

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

22-W-SE-10 SPECIAL EXCEPTION

Kenneth Laux

Southwest corner of Pook Road and 350 West, Washington Twp.

JUNE 28, 2022

AGENDA ITEM: 4

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural

Property area: 71.63 acres

The petitioner is requesting a special exception approval for a Class 2 Confined Feeding Operation ("CFO") on the property located on the southwest corner of Pook Road and 350 West in Section 6 of Washington Township. The property is currently unimproved.

A special exception was previously approved on this property in December 2021. However, in order to accommodate a new dwelling being permitted on the adjacent property, changes were made to the structure location and site plan. So, a new special exception is required.

As shown on the submitted plans, the proposal is to construct a 142'x285' wean-to-finish hog barn, a compost bin, and drives. The below table shows the minimum separations and setbacks from the new buildings:

	Minimum	Proposed		Minimum	Proposed
Natural lake (>40 ac.)	2,640'	10+ mi.	Open waterway	300'	1,175'±
Recorded major residential subdivision	1,320'	1,680'± (Southwest Passage)	Property lines <i>East (350 West)</i> <i>North</i> <i>West</i> <i>South</i>	40' 25' 25' 25'	1,400'± 100'± 360'± 590'±
Off-site residence	660' <i>3759 Pook *</i> <i>5464 350W</i> <i>3750 Keiser</i> <i>4004 Keiser *</i> <i>5301 350W</i>	675'± 1,070'± 1,575'± 1,920'± 1,950'±	RR, MR, or LR zoning	NA	12,200'±

* The separations to residences at 3759 Pook Road and 4004 Keiser Road were determined using submitted plot plans. Note that the residence at 3759 Pook Road was issued a building permit in February 2022, but the applicant cancelled the project as of June 20th.

From the approved IDEM permit, the barn would contain up to 5,250 head of wean-to-finish hogs, with 297 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. Blending of these figures over the occupancy of the barn may be done in calculating the total animal units of the CFO, but conservatively the maximum would be 2,100 AU.

CFO size calculations are based on the total animal units on the property. Since there are no other existing barns on the property, no calculation of cumulative animal units is necessary.

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 is one existing dwelling within ¼ mile of the proposed CFO, and about 13 dwellings within ½ mile, that may be affected by any such odors. Being a new CFO, these residents may not be accustomed to any potential odors stemming from a CFO. 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 gases, 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 expected.
- 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 within.
- d. Vibrations: No vibrations are expected to be generated by this proposal.
- e. Odors: Modern barns are typically sealed and so contain animal odors better than older barns. Prevailing winds would be expected to drift most odors to the north and northeast, over an off-site dwelling, wooded areas, and river.
- 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 will need to be 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;

As previously approved, the proposed barn was to the northeast, closer to 350 West and Pook Road. The currently proposed configuration increased the separations between the barn and the off-site residences. While compliant with the zoning code minimum, the Board must evaluate whether the proposed location is sufficient to produce a harmonious relationship with adjacent buildings and properties.

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 to agricultural buildings in the area, such as the recently-constructed CFO about a mile west on Pook Road. Farms have historically had large buildings, be they barns, livestock pens, or grain silos, so large agricultural buildings may be expected throughout any primarily agricultural neighborhood. That said, whether this particular location is a primarily agricultural neighborhood should be determined by the Board.

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. Since this would be a new barn on an unimproved site, any number of vehicles accessing this site would be more than currently, and this could seem inconsistent with the neighborhood. However, because there is ample room for maneuvering on-site, there should be little traffic congestion created by this proposal.

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 and the "rural-agricultural" character type of the pending Comprehensive Plan, in both of 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 2,100 animal units, as described in the submittal.
3. Prior to issuance of permits, a survey is required indicating the exact distances to the nearest three residences in order to verify compliance with the zoning standards.
4. As for any CFO case, the Board should discuss if any mitigation requirements are necessary. Staff has no specific suggestions at this time.

Date report prepared: 6/21/22

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion: _____ By: _____ Second by: _____

Approve _____
Approve w/conditions _____
Deny _____

<i>Vote:</i>	Denihan	Lopez	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

May 25, 2022

Randy Laux, Manager
Kenneth & Diana Laux – Laux Farms
1810 W SR 14
Columbia City, Indiana 46725

Re: Confined Feeding Operation
Approval with Construction
Kenneth & Diana Laux
Whitley County
Farm ID # 7116
Animal Waste Number AW- 6966

Dear Randy Laux:

Your confined feeding operation (CFO) application seeking approval for your new swine operation in Whitley County with planned construction is approved. This office received this application February 23, 2022 with public notice requirements being met.

The application and supporting information was determined to satisfy both the Confined Feeding Control Law (IC 13-18-10), and the Confined Feeding Operation regulation (327 IAC 19). Your CFO Approval and the other enclosures to this letter provide important information about your responsibilities as a CFO owner or operator. Please take time to review these documents before putting them in your operating record. Feel free to contact us if you have any questions.

Your CFO meets the definition of a Concentrated Animal Feeding Operation (CAFO). Please note that CAFOs have additional requirements. The requirements are explained in more detail in the CFO Approval.

You can view this document along with the final approved application and design sheets along with all public records for this CFO Approvals on IDEM's Virtual File Cabinet (VFC) website. Go to <http://vfc.idem.in.gov/Default.aspx> and use the "**Document Search**" tab. In the "**Alternate Field**" tab, select "**CFO/CAFO**" from the dropdown menu. Type the farm ID #, **7116**, in the box to the right of the "**Alternate Field**". Click the **Search** button. We post documents within approximately 5 days of when we send or receive them. Contact us if you cannot locate a particular document.

A weekly posting of pending permits is located on our agency website at:
<http://www.in.gov/idem/cfo/2329.htm>.



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Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



Randy Laux, Manager
Whitley County, Farm ID# 7116
Page 2

This decision becomes effective immediately upon issuance unless a person aggrieved or adversely affected by the decision files a request for an administrative review and stay of the decision. For more information on appealing this decision, please refer to the attached "*Notice of Right to Administrative Review*" document.

CONTACT INFORMATION

Questions concerning issuance of this approval should be directed to the Confined Feeding Program at (317) 232-4473, or by FAX at (317) 232-3403.

Sincerely,



Robin Feller, Section Chief
Confined Feeding Permits Section
Office of Land Quality

Enclosures: Notice of Right to Administrative Review
CFO Approval
CAFO Operating Record Checklist
CFO/CAFO Compliance Assistance
Office of Indiana State Chemist Licensing Handout
CFO Record Book
CFO Rule 327 IAC 19
CFO Guidance Manual
CFO Construction Checklist
CFO Construction Notification
CFO Construction Affidavit
CFO Professional Engineer Certification Construction for Concrete

cc: Melissa Lehman and Tiffany Rolin – Agronomic Solutions, LLC
Whitley County Health Department (without enclosures)
Whitley County Board of Commissioners (without enclosures)
Columbia City, Indiana Mayor/Town Council President (without enclosures)
USDA-Natural Resources Conservation Service (without enclosures)

Notice of Right to Administrative Review

If you wish to challenge this decision, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the approval.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the approval; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the approval.
7. The approval terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the approval that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the approval. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have the approval stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

More information on the review process is available at the website for the Office of Environmental Adjudication at <http://www.in.gov/oea>.

**CONFINED FEEDING OPERATION (CFO) APPROVAL**Applicant: (Permittee) Kenneth & Diana Laux Farm ID # 7116 AW#: 6966Operation Name: Laux Farms County: WhitleyProperty Owner: Kenneth & Diana Laux Contact Person: Randy LauxOperation Location: 350 W & Keiser Rd. Columbia City, Indiana 46725

Approval Type									
<input checked="checked" type="checkbox"/>	Construction	<input type="checkbox"/>	Approval w/o Construction	<input type="checkbox"/>	Renewal	<input type="checkbox"/>	Amendment	<input type="checkbox"/>	Facility Change
<input type="checkbox"/>	Transfer	<input type="checkbox"/>	Other	Notes:					

Effective Date: May 25, 2022Expiration Date: May 25, 2027Renewal Submission Deadline: April 25, 2027

Permit renewal applications must be submitted no less than 30 days prior to the permit expiration date. If the renewal submission deadline falls on a Sunday or holiday, the renewal must be submitted prior to that date.

The purpose of the CFO approval program is to protect water quality in Indiana through standards for constructing and operating CFOs and associated manure management structures.

As the owner/operator, you must:

- meet all terms and conditions of this approval, the Confined Feeding Control Law IC 13-18-10, the Confined Feeding Operation regulations 327 IAC 19, and the Spill Rule 327 IAC 2-6.1;
- allow representatives of IDEM to enter your CFO and review your records, inspect the operation, and sample or monitor the operation when needed; and
- keep a copy of this approval as part of your operating record.

In order to receive approval to operate your CFO beyond the expiration date listed above, you must submit a complete application for an approval renewal to the IDEM by the renewal submission deadline.

This CFO Approval is authorized under IC 13-18-10 and becomes effective on the date listed above.

Robin Feller, Section Chief
Confined Feeding Permits Section

Applicant: (Permittee) **Kenneth & Diana Laux**
Operation Name: **Laux Farms**

Farm ID #: **7116**

FACILITY DESCRIPTION

Your CFO meets the definition of a Concentrated Animal Feeding Operation (CAFO).
[See 40 CFR 122.23(b) (2)]

The following **proposed** structures are approved and construction, as defined in IC 13-11-2-40.8, must begin at least 30 days prior to the expiration of this CFO Approval, or if construction has not begun the applicant must submit a renewal application and meet the requirements for notification in IC 13-18-10-2(b) at least 30 days prior to expiration of this approval. The construction approval will expire if these approval conditions are not met.

- One swine confinement structure labeled P1 with a concrete pit beneath slatted floors for the storage of Liquid manure from 5,250 wean-to-finish hogs. P1 includes a perimeter tile drainage system to manage the seasonal high-water table which drains to a rock distributor to the southwest of the building.

In Addition:

Perimeter drainage tiles are located around the P1 swine confinement building to manage the seasonal high-water table associated with this structure. Monitoring will be conducted during all future routine compliance inspections if flow is occurring at the time of the inspection.

Mortalities are handled on-site in a compost structure.

Your CFO is approved for total capacity of 5,250 wean-to-finish hogs as detailed on the attached facility detail sheet and farmstead plan. The manure control facilities, including the availability of acreage for manure application, meet or exceed the requirements of the Confined Feeding Operation regulations 327 IAC 19.

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Applicant: (Permittee) **Kenneth & Diana Laux**
Operation Name: **Laux Farms**

Farm ID #: **7116**

SPECIAL APPROVAL CONDITIONS

Please note that CFOs meeting the definition of a CAFO have three requirements that differ from those for farms not defined as CAFOs. These include storm water management practices (327 IAC 19-11-1(a)), manure application rate limitations (327 IAC 19-14-3(d)) and manure application activities (327 IAC 19-14-4(e)).

The storm water management practices refer to requirements of the federal regulation for CAFOs (40 CFR 122.42(e) (2)). The CFO Guidance Manual outlines those requirements and can be viewed in the section of the Guidance Manual titled "*Storm Water Management for CAFOs and NPDES CAFO Individual Permit Holders*". It may be accessed using the following internet address:

https://www.in.gov/idem/cfo/files/guidance_manual_cfo_program.pdf .

Monitoring of Perimeter Drains:

Monitoring of Perimeter Drains: (327 IAC 19-12-4) The perimeter drain for structure P1 will be monitored monthly, and any flow detected will be checked for presence of ammonia nitrogen with a field test/sample kit, and will be visually inspected for discoloration, odor, and other indicators of the presence of livestock waste. No other drainage tile may be added to this perimeter drain. An ammonia nitrogen field test kit may be used for on-site monitoring. The record of monitoring will be kept in the operating record (327 IAC 19-9-1). If ammonia nitrogen, discoloration, or other indicators are found during the monthly check of the perimeter drain outflow will be directed back into the waste storage structure. Monitor until clear, if it does not clear up contact your compliance inspector.

This monthly monitoring will continue until reviewed by the CFO Compliance Inspector during their first full compliance review. If ammonia nitrogen, discoloration, or other indicators are not noted in any monthly monitoring or during the first full compliance inspection (not the initial compliance assistance inspection) and with the compliance inspector's written concurrence in the inspection report that the monitoring has not indicated the presence of livestock waste, then the monthly monitoring will no longer be required.

If the planned outlet system is modified, it may change this monitoring period. For instance, if the outlet of the perimeter drain is connected to an existing field tile the monitoring will be required for the life of the waste storage structures. Monitoring will be conducted during all future compliance routine inspections if flow is occurring at the time of inspection. If possible, the owner/operator should sample the liquid from the perimeter tile riser observation point prior to any animals being introduced to structure P1 to establish a base line test for the site.

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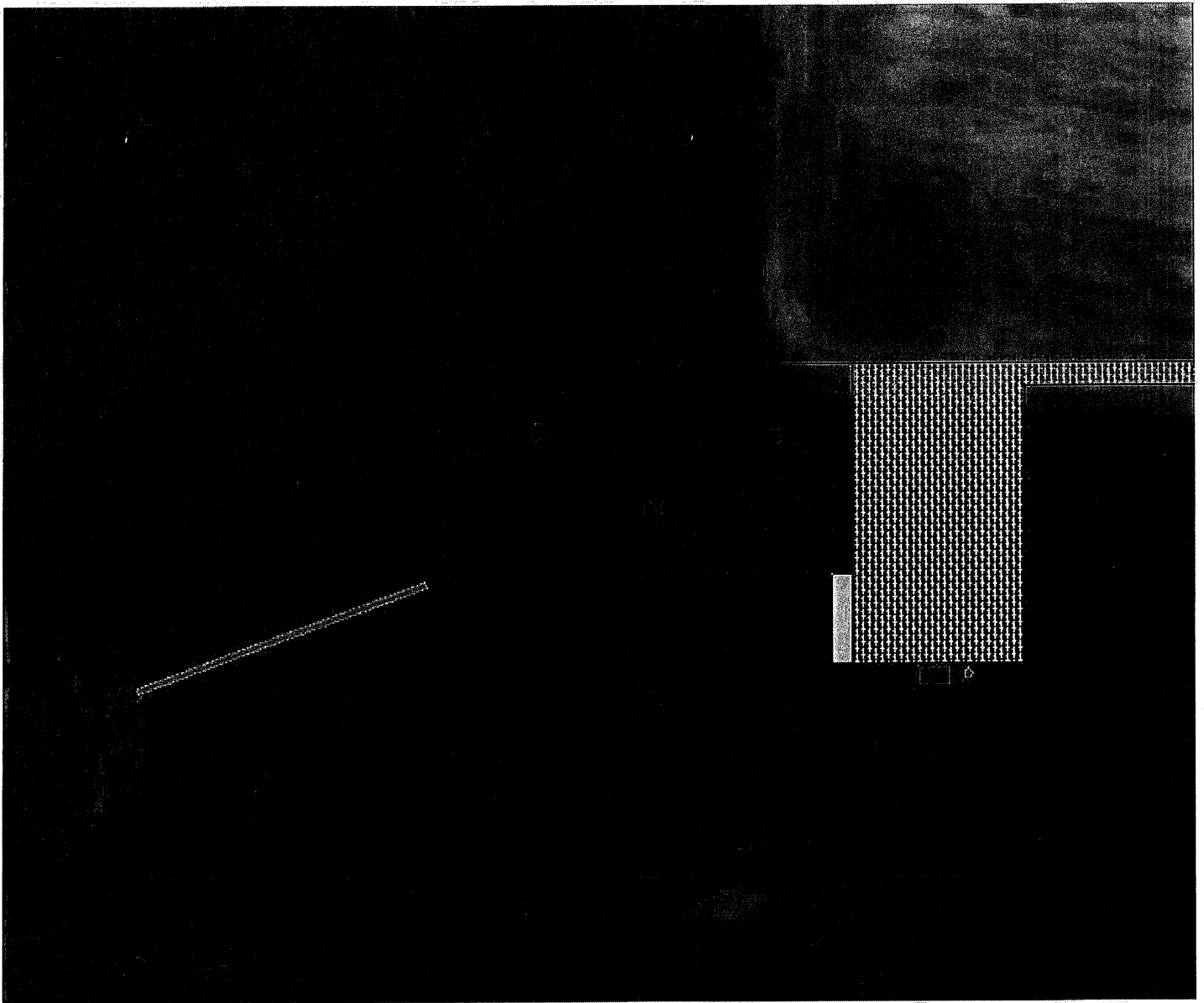
Facility Detail Sheet

Label on Farmstead Map	Animal type	Number of Animals	Solid or Liquid	Date Constructed (for existing buildings)	Water Uses (gal/unit of time)	Brief Description:
P1	Wean to finish pigs (12-260lbs)	5,250	Liquid	Proposed	52,500 gal washwater/yr	142'-0"x285'-0" O.D. Two room finisher barn with an underfloor storage tank. Each room has an underfloor reinforced 69'-10"x283'-8"x7'-8" concrete tank and each has a total capacity of 151,854 ft ³ and useable capacity of 132,048 ft ³ or 987,720 gallons. The two tanks are equalized and together have a total useable capacity (with freeboard and solids deductions) of 264,096 ft ³ or 1,975,438 gals, which provides 297 days of storage. The manure will be land applied once or twice per year as field conditions are suitable.
						Mortality Management: The producer is planning on composting his dead animals. The animals will be removed within 24 hours of death and taken to the onsite roof covered, concrete floor and sidewalled compost bin (see site map for location).







FINAL APPROVAL
 Confined Feeding Operations
 Dept. of Environmental Mgmt.
 Kenneth & Diana Laus
 Office of Land Quality

Whitley County

RECEIVED
 CONFINED FEEDING OPERATIONS
 February 23, 2022
 Dept. of Environmental Mgmt.
 Office of Land Quality



Site Map

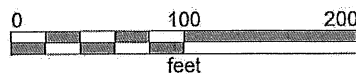
-  Compost Bin
 -  Discharge Tile
 -  Feed Bins
 -  Field Tile
 -  Floodplain
 -  Observation Point
 -  Proposed Driveway
 -  Rocky Discharge Area
 -  Soil Boring Point
 -  WETLAND APPROVAL
 -  Confined Feeding Operations
- Dept. of Environmental Mgmt.
Office of Land Quality

Site Map

350 W Keiser Rd
Columbia City, IN 46725

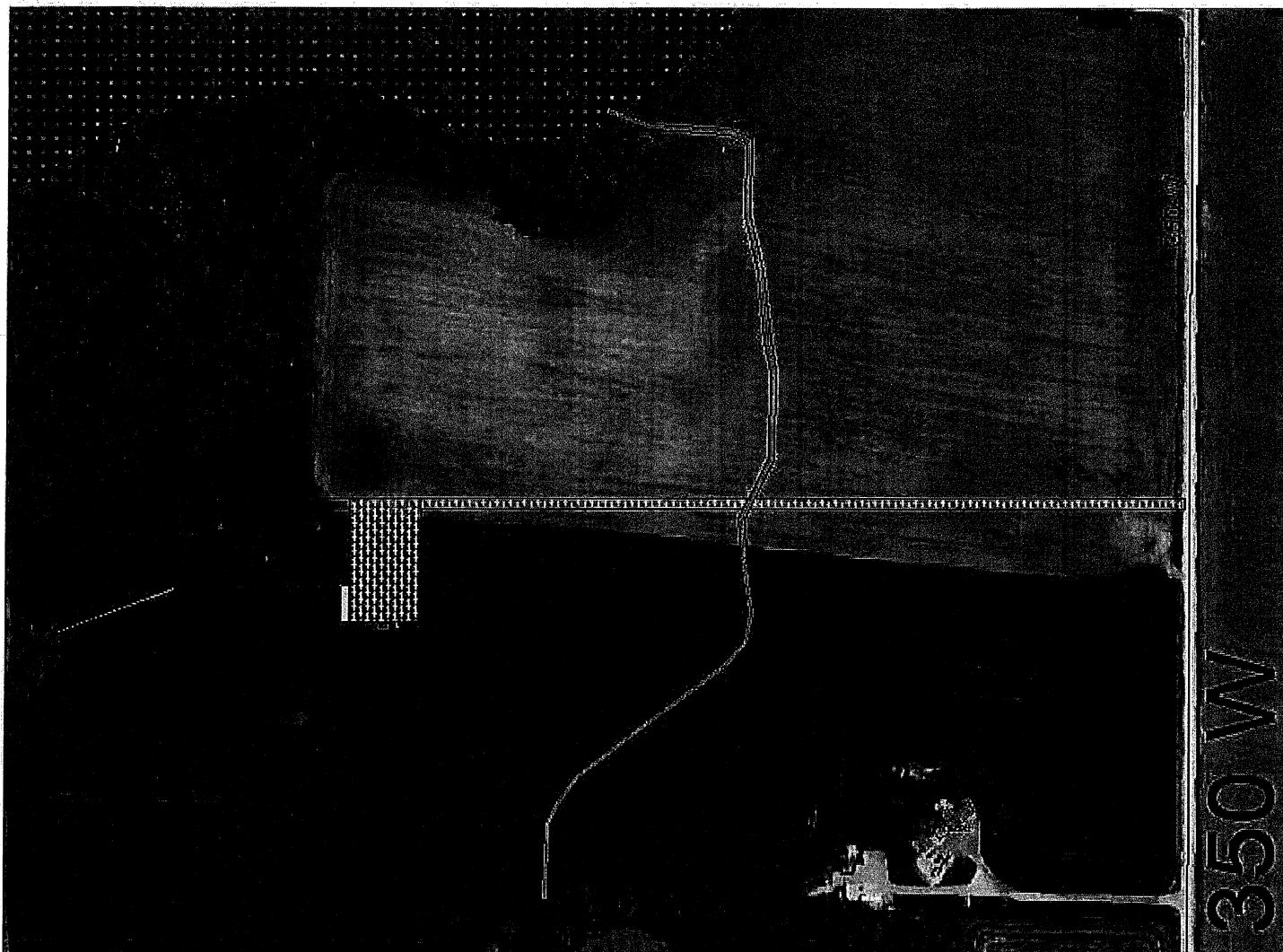
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See Facility Detail Sheet for Proposed Structures and Animal Numbers.



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CONFINED FEEDING OPERATIONS
April 28, 2022
Dept. of Environmental Mgmt.
Office of Land Quality

Kenneth & Diana Laux



Site Map

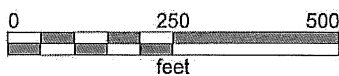
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Site Map

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Columbia City, IN 46725

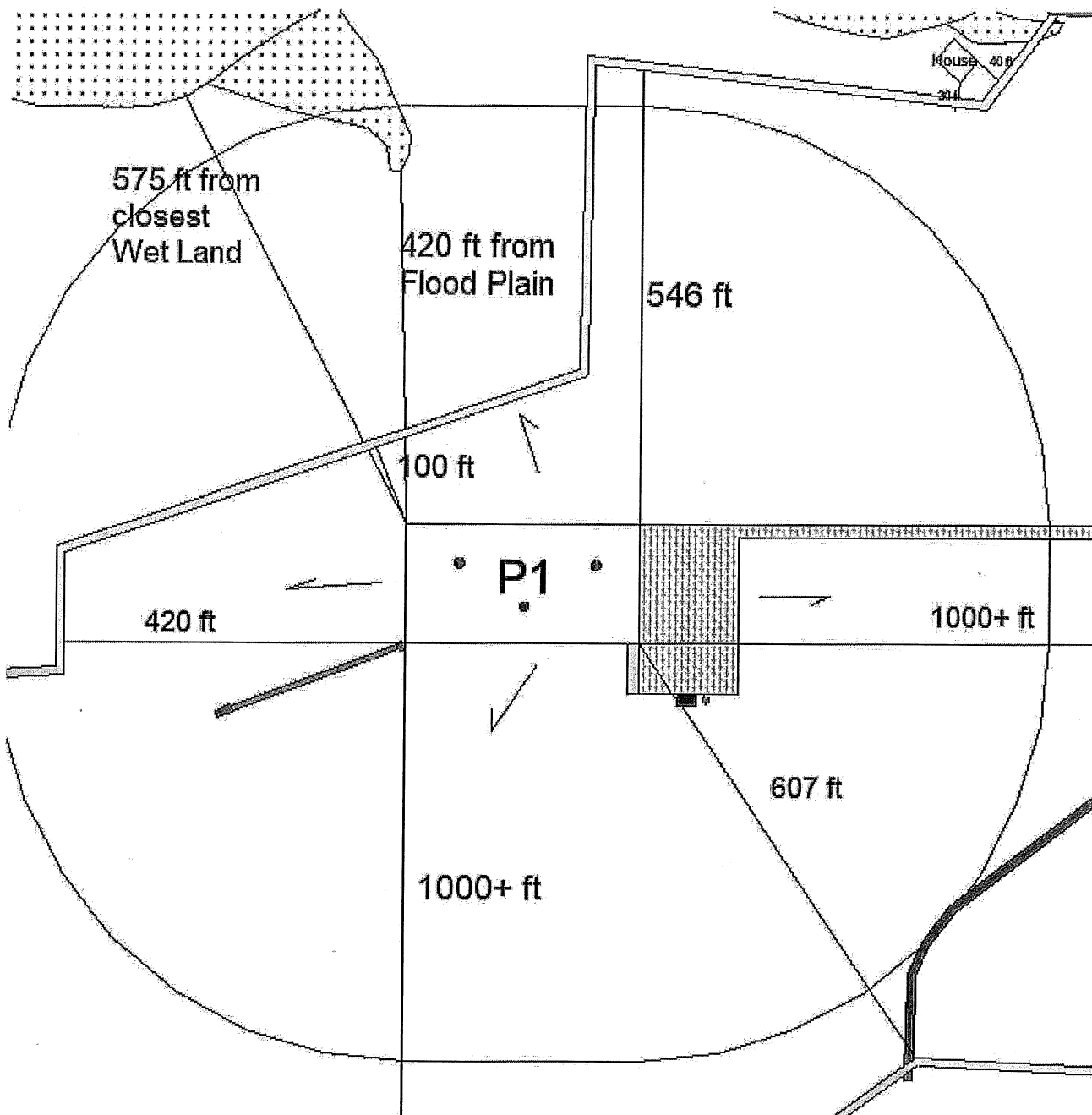
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Kenneth & Diana Laux



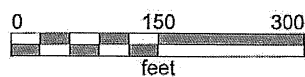
Farmstead Plan

Farmstead Plan

- Compost Bin
- Discharge Tile
- Feed Bins
- Field Tile
- Floodplain
- Observation Point
- Property Line
- Proposed Driveway
- Rock Discharge Area
- Confined Feeding Operations
- Dept. of Environmental Mgmt.
- Office of Land Quality
- Well
- Wetland Area

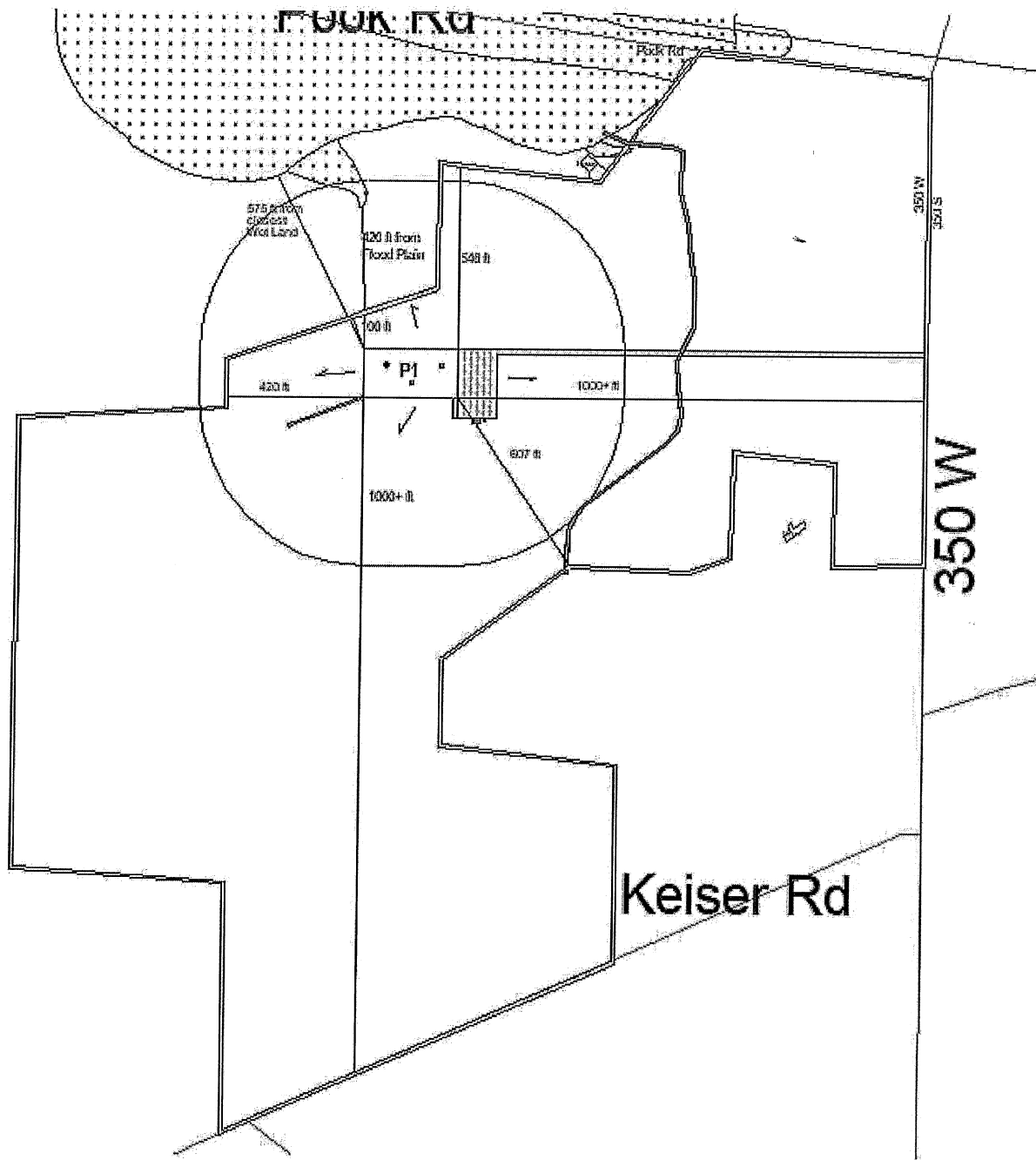
Buildings/Features within 500ft of Waste System

See Facility Detail Sheet for Proposed Structures and Animal Numbers.



RECEIVED
 CONFINED FEEDING OPERATIONS
 April 28, 2022
 Dept. of Environmental Mgmt.
 Office of Land Quality

Kenneth & Diana Laux



Farmstead Plan

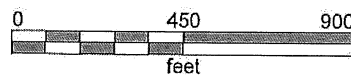
Farmstead Plan

- Compost Bin
- Discharge Tile
- Feed Bins
- Field Tile
- Floodplain
- Observation Point
- Property Line
- Proposed Driveway
- Rock Discharge Area
- Soil Boring Point
- Surface Water
- Well
- Wetland Area

Buildings/Features within 500ft of Waste System

See Facility Detail Sheet for Proposed Structures and Animal Numbers.

RECEIVED
 CONFINED FEEDING OPERATIONS
 April 28, 2022
 Dept. of Environmental Mgmt.
 Office of Land Quality



Applicant: (Permittee) **Kenneth & Diana Laux**
Operation Name: **Laux Farms**

Farm ID #: **7116**

GENERAL APPROVAL CONDITIONS

1. An Approval Renewal application must be submitted to IDEM no less than 30 days prior to the approval expiration date to maintain a valid approval for your operation. The application must include a Manure Management Plan (MMP) which details any changes made at the operation, outline procedures for soil testing and manure testing, and include a current farmstead plan and Natural Resource Conservation Service (NRCS) soil survey maps of application ground. The soil survey maps must detail the boundaries of the field(s) and include the property owner name and available spreadable acres after setbacks are subtracted. The MMP must also contain a request for land application acreage requirement waiver if a manure distribution program is used, or contain a description of alternate methods proposed for managing the manure.
2. This approval does not authorize any injury to any person or private property; the invasion of other private rights; the infringement of federal, state, or local laws or regulations; nor does it preempt any duty to comply with other federal, state or local requirements, permits or approvals.
3. Your request for an approval modification, revocation and reissuance, or termination does not suspend any approval term or condition. The approval may be modified, revoked and reissued, or terminated, for causing or threatening to cause harm to the environment.
4. The conditions of this approval are separable and if any condition of the approval is determined to be invalid the application of the condition to other circumstances and the remainder of this approval will not be affected.
5. You may not start construction of a CFO, or expansion of a CFO that increases animal capacity and/or manure containment capacity, without obtaining prior approval from IDEM as required by 327 IAC 19-1-2(b).
6. Prior to any construction/land-disturbing activities of one acre or more, contact IDEM's Stormwater Program and the local county Soil and Water Conservation District (SWCD) office for permitting information. Visit IDEM's Stormwater Program website at <http://www.in.gov/idem/stormwater/construction-land-disturbance-permitting> or <http://www.in.gov/idem/stormwater/2331.htm> or call 317-233-8488. Technical resources are also available through the local Soil and Water Conservation District (SWCD) and in the Indiana Storm Water Quality Manual (<http://www.in.gov/idem/stormwater/2363.htm>). Please Note: Applicable permits are required prior to any land disturbing activities including site preparation.
7. The Clean Water Act (CWA) Wetland Delineation and US Army Corps of Engineer (USACE) Jurisdictional Determinations and possibly Indiana Administrative Code 327 IAC 17 Wetland Permits may be needed in conjunction with the Construction/Land Disturbance Permit or to begin construction if there are potential wetland on or within 300 feet of a proposed waste storage structure. For more information see the IDEM Wetland website at <https://www.in.gov/idem/wetlands/2343.htm> or call 317-233-8488. Any wetland issue that may be affected by construction activities must be completed prior to submitting a construction start notice under this approval.

Applicant: (Permittee) **Kenneth & Diana Laux**
Operation Name: **Laux Farms**

Farm ID #: **7116**

8. You must follow the construction requirements of 327 IAC 19-12. Please find the enclosed construction checklist and forms required to be submitted to IDEM to ensure compliance with construction requirements of this approval and 327 IAC 19-12.
9. Permittees must submit to IDEM the enclosed Construction Notification Form (State Form 50210) within two (2) days prior to the commencement of construction.
10. Permittees must submit to IDEM the enclosed Construction Completion Affidavit (State Form 51255) within thirty (30) days after the date construction of an approved waste management structure is completed, and **prior** to the introduction of any animals or manure into the structures. **This includes buildings (List affected facilities)**. The affidavit must be completed, signed by the responsible party, notarized, and returned to IDEM assuring that the waste management system was constructed and will be operated in accordance with the requirements of the approval.
11. If a permittee performs partial construction of an approved project involving multiple approved units and wishes to utilize a completed unit prior to completing construction of other approved units, multiple construction start notices, affidavits, and if applicable PE Certifications, must be submitted.
12. All liquid manure storage facilities must be certified upon completion by a registered professional engineer (PE) on a form provided by IDEM. The completed PE Certification Form must be submitted with the Construction Completion Affidavit for structures P1. A "Construction Completion Affidavit" and PE Certification Form (if applicable) can be duplicated from the IDEM CFO Record Book to be used for the notification process.

(Remainder of page intentionally left blank)

