

**WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT**

19-W-SE-8 **SPECIAL EXCEPTION AMENDMENT**
 Sunrise Pork, LLC
 7933 S. State Road 105

SEPTEMBER 24, 2019
AGENDA ITEM: 5

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 14.5± acres

The petitioners are requesting a special exception approval for a Class 2 Confined Feeding Operation (“CFO”) on their property located on the northeast corner of the SR 105 and CR 800 South intersection in Cleveland Township. There has been a CFO permit on the subject property since at least 1993. The petitioner is currently in the process of adding 6.48 acres to the existing 8.01-acre parcel to create the 14.5-acre parcel.

As shown on the submitted site plan, the proposal is to construct a new 82’x300’ nursery/grow-to-finish building to the east of the existing barns. No changes are proposed to the existing buildings other than grading and drainage work to incorporate the new structure. Note that the site plan indicates an off-site residence on the northwest corner of SR 105/800S; that is not a residence but a storage building. The below table shows the minimum separations and setbacks from the new building:

| | Minimum | Proposed | | Minimum | Proposed |
|---|---------|-----------------------------|-------------------------------------|------------|---|
| Natural lake (>40 ac.) | 2,640’ | 12.1± mi. (Robinson Lk.) | Open waterway | 300’ | 2,660’± |
| Recorded major residential subdivision | 1,320’ | 5,389’± (Madyson Grove) | Property line (front) (side) | 40’ 10’ | 150’± 500’± |
| Off-site residence | 660’ | 556’ * 710’ | RR, MR, or LR zoning | NA | 10,100’± (R-1 in South Whitley jurisdiction) |

* Petitioner-owned residence

From the approved IDEM permit, the barn would contain up to 600 nursery pigs and 2,400 finishing pigs, with 362 days of self-contained manure storage. Using the animal unit calculation of \$5.17 of the zoning code, nursery pigs (15-50 lbs) are 0.2 animal units (AU), and finishing pigs (100 lbs-market weight) are 0.4 AU. Thus, in this new building, there would be up to a total of 1,080 AU.

CFO size calculations are based on the total animal units on the property. From the IDEM permit, the following are the barns and animals on the property:

| Building # | Animal type | Number of animals | Animal units |
|-----------------------|-----------------------|--------------------------------|---------------------------|
| 1E | Finishers | 750 | 300 |
| 2E | Nursery | 1,800 | 360 |
| 3E | Finishers | 1,550 | 620 |
| 4E | Finishers | 160 | 64 |
| 8E | Finishers | 1,000 | 400 |
| 9P | Nursery and finishers | 600 nursery 2,400 finishers | 120 960 |
| Property total | | | 2,824 animal units |

Class 2 CFOs are defined to be 1,201 to 3,000 animal units in size. In the AG, Agricultural District, Class 2 CFOs require a special exception through the Board of Zoning Appeals. The requirements of Sections 10.9 Special Exception Standards apply.

REVIEW CRITERIA

Indiana Code §36-7-4-918.2 and Section 10.9(A) of the Zoning Code authorize the Board to review special exceptions and state the criteria listed below upon which the Board must base its review. Staff's updated comments/proposed findings of fact under each criterion.

- 1. The special exception shall not involve any elements or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards;**

Confined feeding operations can create odors that may be a noxious condition, especially for properties in close proximity to the CFO. There are three dwellings in the vicinity of the proposed building that may be affected by any such odors, the closest of which is owned by the petitioner. However, the existing CFO has long been established, so dwelling owners should be aware of any potential odors stemming from CFOs. Still, the Board must ensure that any noxious condition is mitigated.

Performance standards:

- a. Fire protection: Other than potentially flammable dust (e.g. feed) or manure, no flammable or explosive materials are proposed. The requirements of the fire code would be applied as part of the construction process.
- b. Electrical disturbance: No electrical equipment that typically generates disturbance or interference is proposed.
- c. Noise: The equipment of the barn, such as fans, may generate noise, but the level should not be greater than any equipment used in other permitted agricultural operations. The noise of the animals may also be present, but the proposed structure should contain most noise inside.
- d. Vibrations: No vibrations are expected to be generated by this proposal.
- e. Odors: Modern barns are typically sealed so as to contain most animal odors. Prevailing winds would be expected to drift most odors to the north and northeast, over property of the petitioner and adjacent fields and wooded areas.
- f. Air pollution: No air pollution, such as fly ash, dust, smoke, etc., are expected to be generated by this proposal.
- g. Erosion: A Rule 5 Erosion Control plan has been created, which the Soil and Water Conservation District will need to review and approve. Wind erosion is not typically a factor in cases of building construction.
- h. Water pollution: The state permit for CFOs has stringent controls, which if properly implemented, would largely prevent the possibility of water pollution. The County should defer to the state in enforcement and implementation of these measures.

- 2. The special exception shall be sited, or oriented and landscaped to produce a harmonious relationship of building and grounds to adjacent buildings and properties;**

The proposed location of the building is in between previously constructed buildings and is generally in keeping with the scale and nature of the existing farm. The proposed building would have a larger setback than some of the existing buildings, at 150'± from the road right-of-way. The

setback and site layout helps to mitigate the visual and performance impacts and create a more harmonious configuration.

3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;

The proposed barn is similar in scale and nature to the existing buildings that have been in place for around 20 years. Farms have historically had large buildings, be they barns, livestock pens, or grain silos, so large agricultural buildings are to be expected throughout any primarily agricultural neighborhood.

4. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and

No specific number of vehicles were submitted related to the proposed building. Given the existing farm operations on the property, any increase would likely be marginal. Because of the location on State Road 105, INDOT was contacted for comment. They responded with a formal review that no changes to the existing driveway would be required.

5. The special exception shall preserve the purpose of this Ordinance as stated in Section 1.4.

The proposed use is a contemplated special exception use provided for in the AG district. The site appears to lie entirely within an agricultural classification of the Comprehensive Plan, in which CFOs are contemplated. This special exception review serves to promote and protect the public health, safety, comfort, convenience, and general welfare. Finally, the proposed use seems to fall within the plans for the future development of the County, particularly the needs of agriculture.

SUGGESTED CONDITIONS

Staff suggests the following conditions if the Board finds to approve the requested special exception:

1. Special exception is granted as presented and per the submitted site plan.
2. Special exception is limited to 2,824 animal units, as described in the submittal.
3. The pending parcel split/combine shall be completed to create the subject 14.5-acre property.
4. A deed restriction waiving the required separation, as described in §5.21(CF-03)(B), shall be recorded for the off-site residence located within 660' of the proposed barn.
5. As for any CFO case, the Board should discuss if any mitigation requirements are necessary; however, Staff has no recommendations.

Date report prepared: September 17, 2019.

BOARD OF ZONING APPEALS ACTION

Motion:

By:

Second by:

| <i>Vote:</i> | Deckard | Denihan | Lopez | Wilkinson | Wright |
|----------------|----------------|----------------|--------------|------------------|---------------|
| <i>Yes</i> | | | | | |
| <i>No</i> | | | | | |
| <i>Abstain</i> | | | | | |

NOTE: THE BEST KNOWLEDGE OF THE APPLICANT, THERE ARE NO PUBLIC WATER SUPPLY WELLS OR PUBLIC WATER SUPPLY SURFACE INTAKE STRUCTURES WITHIN 1,000 FEET OF THE PROPOSED WASTE MANAGEMENT SYSTEM (327 IAC 19-12-3(o)(1)).

(2) TO THE BEST KNOWLEDGE OF THE APPLICANT, THERE ARE NO SURFACE WATERS OF THE STATE, DRAINAGE INLETS, SINKHOLES, OR OFF-SITE WATER WELLS WITHIN 300 FEET OF THE EXISTING AND PROPOSED WASTE MANAGEMENT SYSTEM.

(3) TO THE BEST KNOWLEDGE OF THE APPLICANT, THERE ARE NO ON-SITE WATER WELLS, PROPERTY LINES, OR PUBLIC ROADS WITHIN 100 FEET OF THE PROPOSED WASTE MANAGEMENT SYSTEM (327 IAC 19-12-3(o)(1)-(3)).

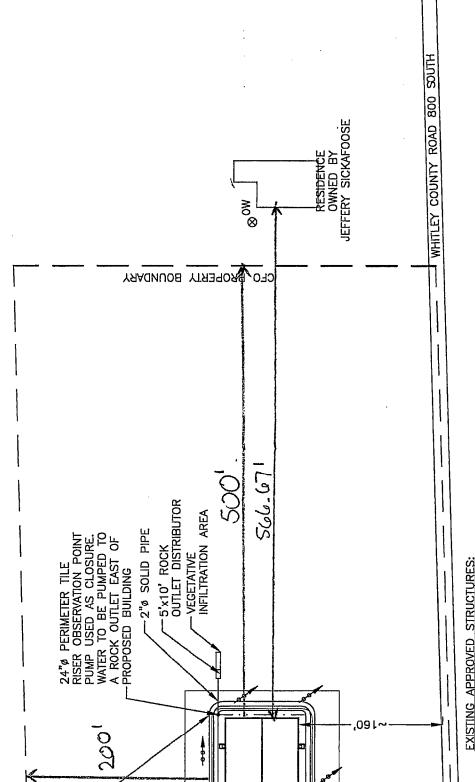
(4) TO THE BEST KNOWLEDGE OF THE APPLICANT, THERE ARE NO EXISTING OFF-SITE RESOURCES FOR WASTE MANAGEMENT SYSTEM (327 IAC 19-12-3(o)(4)).

(5) TO THE BEST KNOWLEDGE OF THE APPLICANT, THE LOCATION OF THE FOLLOWING FEATURES OF CONCERN WITHIN 600 FEET OF THE EXISTING WASTE MANAGEMENT SYSTEM ARE DEPICTED:

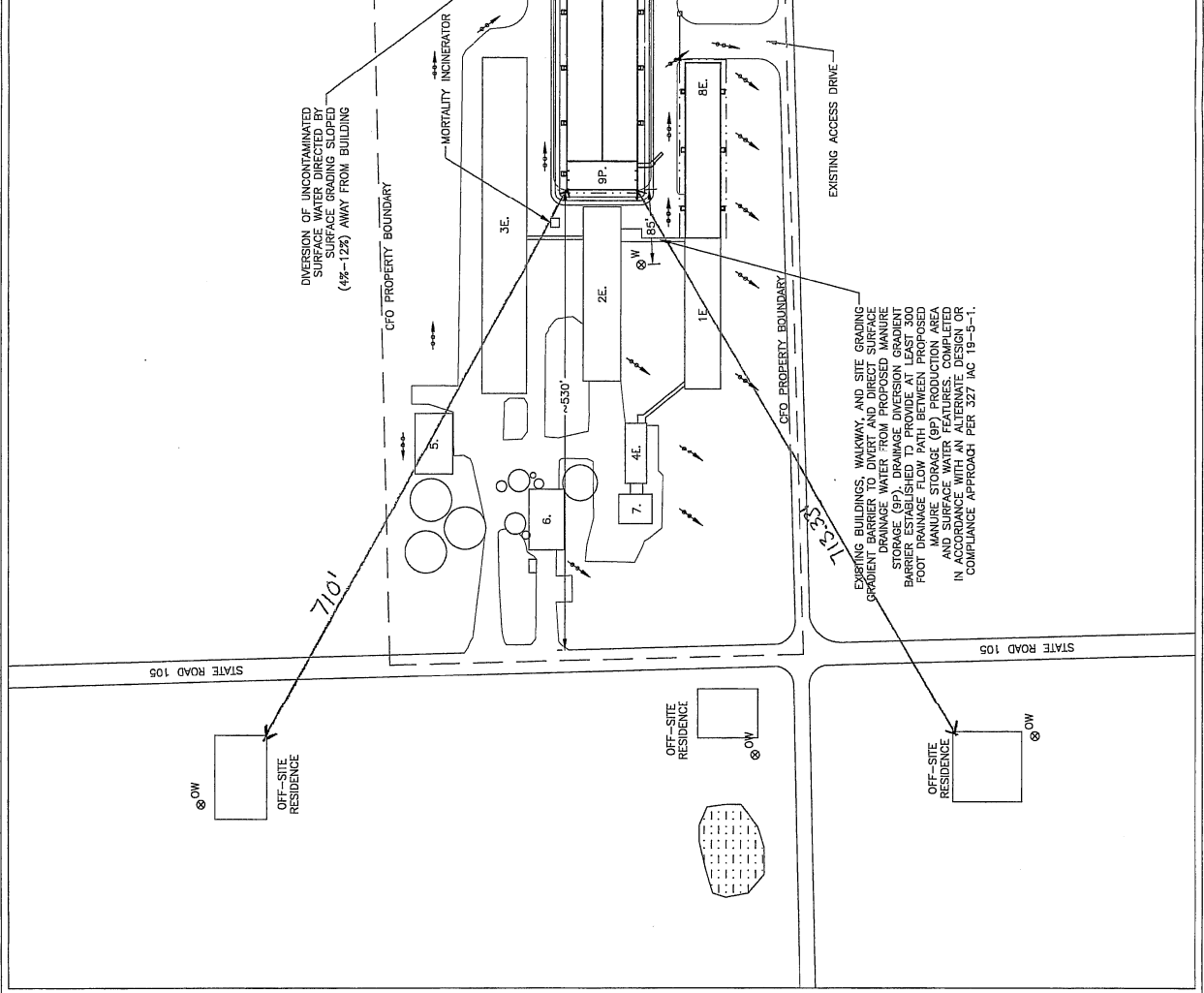
(6) EXISTING WELL LOCATIONS HAVE BEEN IDENTIFIED BASED ON AN ON-SITE INSPECTION OF THE APPLICANT, THERE ARE NO OTHER EXISTING WATER WELLS WITHIN 500' OF THE PROPOSED WASTE MANAGEMENT SYSTEM.

(7) TO THE BEST KNOWLEDGE OF THE APPLICANT, THERE ARE NO OTHER SUBSURFACE DRAINAGE TILE LOCATED WITHIN 500' OF THE PROPOSED WASTE MANAGEMENT SYSTEM.

(8) BASED ON INFORMATION PROVIDED BY THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF RECLAMATION, MINES ARE PREDOMINANTLY LOCATED IN SOUTHWEST INDIANA, WHITLEY COUNTY IS LOCATED OUTSIDE OF THIS REGION, THE EXISTING BUILDING LOCATION COMPLIES WITH 327 IAC 19-12-2(o)(4) PROHIBITING LOCATION OVER MINES.



- EXISTING APPROVED STRUCTURES:
- 1E. GROW-TO-FINISH BUILDING 41'-2" x 151'-0"
 - 2E. GROW-TO-FINISH BUILDING 750-HEAD CAPACITY 41'-4" x 177'-10"
 - 3E. GROW-TO-FINISH BUILDING 1,800-HEAD CAPACITY 41'-2" x 371'-0"
 - 4E. GROW-TO-FINISH BUILDING 24'-10" x 89'-8"
 - 8E. GROW-TO-FINISH BUILDING 41'-2" x 70'-0"
 - 1,000-HEAD CAPACITY
- PROPOSED STRUCTURE:
- 9P. NURSERY/GROW-TO-FINISH BUILDING 81'-1" x 300'-10" 3,000-HEAD TOTAL CAPACITY (600 NURSERY PIGS) (2,400 GROW-TO-FINISH PIGS)
- OTHER STRUCTURES:
- 5. STORAGE
 - 6. OFFICE/MILL/GRAIN CENTER
 - 7. STORAGE
- MORTALITIES WILL BE HANDLED VIA ON-SITE INCINERATOR.
- LEGEND:
- ⊙ OW OFF-SITE WELL LOCATION APPROXIMATED
 - ⊙ W WELL
 - DRAINAGE FLOW PATTERN
 - PERIMETER TILE
 - - - - - PROPERTY BOUNDARY
 - ▨ WETLAND AREA





Sickafoose, Brent

Wilson, Brent
D & Leslie

Wendel, Dean
R & Julie A

Wendel, Dean
R & Julie A

Hauptert, Dale L
LL Revocable
Trust Agreement

Sickafoose,
Clay J

D & C
Construction
Co Inc

Caudill,
Michele A

Azbell,
Bryan S &
Amanda L

Swoverland, Joe
D & Swoverland,
Ellen R Co-Trustees

Hauptert, Dale L
Revocable Trust

Hauptert,
Jason S

Myers,
Matthew R
& Lisa

6720

W 800 S

S SR 105

7890

8050

7933

Sonrise
Pork, LLC

Sickafoose,
Jeffrey L

Hauptert, Dale L
Revocable Trust

Disbrow,
Charles E Jr
& Sharon R

September 18, 2019

Dennis Chenoweth
Livestock Engineering Solutions, Inc.
2967 S. Honey Creek Road
Greenwood, Indiana 46143

Re: Sonrise Pork LLC CFO Building Addition
Construction/Storm Water Pollution Prevention Plan

Dear Mr. Chenoweth,

My review comments address the narrative Construction/Storm Water Pollution Prevention Plan I received by mail from you on 9/11/2019. I received digital copies of a Farmstead Plan Sheet 2A of 2A and an IDEM CFO Packet by e-mail from the Whitley County Planning Department on 9/12/2019.

Construction/Storm Water Pollution Prevention Plan:

Item A6: The property boundary shown on Sheets 4 and 7 is not the same as the CFO property boundary shown on the Farmstead Plan. If the boundary on the Farmstead Plan is correct, revise Sheets 4 and 7. The 24-inch tile observation riser, rock outlet distributor and vegetative infiltration area shown on the Farmstead Plan should also be shown on Sheets 4 and 7.

Item A9: There is an existing culvert that crosses CR 800 South about 120 feet west of the west edge of the driveway. There is also an existing rock lined channel that runs parallel to the road from the driveway to the culvert. These should be shown on Sheets 4 and 7 since some stormwater will exit the site through the channel and culvert. Two-foot contours on the Whitley County GIS website indicate stormwater runoff to the north and toward the east end of the new building will flow to the east and northeast. The flow arrows on Sheets 4 and 7 should show this.

Item A16: I anticipate the disturbed area will extend farther to the north and west than shown on Sheet 4. (See Item A21.) At least, the rock outlet distributor and the vegetative infiltration area should be included within the construction limits.

Item A21: The locations shown on Sheet 4 for soil and spoil stockpiles will interfere with construction operations. My rough estimate of soil and spoils is close to 3,000 cubic yards. Areas of the site used to manage or dispose of soil and spoils (or offsite if outside the property boundary) should be included within the construction limits.

Item B4: Add plan sheet 4 to the reference. A silt fence or filter socks may be needed along the west edge of the driveway to keep sediments out of the rock lined channel to the west of the driveway.

Item B11: Are the dormant and frost seeding specifications at the back of the narrative supposed to be labeled "Exhibit 4"?

Item B13: The spill prevention plan sheets are 24-27, not 23.

Item C4: The emergency contact numbers are on sheet 24, not 28.

After my review comments are addressed, I will send you a technical review form to authorize submittal of a Notice of Intent to IDEM. At that time, I'll need a copy of the NOI and Proof of Publication for my files. Let me know if you have questions.

Sincerely yours,

Jon Gotz

Jon Gotz
Whitley County Soil & Water
Conservation District

Cc: Mark Cullnane, Nathan Bilger, Brandon Forrester



CFO / CAFO APPLICATION PACKET
SECTION IX - Manure Management Plan (MMP)

Part of State Form 55051 (R3 / 5-19)
 Confined Feeding Operation (CFO)
 National Pollutant Discharge Elimination System Concentrated Animal Feeding Operation (NPDES CAFO)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 Confined Feeding Section
 Office of Land Quality
 100 North Senate Avenue
 IGCN Rm 1101
 Indianapolis, Indiana 46204
 (800) 451-6027 request CFO Permits

INSTRUCTIONS: *This Section is completed for ALL application types except NPDES applications. The below required information supplements the general information and plot maps attachments for a complete CFO Approval Renewal application or construction application. CFO Approval Renewal applications and construction applications for expansions at currently regulated operations may also utilize the Marketing and Distribution of Manure attachment, if appropriate. Complete all portions of the form below. This form is required and supersedes all previous versions. IDEM will not accept substitutes, altered, or previously supplied forms.*

A. MANURE MANAGEMENT PLAN

1. Manure Testing

Consult Purdue University Cooperative Extension Service Publications AY-277, ID-101, ID-205 "Swine Manure Management Planning", ID-206 "Poultry Manure Management Planning", ID-208 "Dairy Manure Management Planning" for guidance on procedures for manure testing.

a) Manure Sample Collection Procedures:

See attached

b) Nutrient Assessment:

- Private laboratory does a nutrient analysis of sample(s).
- Other (explain): See attached

c) Sampling Frequency:

- Minimum of once every year for CFOs.
- Annual sampling required for CAFOs with a NPDES permit.

2. Soil Testing

You can consult Purdue University, Cooperative Extension Service Publication AY-368-W for guidance on procedures for soil testing. A soil test must provide 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.

a) Do, or will, you perform soil testing for this operation?

- Yes, all or a portion of manure is, or will be, applied to land controlled by the operator (complete b), c), and d) below).
- No, 100 % of manure is, or will be, either marketed or distributed (stop here - b), c), and d) below do not need to be completed).

b) Sample Collection Method:

- Management unit (field level)
- Grid method
- By soil type
- Other (explain): See attached

c) Nutrient Assessment:

- Private laboratory does nutrient analysis.
- Other (explain): See attached

d) Sampling Frequency:

- Minimum of once every four (4) years for all CFOs (sampling may be done more often).

B. SPRAY IRRIGATION

- 1. Does the operation currently, or propose to, apply manure by spray irrigation?
 Yes No
- 2. If yes, is the spray irrigation in a flood plain?
 Yes No
- 3. CAFOs with NPDES permits must conduct spray irrigation in a flood plain in accordance with the NPDES CAFO individual permit rule for the operation, as applicable.
- 4. CFOs may only conduct spray irrigation in a flood plain in accordance with a spray irrigation plan approved by IDEM. (327 IAC 19-14-5(d))

C. SURFACE APPLICATION OF MANURE TO FROZEN OR SNOW-COVERED GROUND

- 1. CFOs which are not large CAFO-sized farms and have 120 days or less of approved storage capacity may request approval to surface apply manure to frozen or snow-covered ground based on a case-by-case authorization from the commissioner per 327 IAC 19-14-4(i).
Have you included additional information to obtain or renew a commissioner's authorization?
(You must attach State Form 55162 (R2 / 3-16) to be considered for this exemption.)
 Yes No
- 2. CAFOs with a NPDES permit and CFOs (not CAFO-sized) with 180 days of approved storage can request approval for surface application of manure to frozen or snow-covered ground under the provisions of 327 IAC 19-5-1 as an Alternate Design or Compliance Approach which meets the performance standards of 327 IAC 19-3-1.
Does the operation plan to submit a request for approval of an Alternate Design or Compliance Approach?
 Yes No
- 3. CFOs, which are not large CAFO-sized farms, may request approval to surface apply manure to frozen or snow-covered ground resulting from an unforeseen emergency condition per 327 IAC 19-14-4(g-h). Improper design or management of manure storage facilities will not qualify as an emergency condition.

**D. CFO APPROVAL RENEWAL INFORMATION
(THIS SECTION IS ONLY FOR CFO APPROVAL RENEWAL APPLICATIONS.)**

- 1. Farm ID Number: _____
- 2. Total number of approved confinement barns currently present at operation: _____
- 3. Total number of open confinement lots (earthen or concrete) currently present at operation (include calf hutch areas here): _____
- 4. Total **approved** capacity of animals which can be confined at operation: _____
- 5. Are earthen lagoon(s) or pit(s) currently present at operation? Yes No
- 6. Separate from confinement barn(s), are any concrete or metal tanks currently present at operation? Yes No
- 7. Separate from confinement barn(s), are any solid manure storage building (litter stack, barn, etc.) currently present at operation? Yes No
- 8. Since the last renewal, have any confinement barns been closed? If yes, detail in 11. below which barn(s) and the animal number(s) housed within. Yes No
- 9. Since the last renewal, have any lagoon(s), pit(s), or tank(s) been closed? If yes, detail in 11. below which structure(s). Yes No
- 10. Do you have any buildings that have been approved for Frozen or Snow Covered ground spreading? If Yes, list the barns from your Facility Detail Sheet that are approved (include State Form 55162 with this application): Yes No
- 11. Detail any changes in manure storage capacity or animal capacity (number/species/type) at the operation that have been made since the time of the last CFO approval/renewal.



CFO / CAFO APPLICATION PACKET

SECTION X - Plot Maps

Part of State Form 55051 (R3 / 5-19)
Confined Feeding Operation (CFO)
National Pollutant Discharge Elimination System Concentrated Animal Feeding Operation (NPDES CAFO)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Confined Feeding Section
Office of Land Quality
100 North Senate Avenue
IGCN Rm 1101
Indianapolis, Indiana 46204
(800) 451-6027 request CFO Permits

INSTRUCTIONS:

THIS SECTION IS COMPLETED FOR ALL APPLICATION TYPES. Plot maps must be submitted with applications as directed in the "Application Types and Requirements Worksheet." The specific plot maps, which must be submitted for each application type, are detailed in Section A. and Section E. The submitted plots must conform with the application requirements noted in Section B., Section C., and Section D. This form is required and supersedes all previous versions. IDEM will not accept substitutes, altered, or previously supplied forms.

A. PLOT MAPS

Listed below are plot maps required to be submitted with CFO and CAFO applications. Please note each plot map type is labeled (1, 2, and 3). Based on the application type previously determined in the "Application Type and Requirements Worksheet" and noted on the "General Information" form, locate the application type in Section E. below. The columns to the right of each listed application type note the required plot maps, as labeled here. As directed in Section A. above, based on the application type determined in the "Application Type and Requirements Worksheet" and noted on the "General Information" form, locate the application type below. The columns to the right of each listed application type note the required plot maps, as labeled in Section A., which are required to be submitted.

1. USDA NRCS Soil Survey Map – The boundaries of all manure application areas.
2. USDA NRCS Soil Survey Map – The location of the waste management system, boundaries of the confined feeding operation, and boundaries of livestock and poultry production areas.
3. USGS Topographic Map – The location of the waste management system, the boundaries of the confined feeding operation, boundaries of livestock and poultry production areas, identify any public water supply wells and public water supply surface intake structures within one thousand (1,000) feet of the manure storage structures, and boundaries of all manure application areas.

B. TOTAL AVAILABLE ACREAGE FOR LAND APPLICATION

1. Considering setbacks, which must be subtracted from the total acres, and any and all other limitations, what is total acreage available for land application? 664.375
2. On all plot maps submitted showing the boundaries of land application areas, note the total available acreage for land application in each separate area considering the applicable setbacks for land application method and slope.

C. MARKETING AND DISTRIBUTION

For operations utilizing marketing and distribution of manure, refer to Section VIII, "Marketing and Distribution of Manure", contained within this application packet. Review the directions in this section carefully for information regarding when a marketing and distribution waiver may be used. If you meet the requirements for Marketing and Distribution of your manure then no manure application area plot maps would be required. Manure Storage Structure location maps would still be required.

D. LAND USE AGREEMENTS

Any acreage identified as part of the minimum required acreage for the application of manure that is not owned by the Applicant of the operation must be documented in the operating record via land use agreements.

1. Copies of all land use agreements must accompany construction applications (application types A-D, H-K, and L).
2. If a land use agreement submitted in item 1. above has expired, new land use agreements must be submitted with a renewal.
3. The land use agreements must be signed by the property owners on whose property the manure will be applied.
4. Plot maps accompanying construction applications must have the property owner clearly labeled for each land application area submitted.

E. APPLICATION TYPE AND REQUIRED PLOT MAPS

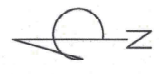
As directed in Section A. above, based on the application type determined in the "Application Type and Requirements Worksheet" and noted on the "General Information" form, locate the application type below. The columns to the right of each listed application type note the required plot maps, as labeled in Section A., which are required to be submitted.

| Application Type | Required Plot Maps <i>(as labeled in Section A.)</i> | | |
|--|---|-----|-----|
| | 1 | 2 | 3 |
| CFO Approval – Construction and/or Operation (Including Renewals) | | | |
| 1. Completely New Operation (Currently Undeveloped Site) | Yes | Yes | Yes |
| 2. Existing Operation Without Existing CFO Approval | | | |
| 3. Existing Operation with Expired CFO Approval | | | |
| 4. Expansion of Operation with Current CFO Approval | | No | No |
| 5. Amendment of Existing CFO Approval – Permit Condition | | | |
| 6. Amendment of Existing CFO Approval – Change in the type or number of animals that increases manure production | | | |
| 7. CFO Approval Renewal/Manure Management Plan | | | |
| NPDES CAFO Individual Permit – Construction and Permit Coverage | | | |
| 8. Completely New Operation (Currently Undeveloped Site) | Yes | Yes | Yes |
| 9. Existing Operation without Current CFO Approval or NPDES Permit | | | |
| 10. Existing Operation with Current CFO Approval | | | |
| 11. Current NPDES CAFO Individual Permit Holder Proposing Construction | | | |
| NPDES CAFO Individual Permit - Permit Modification | | | |
| 12. Construction or Expansion of Storage or Animals – No Permit Extension | Yes | Yes | Yes |
| 13. No Construction or Expansion of Storage or Animals – No Permit Extension | | | No |
| NPDES CAFO Individual Permit – Renewal | | | |
| 14. Renewal Coverage for Operation with Current NPDES CAFO Individual Permit | Yes | Yes | No |

DATE: 08/06/19 | DRAWN BY: DL | SHEET: 1S of 5S | DRAWING NO: SPL0119-01S

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2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143
 LIVESTOCK ENGINEERING SOLUTIONS, INC.
 LAND APPLICATION AREA
 SOUTH WHITLEY, IN 46787
 5570 W SR 205
 SONRISE PORK, LLC
 USDA SOILS MAP
 S15 T30N R8E



200' SCALE



Land Application Area:
 Avail. Acres: 83.314
 Land-Use Agreement
 DALE L. HAUPERT
 REVOCABLE TRUST

Land Application Area:
 Avail. Acres: 53.4
 Land-Use Agreement
 JEFFREY L. SICKAFOOSE

Confined Feeding Operation
 Waste Management System - Solid Yellow
 CFO Boundary - Green Outline
 Production Area - Blue Outline


1,000 ft

SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USDA SOILS MAP
LAND APPLICATION AREA
S15 T30N R8E

DATE: 08/06/19 DRAWN BY: DL
LIVESTOCK ENGINEERING SOLUTIONS, INC.
2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143
MICHAEL A. VEENHUIZEN
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200'
SCALE



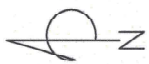
SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USDA SOILS MAP
LAND APPLICATION AREAS
S21/22 T30N R8E

DATE: 08/06/19 | DRAWN BY: DL
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2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143

SHEET: 35 of 55 | DRAWING NO.: SPL119-035
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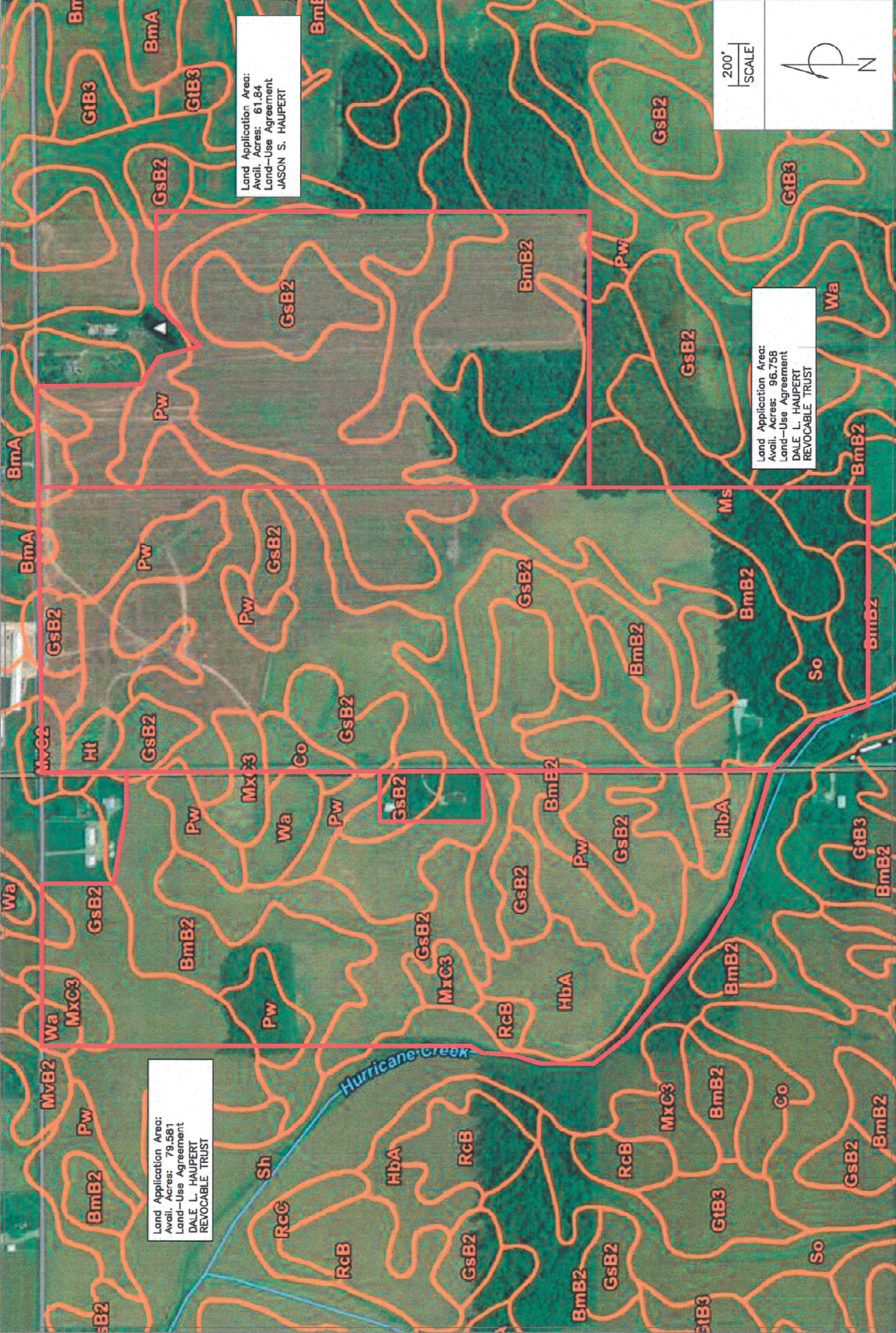
200'
SCALE



Land Application Area:
Avail. Acres: 61.84
Land-Use Agreement
JASON S. HAUPERT

Land Application Area:
Avail. Acres: 96.756
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST

Land Application Area:
Avail. Acres: 79.581
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST




SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USDA SOILS MAP
LAND APPLICATION AREA
S21 T30N R8E

DATE: 08/06/19 | DRAWN BY: DL
SHEET: 4S of 5S | DRAWING NO: SPL0119-04S
LIVESTOCK ENGINEERING SOLUTIONS, INC.
MICHAEL A. VEENHUIZEN
2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143
IS PROHIBITED.
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OR USE, IN WHOLE OR PART, FOR ANY OTHER PROJECT WITHOUT
WRITTEN AUTHORIZATION OF LIVESTOCK ENGINEERING SOLUTIONS, INC.

200'
SCALE



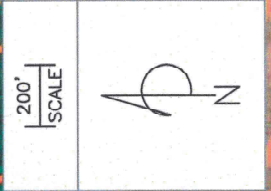
Land Application Area:
Avail. Acres: 125.05
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST

1,000 ft

SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USDA SOILS MAP
LAND APPLICATION AREA
S28 T30N R8E

DATE: 08/06/19 DRAWN BY: DL
SHEET: 55 of 55 DRAWING NO: SPL0119-055
LIVESTOCK ENGINEERING SOLUTIONS, INC.
2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143
MICHAEL A. VEHLENZ
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IS PROHIBITED.



Land Application Area:
Avail. Acres: 102.256
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST



SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USGS TOPOGRAPHIC MAP
S15 T30N R8E
SITE LOCATION
LAND APPLICATION AREA

DATE: 08/06/19
DRAWN BY: DL
LIVESTOCK ENGINEERING SOLUTIONS, INC.
2987 S. HONEY CREEK ROAD, GREENWOOD, IN 46143

SHEET: 11 of 51
DRAWING NO.: SPL0119-011
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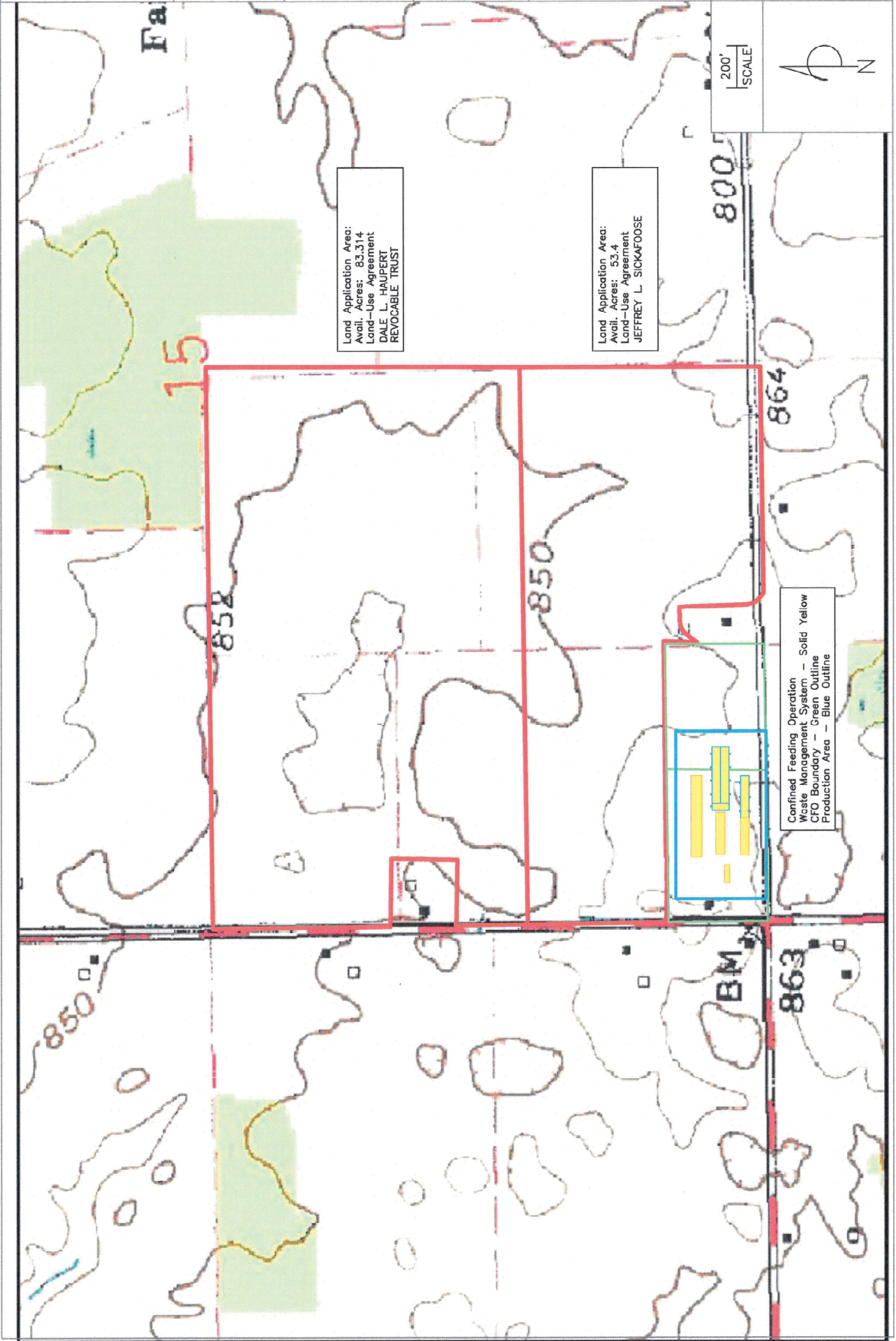


200'
SCALE

Land Application Area:
Avail. Acres: 83.314
Land-Use Agreement
DALE L. HAUPER
REVOCABLE TRUST

Land Application Area:
Avail. Acres: 53.4
Land-Use Agreement
JEFFREY L. SICKAFOOSE

Confined Feeding Operation
Waste Management System - Solid Yellow
CFO Boundary - Green Outline
Production Area - Blue Outline

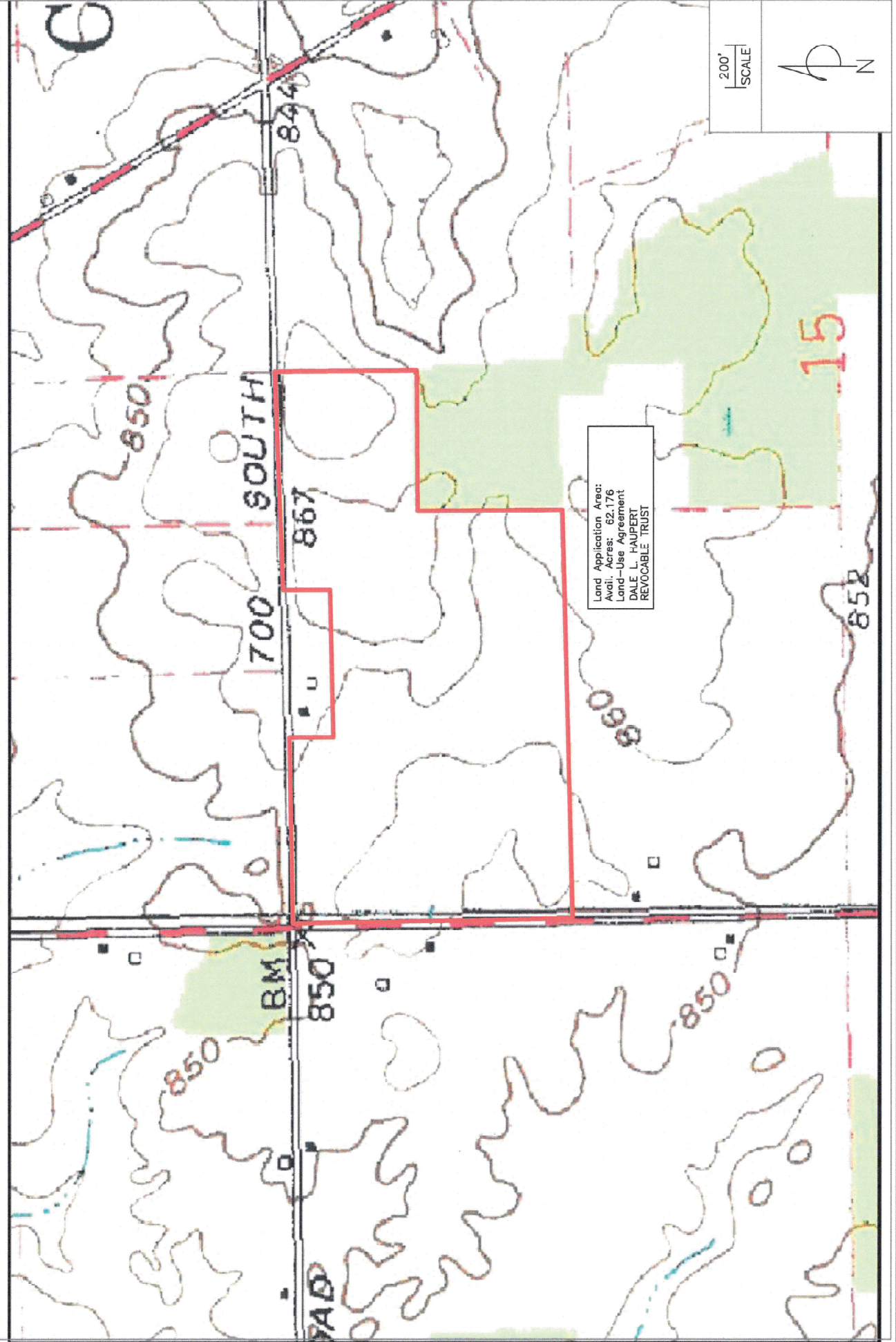


SONRISE PORK, LLC
6570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USGS TOPOGRAPHIC MAP
LAND APPLICATION AREA
S15 T30N R8E

DATE: 08/06/19 DRAWN BY: DL
LIVESTOCK ENGINEERING SOLUTIONS, INC.
2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143
MICHAEL A. ZERNHIZER
PROPERTY OF LIVESTOCK ENGINEERING SOLUTIONS, INC. REPRODUCTION
OR USE IN WHOLE OR PART FOR ANY OTHER PROJECT WITHOUT
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IS PROHIBITED.
SHEET: 21 of 51 DRAWING NO.: SPL0119-021

200'
SCALE



SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USGS TOPOGRAPHIC MAP
LAND APPLICATION AREAS
S21/22 T30N R8E

DATE: 08/06/19 | DRAWN BY: DL | SHEET: 3T of 5T | DRAWING NO: SPL0119-03T
LIVESTOCK ENGINEERING SOLUTIONS, INC.
MICHAEL A. VEENHUIZEN
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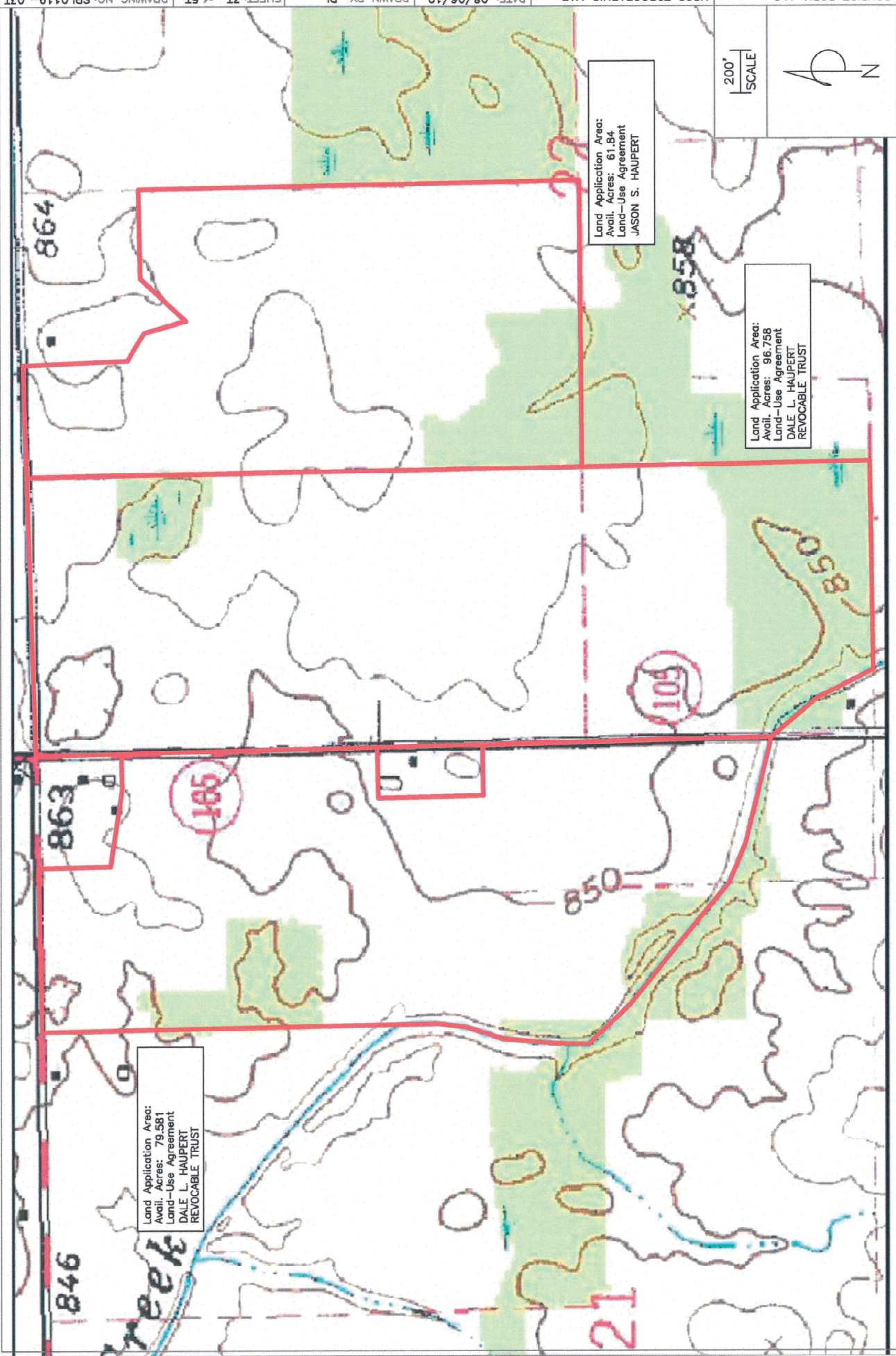


200'
SCALE

Land Application Area:
Avail. Acres: 61.84
Land-Use Agreement
JASON S. HAUPERT

Land Application Area:
Avail. Acres: 96.758
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST

Land Application Area:
Avail. Acres: 79.581
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST



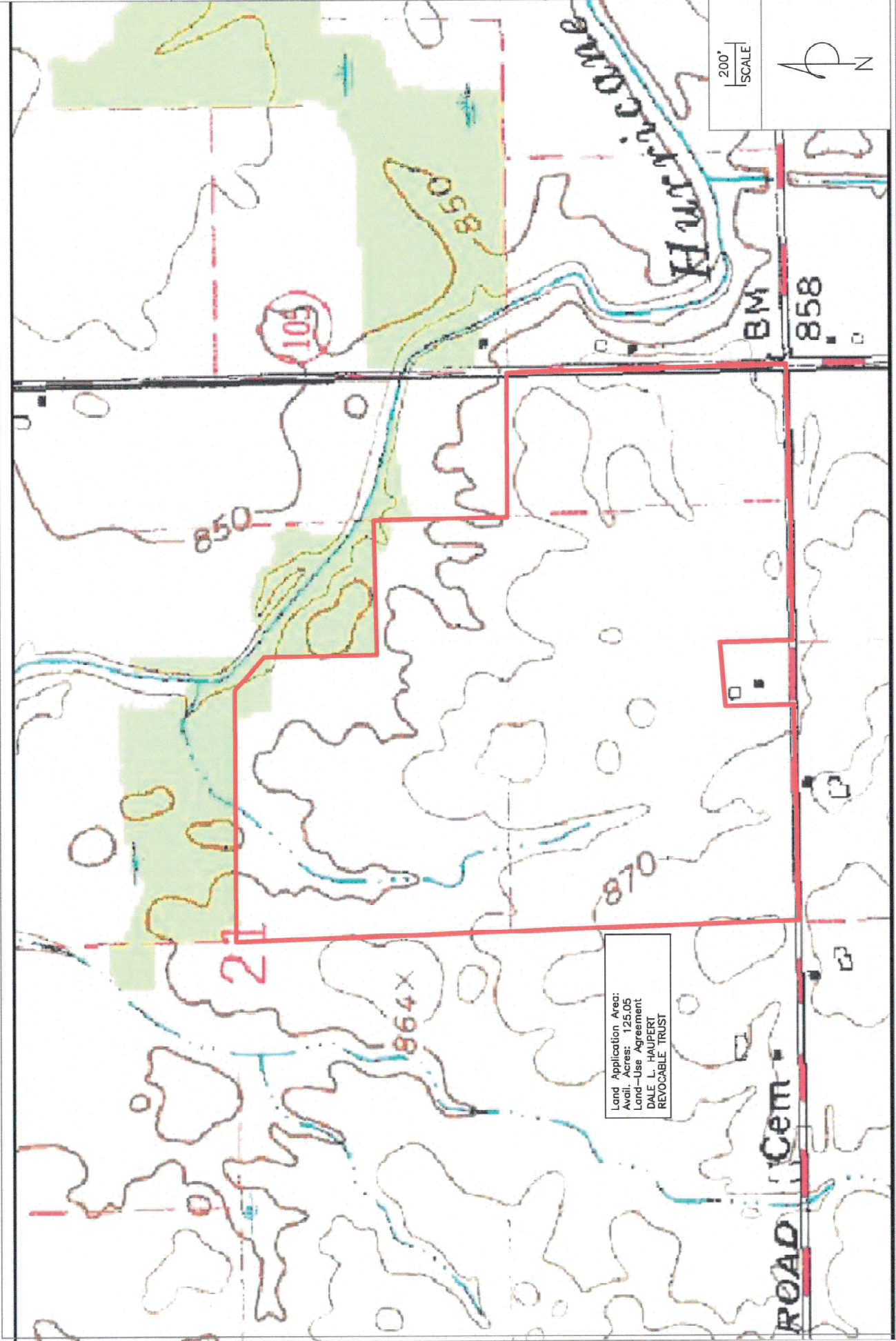
SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USGS TOPOGRAPHIC MAP
LAND APPLICATION AREA
S21 T30N R8E

DATE: 08/06/19 DRAWN BY: DL
LIVESTOCK ENGINEERING SOLUTIONS, INC.
2967 S. HONEY CREEK ROAD, GREENWOOD, IN 46143
MICHAEL A. VEHNHUIZEN
WRITTEN AUTHORIZATION OF LIVESTOCK ENGINEERING SOLUTIONS, INC.
OR USE IN WHOLE OR PART FOR ANY OTHER PROJECT WITHOUT
IS PROHIBITED.



200'
SCALE



Land Application Area:
Avail. Acres: 125.05
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST

SHEET: 41 of 51 DRAWING NO: SPL0119-041

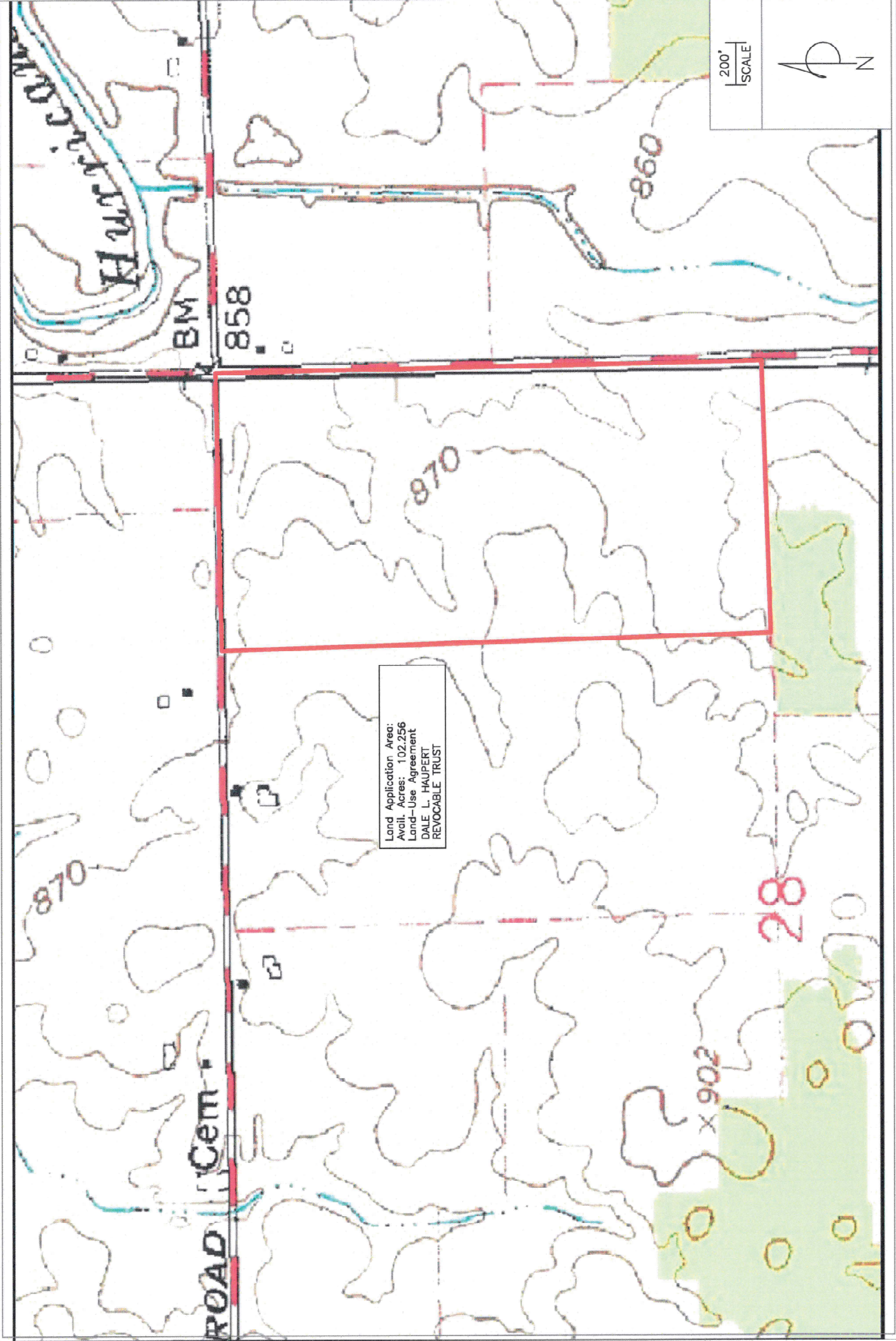
SONRISE PORK, LLC
5570 W SR 205
SOUTH WHITLEY, IN 46787
2019 CFO APPLICATION

USGS TOPOGRAPHIC MAP
LAND APPLICATION AREA
S28 T30N R8E

DATE: 08/06/19 DRAWN BY: DL
SHEET: 5T of 5T DRAWING NO: SPL0119-05T
LIVESTOCK ENGINEERING SOLUTIONS, INC.
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200'
SCALE



Land Application Area:
Avail. Acres: 102.256
Land-Use Agreement
DALE L. HAUPERT
REVOCABLE TRUST

2019 Confined Feeding Operation Approval Application Manure Management Plan Attachment

for
Sonrise Pork, LLC
5570 W State Road 205
South Whitley, IN 46787

A. MANURE MANAGEMENT PLAN

1. Manure Testing

Consult Purdue University, Cooperative Extension Service Publications AY-277, ID-101, ID-205 “Swine Manure Management Planning,” ID-206 “Poultry Manure Management Planning,” ID-208 “Dairy Manure Management Planning” for guidance on procedures for manure testing.

a) Manure Sample Collection Procedures:

A representative sample of manure and process wastewater will be collected and analyzed prior to the first land application event. A representative sample from each type of manure will be collected (i.e. animal type and size, phase of production, storage structure, and treatment structure).

To obtain the most representative sample a composite sample using a method appropriate to represent the manure and process wastewater being land applied will be collected. A composite sample will be obtained by collecting multiple (2-5) samples from the manure storages. Typically, to get the most representative sample, a core sampling device will be used prior to land application or sampling will be conducted at the time of agitation and land application. The sample will be placed in a plastic bucket or container to create a mixed sample. A mixed sample will be drawn and placed in a sample bottle. The sample bottle will be sent to a private analytical laboratory for analysis.

When animal type and size in multiple buildings are similar it is expected that the manure generation and characteristics in each building will be the same or similar. When animal type and size are similar one manure storage may be sampled each year to represent the manure nutrient concentration for that building type or phase of production. Once the first sample is collected prior to land application, future land application decisions may be made based on previous and historical analysis results.

b) Nutrient Assessment:

Private Laboratory does a nutrient analysis of sample(s)

Other (explain) _____

A private analytical laboratory qualified to analyze manure and wastewater will analyze the composite sample. Specific testing protocols will be determined by the analytical laboratory. At a minimum, manure and wastewater samples will be analyzed for available Nitrogen, Phosphorus, Potassium, and Moisture Content.

c) Sampling Frequency:

Minimum of once every year for CFOs.

Annual sampling required for CAFOs with a NPDES permit

The expected sampling frequency is at least once every year.

2. Soil Testing

You can consult Purdue University, Cooperative Extension Service Publication AY-281 for guidance on procedures for soil testing. A soil test must provide sufficient information about soil fertility to allow for nutrient recommendations for existing or planned crops. Soil test may not represent more than twenty (20) acres per sample.

1. Do, or will, you perform soil testing for this operation
 - Yes, all or a portion of manure is, or will be, applied to land controlled by the operator (complete b), c), and d) below)
 - No, 100% of manure is, or will be, either marketed or distributed (stop here – b), c), and d) below do not need to be completed).

2. Sample Collection Method:

- Management unit (field level)
- Grid method
- By soil type
- Other (explain) _____

Fields used for manure application will be soil sampled by management unit. Soil samples from each field used for manure application will be collected and analyzed. Multiple composite soil samples are collected from each land application field depending on the size of the land application field. Multiple soil cores from the top 0” to 8” of the soil profile will be collected and combined. Typically, a composite soil sample is taken from multiple soil samples from within a land area of up to 20 acres. The composite samples collected and prepared from each land application field will be sent to a private analytical laboratory for analysis.

3. Nutrient Assessment:

- Private laboratory does nutrient analysis.
- Other (explain) _____

Soil samples will be collected and composited. The composite sample will be analyzed by a private analytical laboratory qualified to analyze soil nutrient content and soil properties. Specific testing protocols will be determined by the analytical laboratory. At a minimum, soil samples will be analyzed for Phosphorus.

4. Sampling Frequency:

- Minimum of once every four (4) years for CFOs and CAFOs.

The expected sampling frequency is at least once every four years.

Indiana Department of Environmental Management
2019 Confined Feeding Operation Approval Application – 327 IAC 19
for
Sonrise Pork, LLC
5570 W State Road 205
South Whitley, IN 46787

Introduction:

Attached for your review are a CFO / CAFO Application Packet, State Form 55051 (R3 / 5-19) and supporting documentation requesting a Confined Feeding Operation Approval and construction authorization to modify and expand an existing confined feeding operation be granted to Sonrise Pork, LLC. The proposed modification includes the construction of a nursery/finisher building with below-building concrete manure storage.

The confined feeding operation is owned and operated by Sonrise Pork, LLC. Jeffery Sickafoose is the contact for the confined feeding operation. The confined feeding operation is located in Whitley County, Indiana in the Whitley East USGS Quadrangle, Section 15, Township 30 North, Range 8 East.

The most recent confined feeding operation approval (Farm ID#4173) and construction authorization (AW#6183) was issued April 9, 2012. The most recent confined feeding operation approval renewal was issued March 7, 2017 with an effective date of April 9, 2017. The current approved operating capacity is 1,800 nursery pigs and 3,460 grow-to-finish pigs housed in five (5) buildings.

Operating Capacity:

This confined feeding operation is operated as a nursery pig and grow-to-finish pig production site. The current approved operating capacity (Farm ID#4173; AW#6183) is 1,800 nursery pigs and 3,460 grow-to-finish pigs housed in five (5) buildings. The proposed modification is to construct one (1) 81'-10" x 300'-0" O.D. nursery/grow-to-finish pig production building with below-building concrete manure storage. The nursery/grow-to-finish building will house 600 nursery pigs and 2,400 grow-to-finishing pigs.

The requested maximum operating capacity for the confined feeding site is 2,400 nursery pigs and 5,860-head grow-to-finish pigs housed in six (6) buildings. It is noted that building 1E and 8E are under one roof. Total animal capacity will be 8,260-head. Based on the animal categories defined in 40 CFR 122.23(b)(2) and 40 CFR 122.23(b)(4) this confined feeding operation is defined as a large concentrated animal feeding operation and will have an operating capacity of 2,400 pigs weighing less than fifty-five (55) pounds and 5,860 pigs weighing fifty-five (55) pounds or more.

The existing and proposed swine production buildings and operating capacities are summarized below.

| ID | Structure Type | Building Dimensions | Animal Capacity |
|------------|----------------------------|--|--|
| 1E. | Grow-to-finish | 41'-2" x 151'-0" | 750 finishing pigs |
| 2E. | Nursery | 41'-4" x 177'-10" | 1,800 nursery pigs |
| 3E. | Grow-to-finish | 41'-2" x 371'-0" | 1,550 finishing pigs |
| 4E. | Grow-to-finish | 24'-10" x 69'-8" | 160 finishing pigs |
| 8E. | Grow-to-finish | 41'-2" x 200'-6" | 1,000 finishing pigs |
| 9P. | Nursery/ Grow-to-finish | 81'-10" x 300'-0" O.D. 80'-6" x 32'-0" I.D. nursery room 2 – 40'-2" x 256'-0" I.D. finisher rooms | 600 nursery pigs 2,400 finishing pigs |
| | Total Site | | 8,260-head |

D. FACILITY DETAIL INFORMATION

| Label on Farmstead Plan | Animal Type | Number of Approved Animals | Solid or Liquid | Date Constructed (for existing buildings) | Water Uses (gallons/unit of time) | Brief Description |
|-------------------------|---------------------|----------------------------|-----------------|---|--|---|
| 1E. | Grow-to-finish pigs | 750 head | Liquid | 1996 | <p>3,750 gallons 2 ½ times per year</p> <p>Total Usage: 9,375 gallons per year</p> | <p>Approved November 29, 1994. Log #4173; AW #3461.</p> <p>One-room, 750-head grow-to-finish building. Self-contained manure storage. Manure storage is shared with other buildings onsite as needed.</p> <p>Total building dimensions: 41'-2" x 151'-0" O.D.</p> <p>One-compartment below-building concrete manure storage: 1) 39'-8" x 149'-8" x 8'-0" deep</p> <p>Total capacity: 47,494 ft³ Available capacity: 41,556 ft³ (6" freeboard and 6" residual solids) Storage capacity: 306 days</p> |
| | | | | | | |

D. FACILITY DETAIL INFORMATION

| Label on Farmstead Plan | Animal Type | Number of Approved Animals | Solid or Liquid | Date Constructed (for existing buildings) | Water Uses (gallons/unit of time) | Brief Description |
|-------------------------|-------------|----------------------------|-----------------|---|--|---|
| 2E. | Nursery | 1,800 nursery | Liquid | 1996 | 4,500 gallons 8 times per year Total Usage: 36,000 gallons per year | <p>Approved November 29, 1994. Log #4173; AW #3461.</p> <p>One-room, 1,800-head nursery building. Self-contained manure storage. Manure storage is shared with other buildings onsite as needed.</p> <p>Total building dimensions: 41'-4" x 177'-10" O.D.</p> <p>One-compartment below-building concrete manure storage: 1) 40'-0" x 176'-6" x 2'-0" deep</p> <p>Total capacity: 14,120 ft³ Available capacity: 7,060 ft³ (6" freeboard and 6" residual solids) Storage capacity: 90 days</p> |
| | | | | | | |

D. FACILITY DETAIL INFORMATION

| Label on Farmstead Plan | Animal Type | Number of Approved Animals | Solid or Liquid | Date Constructed (for existing buildings) | Water Uses (gallons/unit of time) | Brief Description |
|-------------------------|---------------------|----------------------------|-----------------|---|---|--|
| 3E. | Grow-to-finish pigs | 1,550 head | Liquid | 1996 | <p>7,750 gallons 2 ½ times per year</p> <p>Total Usage: 19,375 gallons per year</p> | <p>Approved November 29, 1994. Log #4173; AW #3461.</p> <p>One-room, 1,550-head grow-to-finish building. Self-contained manure storage. Manure storage shared with other buildings onsite as needed.</p> <p>Total building dimensions: 41'-2" x 371'-0" O.D.</p> <p>One-compartment below-building concrete manure storage: 1) 39'-8" x 369'-8" x 8'-0" deep</p> <p>Total capacity: 117,308 ft³ Available capacity: 102,644 ft³ (6" freeboard and 6" residual solids) Storage capacity: 366 days</p> |
| | | | | | | |

D. FACILITY DETAIL INFORMATION

| Label on Farmstead Plan | Animal Type | Number of Approved Animals | Solid or Liquid | Date Constructed (for existing buildings) | Water Uses (gallons/unit of time) | Brief Description |
|-------------------------|---------------------|----------------------------|-----------------|---|---|---|
| 4E. | Grow-to-finish pigs | 160 head | Liquid | 1983 | 800 gallons 2 1/2 times per year Total Usage: 2,000 gallons per year | Approved November 29, 1994. Log #4173; AW #3461. One-room, 160-head grow-to-finish building. Self-contained manure storage. Manure storage shared with other buildings onsite as needed. Total building dimensions: 24'-10" x 69'-8" O.D. One-compartment below-building concrete manure storage: 1) 23'-8" x 31'-8" x 4'-0" deep Total capacity: 2,997 ft ³ Available capacity: 2,247 ft ³ (6" freeboard and 6" residual solids) Storage capacity: 77 days |

D. FACILITY DETAIL INFORMATION

| Label on Farmstead Plan | Animal Type | Number of Approved Animals | Solid or Liquid | Date Constructed (for existing buildings) | Water Uses (gallons/unit of time) | Brief Description |
|-------------------------|---------------------|----------------------------|-----------------|---|---|--|
| 8E. | Grow-to-finish pigs | 1,000 head | Liquid | 2012 | <p>5,000 gallons 2 ½ times per year</p> <p>Total Usage: 12,500 gallons per year</p> | <p>Approved April 9, 2012. Log #4173; AW #6183.</p> <p>One-room, 1,000-head grow-to-finish building. Self-contained manure storage. Manure storage shared with other buildings onsite as needed.</p> <p>Total building dimensions: 41'-2" x 200'-6" O.D.</p> <p>One-compartment below-building concrete manure storage: 1) 39'-10" x 199'-10" x 8'-0" deep</p> <p>Total capacity: 63,679 ft³ Available capacity: 55,719 ft³ (6" freeboard and 6" residual solids) Storage capacity: 308 days</p> |
| | | | | | | |

D. FACILITY DETAIL INFORMATION

| Label on Farmstead Plan | Animal Type | Number of Approved Animals | Solid or Liquid | Date Constructed (for existing buildings) | Water Uses (gallons/unit of time) | Brief Description |
|-------------------------|---------------------------------|---|-----------------|---|---|---|
| 9P. | Nursery and Grow-to-finish pigs | 600 nursery pigs & 2,400 grow-to-finish | Liquid | Proposed | <p>Nursery room 900 gallons 6 times per year</p> <p>Grow-to-finish room 12,000 gallons 3 times per year</p> <p>Total Usage: 41,400 gallons per year</p> | <p>Proposed</p> <p>Nursery / Grow-to-finish building</p> <p>Three (3) room, 600 nursery pigs and 2,400 grow-to-finish pig building with below-building, self-contained manure storage.</p> <p>Not shared with another confined feeding building.</p> <p>Total building dimensions: 81'-10" x 300'-0" O.D.</p> <p>Three (3) compartment below-building concrete manure storage:</p> <ol style="list-style-type: none"> 1) 81'-6" x 31'-10" x 8'-0" deep 2) 39'-10" x 266'-2" x 8'-0" deep 3) 39'-10" x 266'-2" x 8'-0" deep <p>Total capacity: 189,694 ft³ Available capacity: 166,425 ft³ (6" freeboard and 6" residual solids) Storage capacity: 362 days</p> |
| | | | | | | |