some more, you know, maybe a little bit more research should have been done  
1250 in talking to some of the other area farmers before you just came in here and took one  
1251 area farmer's word that you're gonna pick up more land.

1252           So with that being said, I hope the Health Department takes in and looks at our  
1253 concerns and makes sure they haven't...you know a proper place to apply all this  
1254 manure. Thank you for your time.

1255           Lee Fraase: Yah, my name is Lee Fraase. Um, our family farm is southeast of  
1256 Buffalo, and...our land is um, southeast, east, northeast, northwest of this site and we  
1257 do have four houses on our farm. My concern is the elevation drop, the water runoff, the  
1258 soil contamination, how it will affect our farm and the neighbor's farms. Not only are we  
1259 downwind, but we are also downstream. My brother and I had a farrow-to-finish  
1260 operation for 30 years, and this proposed hog farm is a hundred times bigger than what  
1261 ours was. And, by the way, this 15 million dollar site will pay 320 dollars in property  
1262 taxes. I repeat, 320.

1263           The elevation of the proposed site is 1142 feet. You can look at these maps and  
1264 you can, by the colors and...and um, you can see the difference. Because of the water  
1265 table, the bottom of this 8.6 million gallon pit is at the proposed elevation of 1139. The  
1266 elevation in the southeast corner of this field is 1130, so there is a 12 foot drop in this ½  
1267 mile and that means the field next to the county road is nine feet lower than the bottom  
1268 of this huge pit.

1269           The runoff from this site goes southeast and east of the Ayr...of the Ayr exit  
1270 along the I-94 ditches by our farm down through the Lake Agassiz second beach line,  
1271 settling in the flat shore bed of Lake Agassiz. This has an elevation of 1, 079. That's a  
1272 63 foot drop in these 2 ¼ miles. In our pasture we have a stock pond and there's also  
1273 wetlands. There it drops down, there's a stock pond, there's a wetlands, there's the  
1274 bottom of Lake Agassiz, and that goes south, um, that flat shore bed drops west in one  
1275 foot per mile as it heads into the Buffalo Creek.

1276           This map shows how it does flow southeast from the proposed site. A shallow  
1277 containment pond is planned to catch runoff water from this site and also drain tile will  
1278 be placed under and around the pits to collect any dirty water which may escape from

1279 the pits and pumped into the pond, while this pond plans to be pumped into this ditch.  
1280 That's...that's the main ditch that it goes on. Now in...in and um, in 2000, Larimore had  
1281 20 inches in 24 hours. Enviro-Port, they pumped out their lagoons, yes it was a lagoon,  
1282 but they pumped it out onto the adjacent fields to save their lagoon from breaking.

1283 This containment pond that will be pumped in here, could have dirty water,  
1284 probably will. If you really look close, um, there's a ditch here that comes out of Gerry  
1285 Collins' quarter in the southwest and it comes into the highway ditch just east of this I-94  
1286 culvert. It's about 50 feet. Let's go to the main southeast ditch coming from the  
1287 proposed site. That ditch hits I-94's ditch 133 feet each...east of that culvert. Water runs  
1288 downhill, it doesn't back up and decide to go through a culvert later. So all this proposed  
1289 site water moves quickly to the east and collects along that county road flowing  
1290 eastbound, not southbound like your permanent application has claimed.

1291 Next few pag...um, that just shows how that um, how that all drains. That's  
1292 where all the maps are, and look at that high elevation there, there's no way the water  
1293 gets over that high elevation and gets down over here. It goes to the southeast and it  
1294 comes our way. Next one. Um, that just shows how it comes along 94 and that's, you  
1295 know, our culverts that take it on each side. Go ahead. No that's...alright there we are.

1296 Alright. Let's go to the north side of this proposed, um, building site. There's an  
1297 intermittent stream, as you can see, it's highlighted there. In the red, stream, I know it is  
1298 'cause my CRP's considered a filter strip because it goes through there. NRCS  
1299 determines this by constant flow of water for long periods of time. It flows southeast  
1300 through my land, across my CRP, near my house, next to one open well, drops down  
1301 across the old Lake Agassiz beach line and dumps into one of my other stock ponds.  
1302 This land drops 104 feet in four miles, and after this drop, this intermittent stream then  
1303 continues dropping east, through my pasture, right by my shallow well, as you can see  
1304 pictures of it right there, it's an open well, and then it continues to flow into Garske's  
1305 Dam, which is part of the Buffalo Creek. (Back up.)

1306 Land in the pink, there is um, acres that are planning to have manure applied to  
1307 them and they are upstream of this intermittent stream. Spillage, seepage, or just  
1308 surface runoff, and by the way, that's how prosperous moves in soil is by surface runoff,  
1309 so if um, if this manure isn't hauled (( )) and for some reason they lay it on the surface  
1310 after annual freeze up, which can happen, um, see where it's gonna go, down that  
1311 stream.

1312 You do mention setbacks. O.k., setbacks. Well you...are you gonna be out there  
1313 measuring the correct footage on these setbacks? All the applicator has to go by is that  
1314 white line you draw on those water quality risk assessment maps. O.k. This map shows  
1315 the path of runoff from the site and this intermittent stream, stream come together as  
1316 part of the Buffalo watershed going to the Maple Valley, er, Maple River, sorry. The  
1317 Maple River. There is a site, there is a stream, it ends up on the Maple River, southeast  
1318 of Casselton.

1319 'K. The shallow well in my pasture is from an old farmstead, but because it has  
1320 not been converted to farmland, it's never been bulldozed over like most farmsteads  
1321 were. See, that's an 18 inch, uh, culvert and two weeks ago the water level was eight  
1322 feet below the surface. Alright. These old farmsteads, if you can see the yellow, it's a  
1323 little hard to see. Many of the old farmsteads, uh, that are currently being farmed over  
1324 and sign up to have large amounts of manure applied over them, 8,000 gallons to be,  
1325 per acre.

1326 Were these shallow wells properly sealed when the farmstead was bulldozed  
1327 over? A neighbor 1½ miles to the west, they um, they still use well water on that site.  
1328 They...they water their gardens and their flowers with it. It's going up to the um, uh, it's  
1329 that one. Another neighbor, um, ½ a mile from where the manure's planned to be  
1330 assigned this, um, they still, uh, use that, they still use that, um, a pump is well out of  
1331 that water well and for his house. He pumps into the house. He uses it for certain things

1332 in the house and then it also goes out into the yard to the hydrants. They used to drink  
1333 that water.

1334           The Maple River runs through this field where the manure is signed up to be  
1335 applied. The list location in one other field has drain tile installed in it, and both drain into  
1336 the Maple River. Note these following aerial photos identifying these old farmsteads.  
1337 Here's a picture, uh, there's section for the site. This picture, um, 1962, there's a  
1338 farmstead to the right, um, up top there there's another farmstead that's to the left is an  
1339 old farmstead that used our well that we farm now. Uh, next is, um, it's hard to see, but  
1340 it's there, it's saying two farm sites. If you really close up high, the one says pasture,  
1341 one says farmstead, one says...let's see...trees, um, so if there's a pasture there and  
1342 there's buildings there, there's a good chance there was wells there. Next.

1343           Here's, ah, northeast of 32, which is farmed. That was done in 19...that was a  
1344 picture from 1962. And last, uh, there's been section 29 and that's, uh, Pearson place  
1345 up on section 29. O.k. I'm going to map 23. Oh, that was the one before, but. This map  
1346 includes a very unique geological and soil features in this area because of the glacial  
1347 Lake Agassiz. They are called eskers. They are a significant sandier lands of soil  
1348 beneath the soil, and you look up there and it's section 29. There's a lot of eskers out  
1349 there. That's what...whenever watered nutrients enter the soil from above and in these  
1350 areas it could enter into these soil lands called the eskers below and move more rapidly  
1351 downhill easterly towards the intermittent stream. Look how those eskers point right  
1352 towards that intermittent stream. It should be a concern when we're applying large  
1353 quantities of liquid manure.

1354           Alright. After talking to three different custom manure applicators, all of 'em said  
1355 8,000 gallons per acre's the minimum rate that they could apply. It's too hard on the  
1356 hose if you go less. This is a concern, because as Randy Coon already mentioned, over  
1357 40% of these soils signed up have...to be...have manure applied to 'em are very limited  
1358 in their ability to handle the manure because they're Hamerly...Hamerly-Tonka soils. So

1359 even if the customer applicator's a great (( )) application rate, you'd need more acres.  
1360 Some of these acres that have been signed up were at unrealistic distances from the  
1361 proposed hog farm site. One site's over ten miles away, and will not likely, not even be  
1362 used. It's a known fact, the closest land to the site will always be over-applied. And, it  
1363 can, the, uh, 1,000 gallons, uh, they go by rate. It could easily cost between 80,000 and  
1364 160,000 dollars to pump this pit. It does not make it cheaper than commercial fertilizer,  
1365 and remember, they get paid by the gallon, not by the acre. So, pumping hoses,  
1366 pumping through these hoses is a preferred way, but there's a limit to how far you can  
1367 pump this manure. Especially when you have to try and cross I-94, State Highway 38,  
1368 BNSF ((railroad)) tracks, and the Maple River. Trucking costs a lot more than pumping,  
1369 and over half the fields would need to have to have it trucked.

1370 To put this in perspective, to haul away a, to haul away a quarter of harvested  
1371 corn, you'd need about 25 semi-loads. To apply a quarter of land with this hog manure,  
1372 you'd need about 125 semi-loads, that's right, 125. It's pretty tough on township roads.  
1373 So, in closing, over half of these acres that are signed up or under the listing, they don't  
1374 have enough acres, and if these acres were applied to the...to the cost, would not be  
1375 the 60%-70% range of commercial fertilizer costs like we were told, and if applied, there  
1376 is a definite risk to the watersheds as outlined in my presentation. And uh, thank you for  
1377 your time and you must deny this illegal permit.

1378 Tim Frueh: My name is Tim Frueh. My address is 14006 37<sup>th</sup> Street South in  
1379 Buffalo. My farm is located about 1 ½ from the proposed swine operation in Howes  
1380 Township. My family and I have lived there for 17 years, and I'd like to submit to you the  
1381 new Howes Township feedlot ordinance that was filed with...through the department,  
1382 February 26, 2016. You take...if you review the CAFO ordinance, you'll see that the  
1383 citing doesn't fit. Take a look at the map, um, our setbacks are a mile and a half for  
1384 residents, and the outer circle, uh, is 3 ½ miles, and that's our setback specificities. Uh,  
1385 and if you look, uh, the overlays at the other map, has overlays of the winds, the wind



1386 directions to see if we're gonna have to put up with if this, this site is granted. Uh, I pose  
1387 you to deny this permit, please.

1388           Alan Dostert: Is this going to work? 'K. Um, My name is Alan Dostert. I'm a  
1389 licensed architect in the state of North Dakota. I live at 405 4<sup>th</sup> Street North in Buffalo.  
1390 And, I've done some review of the application, and I have some serious concerns with  
1391 what I found. I've divided my, my uh, report into, uh, a design that has a plan analysis,  
1392 and basically, uh, I'll kind of talk through this verbally.

1393           The dimensions of the isolation facility are 114.7 feet by 174.5 feet. It's a pretty  
1394 good sized building. The gestation facility, which I have, uh, outlined over here, is 770  
1395 feet long by 181 ½ feet wide. This building right here, is the building (( )) right now. This  
1396 is two plus blocks long and nearly a blo..., uh, half a block wide. And ((probably this is  
1397 what)), it's a great building, it's big, there's not one isolation joint, or one expansion joint  
1398 in the plans that they submitted.

1399           So, my concerns here, of course – buildings move. The other piece of the  
1400 information that needs to be brought forward in this building is, the expansion coefficient  
1401 in concrete will have this building over a hundred degrees, and that would be minus ten  
1402 to ninety degrees, which we know it can go beyond that. At 5 ½ inches of growth, that's  
1403 5 ½ inches across the top foundation, which is braced by quickcast concrete slabs, and  
1404 of course, the nice cool manure in the bottom is keeping the slab at the bottom  
1405 motionless; it's not expanding and moving at all because it's a nice little 55 degrees. So,  
1406 this building is destined to tear itself up over time, just because of temperature alone.

1407           With no control joints in the construction, the temperature cracking that occurs on  
1408 the curing of the concrete will have the cracks in the concrete 24 hours after it's poured.  
1409 And then the question is 'how long will those cracks stay shut?' The reinforcement that's  
1410 specified in this project, um, is, is doesn't meet the ASI standards. ASI standards were,  
1411 were referenced by Nathan earlier. Uh, he referenced one of the standards in the spec  
1412 book, but the one that's really important is, is uh, publication 350, which was for

1413 environmental concrete. And that, um, publication would require that you use sulfate  
1414 resistant concrete, which means higher strength concrete, additives to the concrete, and  
1415 in extreme conditions, which the hog manure would be, a liner. And all this is, is  
1416 important because of a couple things. This facility, now I'm not sure where your graphic,  
1417 uh, came from Carl, but, um, I respectfully disagree with the graphic that was drawn  
1418 there. This building will be sitting, isolation facility, the subgrade and the tile outlet,  
1419 which is beneath the slab when they pump the water out and that has a two inch  
1420 granular base and four inch drain tile. Well, two inches of, of um, free draining material  
1421 under four inches of drain tile is not very adequate to provide an effective French drain.  
1422 And not only that, but 40 feet on the center. So, removing the water underneath these  
1423 slabs will be difficult with that system, at best, causing hydrostatic pressure whenever  
1424 the manure is low in these facilities, pushing...having an upward pressure on the slabs.  
1425 The slabs are just mildly reinforced. Uh, the reinforcement according the, uh, publication  
1426 350, would be, would say that it needs to be corroded resistant. There's nothing in the  
1427 specifications for that as well. Uh, in fact, the next part of my review went through those  
1428 specifications, and with all due respect to my uh, my contemporary in the civil  
1429 engineering field, we have, uh, a noted 33 items of deficiency on 29 pages that were  
1430 submitted in the specs. The spec book's only 29 pages to do this 15 Million dollar  
1431 building. There's no plans for anything about structure, and I understand that's not  
1432 required from State Health Department, but this, just from sheer size and the intensity  
1433 and potential exposure of the environment and of health conditions demands that this  
1434 building has something more than just the state mechanical code, the state electrical  
1435 code, and ((CMSI)) concrete standards that aren't even being followed right now in, in  
1436 the code.

1437         The point of whole study, and I'm submitting this in writing, is, if this thing does  
1438 go through, we have some real problems here. This thing is not gonna stand up over  
1439 time, it's gonna have problems. I would be, uh, uh, really nervous if my stamp was on

1440 this project, um, just because of the durability of this, of this building. This lower level or  
1441 this pit will leak. Will it leak and cow's groundwater come into the pit and, and  
1442 prematurely take care of the 365 days storage? I don't know. If it's low, will it leak into  
1443 the groundwater below. If it goes into the groundwater below, which I'm pretty sure it  
1444 will, it's even, si....it even standing there, their permit application, that it's a water, it's a  
1445 dee....a leak detection and a way to re...reduce the water pressure on the bottom of the  
1446 slabs, 'k. And early leak detection is sort of self-evident that it will leak, it will be  
1447 contaminated, and this water is considered clean water according to the design, and it's  
1448 being contained in a shallow pit. A shallow, uh, retention pond. This shallow retention  
1449 pond is not designed to take on effluent. It's designed like we would store water when  
1450 we do a project then in Fargo, or might even in Bismarck, or whatever. It's just clean  
1451 water.

1452 Well we [laughs] we, we know this water is going to be contaminated, that it's  
1453 gonna happen. Just knowing it will expand, it will leak, it will contaminate that water.  
1454 That pit is not designed to meet the standards of manure holding pond that's built  
1455 outside; it doesn't have the proper liner, it doesn't have the proper capacity – it's  
1456 designed for a, for a, uh, 24 hour, 25 year rain event, and it needs to be a 100 year rain  
1457 event. There's just, deficiency after deficiency when I look at these plans, and the point  
1458 to this is, this building needs serious modifications, it needs to be raised up out of the,  
1459 out of the water table, and a lot of different things need to happen with these plans -  
1460 high level of quality, more attention to detail, which of course is gonna make it more  
1461 expensive, and we're get a big push back on that or we're gonna endanger the  
1462 environment for sure.

1463 There's some other things that I wanted to point out. I've been told by several  
1464 people that, uh, the smell's not a problem, don't worry about the smell, they've got that  
1465 figured out. Well, there's no bio filtering, and there's no afterburners, there's nothing  
1466 taking that effluent out of the airstream. It is coming right out. We would, we demand as

1467 a group of, of, uh, concerned citizens that at least bio filters be incorporated. Once  
1468 again, I'm talking about things that we need to do to this project if it goes ahead,  
1469 because this, if it goes ahead, these plans the way they were submitted, we're all going  
1470 to be very, very sorry for that. [clears throat]

1471 A couple other items I wanted to just go through real quick, Carl talked about the  
1472 fact that they will not allow discharge, uh, into the water in this state. With the way this  
1473 groundwater comes out of the...beneath the slabs, and comes into the shallow holding  
1474 pond, it's not designed to eliminate that, so I don't know that we can say that that's not  
1475 gonna happen, but at least the way it's submitted today.

1476 A couple of other items that are very, very concerning is, there's a condition  
1477 called flashover that happens in, in, in the deep manure pits, and it's caused from foam  
1478 and there's a lots of studies that, that talk about manure foam, so on and so forth, and  
1479 foam floods a lot in Midwest CAFOs. And when the foam forms, it locks the flammable  
1480 gases on top of the manure, and that is, those gases keep it from(( )), at some point it  
1481 ruptures and releases that gas. It's caused several losses of facilities and loss of life.  
1482 We would recommend, or we're actually demanding that the state health, or the state  
1483 (( )) department make this facility be a class one, division one rated facility. That means  
1484 all devices, switches, motors, lights, everything, need to be explosion proof. That's very  
1485 expensive, but if we don't do it, what are we gonna risk—10,000 hogs, no big deal. A  
1486 couple of lives inside there? Big deal. A couple of firemen that respond to it? Big deal.

1487 I'm very, very concerned about where this is going, and I have a lot of other  
1488 things in my written testimony that's been submitted. And I think that all needs to be  
1489 taken real seriously as part of the conditions of approval – which the state has the right  
1490 to put onto this permit. They already have about two or three pages, uh, conditions of  
1491 approval for this permit. We're asking that this list of items be carefully looked at, and  
1492 then imp...implemented into the project. Thank you.

1493 Lois Smith: My name is Lois Smith and I have lived in Buffalo for a number of  
1494 years. I am the librarian at the Margaret Fraase Public Library in Buffalo, and I've had,  
1495 been in that position for over ten years.

1496 I believe in the power of education, the knowledge gained by reading, and the  
1497 value of the published word. I strongly recommend that the North Dakota Department of  
1498 Health take the time to read this book: *The CAFO Reader: The Tragedy of Industrial*  
1499 *Animal Factories*, edited by Daniel Imhoff. This book features more than 30 essays by  
1500 today's leading thinkers on food and agriculture. It provides an unprecedented overview  
1501 on concentrated animal feeding operations, known as CAFOs, where increasing  
1502 amounts of the world's meat, milk, eggs, and seafood are produced. The rise of the  
1503 CAFO industry around the world has become one of the most pressing issues of our  
1504 time. I want to thank the Department of Health for their time to seriously consider the  
1505 negative impact created by this type of factory farming. I am convinced by my research,  
1506 that you must not approve this permit. Thank you.

1507 Roy Thompson: My name is Roy Thompson. I live about a mile from the  
1508 proposed site. Uh, there are hog operations in the state already, uh, the one in  
1509 Bottineau County's already been mentioned. There's also one in Nelson County.  
1510 They're both farther from a town, uh, smaller than this one, and because the counties  
1511 are so sparsely populated, few rural residents are affected.

1512 The latest census indicates that Bottineau County has, ah, 6,429 residents, and  
1513 Nelson County has 3,126. By comparison, the population of Cass County is 149,778.  
1514 Uh, if you subtract Fargo from this total, there still remains 18,399 residents. Out of the  
1515 53 counties in this state, Cass County would still be in the top ten, even after taking out  
1516 Fargo's population. There are ten homes within two miles of this proposed operation  
1517 that will be affected with the loss in property value and quality of life.

1518 At three miles, the town of Buffalo, and many more re...rural residents will be  
1519 affected. The state of North Dakota is ranked 47<sup>th</sup> in the population, in population in the

1520 United States. There is surely a more appropriate site for a hog farm of this size than  
1521 here. And due to the degree to which current residents will be affected, and the value of  
1522 their property value and life in general, I believe it is reasonable to regard this proposed  
1523 operation as a public nuisance. If this permit is granted and the operation is built, there  
1524 is no way we're putting up with the loss of quality of life while we see our property value  
1525 plummet 30% to 40% without legal action. I encourage you to deny this permit.

1526 Now back of this, I've got a hundred signed, people have researched, uh, impact  
1527 of CAFOs such as Rolling Greens and a (( )) that such CAFOs typically have a  
1528 significant negative impact on the property values of surrounding properties. If our value  
1529 is diminished as a result of this swine operation, we will retain legal counsel and file  
1530 lawsuits for nuisance and under other pertinent legal theories to obtain damages to loss  
1531 in value to our homes and any other damages we suffered. And there is 16 signatures  
1532 on here. Thank you.

1533 Lee Fischer: Alright, my name is Lee Fischer, I'm a resident of Buffalo here. I'm  
1534 speaking on behalf of the Concerned Citizens of Buffalo who wish to thank the North  
1535 Dakota Health Department of Health section, division of water quality for granting us this  
1536 hearing to present our concerns.

1537 Upon first hearing of this proposal, we decided to approach this in an intelligent  
1538 manner. We hired legal and professional experts and have information gathered from all  
1539 over the country concerning CAFOs and the applicant. Our conclusion is that this  
1540 pers....proposed CAFO will have a devastating negative impact to our community, could  
1541 be disastrous to our environment, and that the permit is illegal. We have produced  
1542 sacks of ev...evidence how CAFOs will negatively impact health, water, air and the  
1543 general quality of life. The mission statement of the North Dakota Health Department is  
1544 to protect and enhance air and water quality for North Dakota citizens. How does  
1545 permitting an out-of-state corporate business to set up and, clearly in violation of the  
1546 law, in our backyard protect us?

1547           With North Dakota cutting budgets, whose gonna monitor everything required,  
1548 from building permits, to compliance of regulations. We respectfully submit that the  
1549 Health Department has not done due diligence concerning the approval of this illegal  
1550 permit. With the potential for illegal pollution that's almost guaranteed, does the Health  
1551 Department want to sign off on the real potential future clean-up site. This is our home  
1552 and our community; all parties concerned will be held responsible. It is our opinion that  
1553 information to supplied by the applicant has been very misleading and untruthful. Their  
1554 character assassinations of our neighbors is unwarranted and out of line. The track  
1555 record of the applicant in regards to CAFOs is less than savory. The project designs are  
1556 flawed, incomplete, and inadequate. Their nutrient management plan does not have  
1557 enough acres due to soil types and setbacks. The applicant cannot possibly fulfill their  
1558 illegal permit obligations as presented. If this proposal is so beneficial to us, and will not  
1559 harm our quality of life, then why is everything done backdoor and secretive.

1560           We have gathered significant information should we need to turn to the courts.  
1561 We depend...we intend to have independent water, air, and fly population monitors in  
1562 place. Have obtained information through open record laws and will have our properties  
1563 assessed to hold the applicant responsible for any loss to our property values. To the  
1564 applicant, this is another investment for corporate business to feed the world. To the  
1565 Health Department, it's another permit. To us, it's our home and our quality of life. To us  
1566 it's personal and we will proceed as such. If approved, this illegal permit and proposed  
1567 project will be challenged individually and by the Concerned Citizens of Buffalo in the  
1568 courts and every other venue it takes. This is our home, Sean, our community, and we  
1569 will not be statistics in the way of corporate greed. Thanks for smiling at me, buddy.  
1570 [laughter from audience].

1571           Karl Rockeman: Alright. Are there anyone else that would like to add to their  
1572 previous testimony?

1573 Rocky (( )): My name is Rocky (( )). We spent four hours this afternoon with a  
1574 very small group of people, corporate interests that would like this. And a real large  
1575 group of homeowners and people that live here that don't want it. Do you understand?  
1576 That's all I'm asking, I mean, we have an architect here, we have a guy with fertilizer  
1577 and none of that. We ha...we have more power than you got up there in North Dakota's  
1578 Health Department. Believe these people. Tell these people to go back to Minnesota  
1579 and come back with a new plan. That's all I ask. Thank you.

1580 Karl Rockeman: Thank you. Does anyone else have anything to add to their  
1581 testimony? Is there anyone else that would like to testify. Anyone else that would like to  
1582 testify? Any other testimony? Seeing as there none, no further testimony on the  
1583 proposed permit, I will close this hearing, noting the correct time to be 5:50. The  
1584 Department will review both the oral testimony given at the hearing, and the written  
1585 testimony and will make a written record of its consideration of all testimony. A copy of  
1586 the record will be made available upon request. Thank you for attending the hearing.  
1587 Your testimony will be given serious consideration by the North Dakota Department of  
1588 Health. The hearing is closed.