

Page 3 8. section c. Lines 17-20 , except setback distances may be reduced or extended based on the results of the odor footprint tool developed by the agriculture commissioner. A county may establish an odor annoyance free percentage between 94 and 98 percent. The data for any footprint tool must be updated a minimum of every 5 years.

**(Explanation: There is a huge loophole here that would get rid of setbacks completely if you only set the ceiling at 94%. If you want to have a baseline of the foot print tool, this can achieve your desire of making a setback that is flexible as possible while allowing the townships that want to regulate. But there is still the possibility of some local control.**

Page 5 SECTION 2 (2) Keep the same 1000 units ½ mile

(3) 1000-3000 Units ¾ mile

(4) 3000-6000 units 1 mile

(5) 6000-9000 units 1 ¼ mile

(6) 9,000-12,000 units 1 ½ mile

(7) 12,000-15,000 units 1 ¾ mile

(8) 15,000-18,000 units 2 miles

(9) above 18,000 animal units would require an odor footprint survey, and full review of the DEQ and local water districts to determine the feasibility of the project.

**(Explanation)**

**We have to ask what science has changed to allow the footprint to be reduced and ask the DEQ how they came up with these numbers? With these regulations it's a steady 3,000 animal increase across the board and recognizes that If you want to attempt over 18,000 animals which is more on the rare side anyway it is done in a safer manner.**

Page 8 Line 4-10 - letter b.

A board of township supervisors may establish, around areas zoned for residential, recreational, or nonagricultural commercial uses, low-density agricultural production districts in which setback distances for animal feeding operations and related agricultural operations are greater than those in other districts; provided, the low-density agricultural production districts may not extend more than **one and one-half** mile [2.41 kilometers] from the edge of the area zoned for residential, recreational, or nonagricultural commercial uses

**This keeps Township Law consistent with County Law**

Page 8 line 13-16 letter c.

except setback distances may be reduced or extended based on the results of the odor footprint tool developed by the agriculture commissioner. A township may use an odor annoyance free percentage between ninety-four percent and ninety-eight percent. The data for any footprint tool must be updated a minimum of every 5 years.

**Same as above but for the township level**

\*\*\*\*\*ADD: a Township or county may increase the setback distances by 50% at its own discretion

Page 9

Remove

10. If a party challenges the validity of a township ordinance, determination, decision, or objection related to animal feeding operations, the court shall award the prevailing party actual attorney's fees, costs, and expenses.

Add

10. If an animal feeding operation causes damage to personal property despite following DEQ regulations, the animal feeding operation will cover the costs of all expenses, restoration, mitigation, or devaluation of local property and asset damages for the following:

- a.) Private well contamination
- b.) Private well abandonment due to lack of water
- c.) Surface and subsurface contamination of waters for recreational use

This would make it extremely clear that contamination of wells or drying wells would be the responsibility of the operation to clean up or compensate for damage.

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