Michael Priest Farm Service Agency 5981 Lakeside Blvd Indianapolis, IN 46278 mike.priest@in.usda.gov

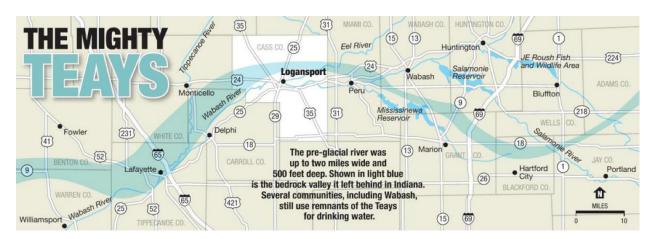
Dear FSA Representative:

I am submitting this public comment in response to the proposed hog CAFO to be located at CR 700 East & CR 800 South, Peru, Indiana. The Farm Service Agency should not allow this project to move forward because it threatens the health of nearby residents, will harm property values, and could compromise critical water resources and the surrounding environment.

This proposed CAFO is problematic because it is in close proximity to a number of important county natural resources which include: a county hiking trail, a biking and pedestrian destination, the Mississinewa Reservoir, the Mississinewa Lake, the Miami State Recreation Area, and the Red Bridge State Recreation Area.¹

In fact, the proposed CAFO will be less than 4 miles from the Mississinewa Reservoir and associated recreation area; an area that has a large public draw for its natural beauty. The odors and potential water contamination will drive away visitors and compromise a critical water resource for the county and the community. It is well known when phosphorus from CAFO runoff enters a water body in high enough concentrations, it can cause eutrophication and toxic algae blooms, which kill fish and other aquatic life and can be harmful to human health.

Another water body potentially at risk is the Teays, a vast glacial river that flows underneath Miami County and near the proposed site. The proposed CAFO plans to store its waste in two below-building pits that could contaminate this ancient source of groundwater.



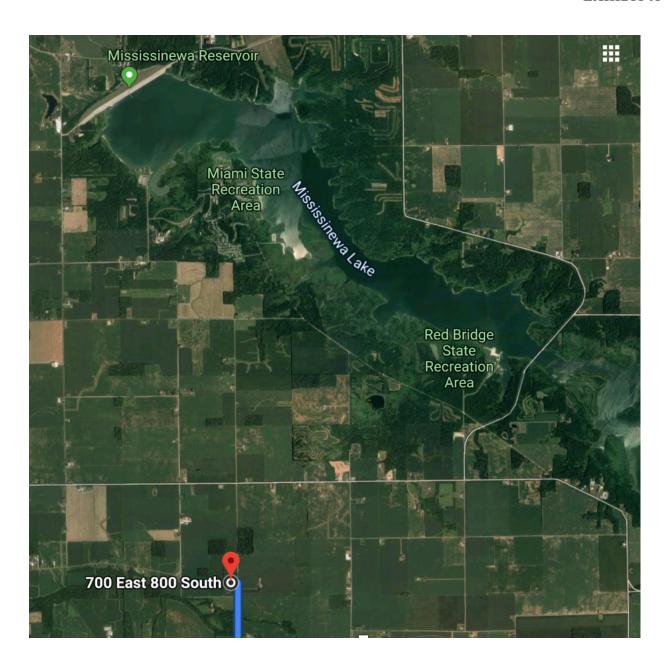
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¹ see Natural Resources Map on page 106 of the Miami County Comprehensive Plan https://www.miamicountyin.gov/DocumentCenter/View/1517/6915-FINAL-DRAFT?bidId

Lastly, the property owner of the proposed site is a known bad actor. The operator of Snowhill Ridge LLC, Brian Troyer, received a Notice of Violation from the Indiana Department of Environmental Management in 2015 for faulty waste management practices and insufficient soil sampling at another CAFO he owns. Allowing Mr. Troyer to operate a huge industrial farming operation in this delicate and environmentally important area is too big a risk. Please do not sign off on this action.

Sincerely, Margo Tucker Assistant Director of the Downstream Project Citizens Action Coalition Education Fund 1915 W. 18th Street, Suite C Indianapolis, IN 46202

EXHIBIT A





INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 · (317) 232-8603 · www.idem.IN.gov

Michael R. Pence Governor Carol S. Comer Commissioner

November 17, 2015

VIA CERTIFIED MAIL 91-7190-0005-2710-0045-4706

Mr. Brian L. Troyer Troyer Farms 6088 East County Road 550 South Peru, IN 46970

Re:

Letter of Violation

Troyer Farms
Log # 3583
Para Miami Coun

Peru, Miami County

Dear Mr. Troyer:

On November 5, 2015, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of your Confined Feeding Facility, located near Butler, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection:	<u>X</u>	Routine Complaint Other
Results of Inspection:	X	No violations were observed Violations were observed but corrected during the inspection (See inspection report) Violations were observed. (See inspection report) Additional information/review is required to evaluate overall compliance. Violations were observed and will be referred to the Land Enforcement Section Other



On November 5, 2015, Mr. Matt Brown of the Confined Feeding Compliance Section conducted an inspection of the above referenced facility (copy of the inspection report enclosed). This inspection revealed violations of the Indiana Water Regulation, 327 IAC 19. The following violations were noted at the time of the inspection:

Confined Feeding Operation Violations

Operational Standards

Maintenance and Operation

327 IAC 19-13-1(a): All waste management systems and application equipment must be maintained and operated to meet the approval conditions.

Violation Detail(s): One of the pump out ports on the south side of building labeled E-1 on the farmstead map is broken at grade which could potentially allow water to get into the pit (see attached photo). Several of the buckets covering the pump out ports are broken and need replaced (see attached photos).

Required Action: The waste management system must be repaired in such a way as to prevent excess water from entering the pits.

Land Application Records

Manure and Soil Testing

327 IAC 19-7-5(c): A soil test must be obtained that provides sufficient information about soil fertility to allow for nutrient recommendations for existing or planned crops. Soil tests may not represent more than twenty (20) acres per sample. The frequency of this testing must be: (1) specified in the manure management plan; and (2) conducted a minimum of once every four (4) years unless a different frequency is approved by the department in writing and is included in the manure management plan.

Violation Detail(s): Soil samples were not present in the operating records

Required Action: The owner/operator must conduct soil and manure test in accordance with the manure management plan. The soil tests need to be added to the operating record and made available for review.

Within sixty (60) days of receipt of this letter, compliance must be achieved with each of the requirements listed above. Noncompliance with any of the violations listed above, noted at the time of the next inspection, may result in a referral to IDEM's Land Enforcement Section. Please direct any questions to Matt Brown at (317) 727-6911. Thank you for your attention to this matter.

Sincerely,

Thanks P. Grady
Charles P. Grady

Section Chief

Confined Feeding Compliance Section

Office of Land Quality

Enclosure

cc: Miami County Health Department



CFO INSPECTION REPORT INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Inspector's Name:	Matt Brown		
Others Duesent	Brian L Troyer	Owner	
Others Present	Roger Vincent	Manager	
Date:	11/5/2015	11/5/2015	
Time In:	10:30 AM		
Time Out:	11:30 AM		

General Information						
Inspection Type						
Inspection Type CFO Routine						
Facility Information						
Facility Name:	Facility Name: Troyer Farms					
Facility Location:	Street Address: 7293 S CR 650 E City: Peru State: IN Zip Code: 46970 County: Miami					
Facility Mailing Information:	Mailing Address: 6088 E. CR 550 S. Mailing City: Peru Mailing State: IN Mailing Zip Code: 46970					
Facility Contact Information:	Contact Person: Roger Vincent Contacts Phone Number: 765-395-7544 Contact Fax Number: Contact E-mail Address:					
Owner Name: Brian L. Troyer Owner Phone Number: 765-473-6558 Owner Fax Number: Owner E-mail Address:						
Facility ID						
Log Number	3583					
Animal Types						
Animals Present	None					
Manure Management Systems						
Type of Manure Management System	Earthen Waste Storage Pit or Pond	arthen Waste Storage Pit or Pond				
Approved Structures						
Number of Permitted Structures		3				
Number of Observed Structures		3				
Outstanding Issues						
Last Inspection Date: 12/10/2009						
Previous Violation(s):						
Checklist						
Discharge and Spill Requirements Unpermitted Discharge Spill Not Reported Spills Not Managed Operational Standards	Approval and Performance Standards No Valid Approval Approval Condition Access Denied Manure Application Activities					

Maintenance and Operation Improper Freeboard Markers Not Maintained Unapproved Manure Storage Self Monitoring Earthen Berm Not Maintained Removal of Accumulated Solids Vegetation Management System Feedlot Run-Off Transport & Handling Mortality Management	Staging Run-Off Ponding Spray Irrigation Operation Transport and Handling Emergency Application, Snow and Frozen Ground Manure Applied from Roadway Manure Applied to Erodible Soils Manure Applied to Saturated Soils				
Operating Record Requirements Farmstead Plan Manure Management Plan Ground Water Monitoring Storm Water Pollution Prevention Plan Certification Certification by a Registered Professional Engineer Construction Requirements Self Monitoring Records Emergency Response Plan Land Use Agreements Justification of Nitrogen Losses Land Application Records for 5 Years Emergency Land Application of Manure Spill Documentation Spray Irrigation Plan Land Application Monitoring Activities Marketing and Distribution Records for 5 Years Maintenance Activities on Liquid Manure Storage Facilities Setback Waivers Approvals	Land Application Records ☐ Required Acreage for Manure Application ☑ Manure and Soil Testing ☐ Apply at Agronomic Rate ☐ Land Application Records ☐ Marketing & Distribution ☐ Information Sheets				
Storm Water Management Applicability Storm Water Management	Exiting Program Decommissioning Storage Facility Exiting the Program Requirements Closing the Operation				
General Comments					

Today, a full compliance inspection was conducted at the Troyer Farms facility. First, I met with Roger Vincent and Brian Troyer onsite for a record review. The manure sample was reported 6-25-2015, and was in the operating record. The soil samples were not present and will need to be added to the operating records for review. The last land application was applied October 16, 2015. After the record review a site tour was conducted. The site was not populated for the inspection, but usually operates at the permitted capacity of 1,300 finishers. There is a building being used for composting any dead stock located to the west of the barn labeled E-2 on the farmstead map. There are several pump-out ports that need to have the buckets/covers replaced. One pump-out port located to the south of barn labeled E-1 on the farmstead map needs to be repaired. The PVC port is broken and could potentially allow water to enter the pit at grade (see attached photos).

Description of Violations and Further Actions

The findings noted in this report do not include a compliance evaluation for the submittal of required construction notifications, construction affidavits, facility change notifications, as-built plans, waste storage structure closures, and special compliance monitoring reports or data.

Operational Standards

Maintenance and Operation

327 IAC 19-13-1(a): All waste management systems and application equipment must be maintained and operated to meet the approval conditions.

Violation Detail(s): One of the pump out ports on the south side of building labeled E-1 on the farmstead map is broken at grade which could potentially allow water to get into the pit (see attached photo). Several of the buckets covering the pump out ports are broken and need replaced (see attached photos).

Required Action: The waste management system must be repaired in such a way as to prevent excess water from entering

the pits.

Land Application Records

Manure and Soil Testing

327 IAC 19-7-5(c): A soil test must be obtained that provides sufficient information about soil fertility to allow for nutrient recommendations for existing or planned crops. Soil tests may not represent more than twenty (20) acres per sample. The frequency of this testing must be: (1) specified in the manure management plan; and (2) conducted a minimum of once every four (4) years unless a different frequency is approved by the department in writing and is included in the manure management plan.

Violation Detail(s): Soil samples were not present in the operating records

Required Action: The owner/operator must conduct soil and manure test in accordance with the manure management plan. The soil tests need to be added to the operating record and made available for review.

Inspection Documentation						
Photograph's Taken						
Map(s)						
GPS Location Collected						
Field Screening Conducted						
			CYes •No			
Inspection Results/Actions						
IDEM Bio-Security Policy Level 2 observed during time of inspection.						
Violation(s) were discovered and required a submittal from you and/or follow-up inspection by IDEM.						
Certificate of Compliance provided is due within 60 days of receipt of this letter.						
			_			
Notice of Inspection and/or Verbal Summary Provided.			ary Provided.			
1	Inspector:	Matt Bro	own			
	Phone Number:	(317) 72	27-6911			
	Email Address:	mbrowr	n@idem.in.gov			
	Violation(s) v IDEM.	Violation(s) were discovered and req IDEM. Certificate of Compliance provided is Notice of Inspection an Inspector: Phone Number:	Violation(s) were discovered and required a submittal fr IDEM. Certificate of Compliance provided is due within 60 day Notice of Inspection and/or Verbal Summ Inspector: Matt Brighton Number: (317) 72			



Facility Name

Troyer Farms - FID - 3583

Photographer

Matt Brown

Date/Time

11/05/2015, 11:14 AM

Others Present

Brian Troyer and Roger Vincent

Description

This photo shows a bucket that needs to be replaced in order to cover the pump out port located to the north of building labeled E-1 on the farmstead map.



Facility Name

Troyer Farms - FID - 3583

Photographer

Matt Brown

Date/Time

11/05/2015, 11:14 AM

Others Present

Brian Troyer and Roger Vincent

Description

This photo shows a broken pump out port that needs to be replaced in order to prevent water from entering the pit. This port is located to the south of building labeled E-1 on the farmstead map.



Facility Name

Troyer Farms - FID - 3583

Photographer

Matt Brown

Date/Time

11/05/2015, 11:14 AM

Others Present

Brian Troyer and Roger Vincent

Description

This photo shows a broken pump out port that needs to be replaced in order to prevent water from entering the pit. This port is located to the south of building labeled E-1 on the farmstead map.



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11/05/2015, 11:14 AM

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This photo shows a broken pump out port that needs to be replaced in order to prevent water from entering the pit. This port is located to the south of building labeled E-1 on the farmstead map.