

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: March 17, 2017

Re: Waiver of right to appeal the issuance of a final construction permit by the Iowa DNR within 14 days after receipt of the draft permit for Grandview Farms expansion of its confined animal feeding operation located at 12090, 12139 and 11872 240th Street.

On March 9th The Board approved the resolution with its determination that the Construction Permit application submitted to the Iowa DNR by Grandview Farms met the requirements of the Master Matrix and recommended issuance of the State construction permit. This was the seventh construction permit application for Grandview Farms expansions that the Board has reviewed for compliance with the requirements of the Master Matrix since 2005. Under Iowa DNR procedures; following notification of the Board's recommendation, the Iowa DNR conducts its own review and notifies the Board of its "notice of intent" to issue the permit. The Board then has a 14-day window to appeal that issuance. With the previous four reviews, Grandview Farms has requested the Board waive this 14-day review period to allow the DNR to issue the final permit without a two week delay. The Board has approved this waiver with five of the previous applications. The sixth application was rendered moot with the submittal of this current request.

By March 22, 2017 Scott County expects to receive the Iowa DNR's Notice of Intent to issues the Grandview Farms State Construction permit. Grandview Farms has verbally requested for the Board to again waive this 14 day appeal period. The proposed resolution as well as a draft of the letter to the DNR is included with this memo. If the Iowa DNR does not issue the draft permit prior to the Board meeting on March 23rd the Board would then need to table any action on this waiver.

BOARD OF SUPERVISORS

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CAROL EARNHARDT, Chair
TONY KNOBBE, Vice-Chair
KEN BECK
DIANE HOLST
BRINSON L. KINZER

March 24, 2017

Mr. Paul Petitti
IDNR Field Office #3
Gateway North Mall
1900 North Grand Avenue
Spencer, Iowa 51301

Re: Grandview Farms Construction Permit – Facility ID# 59556

Dear Mr. Petitti:

The Scott County Board of Supervisors has reviewed and recommended approval of the Grandview Farms –State construction permit. The Board understands that it has the right to appeal the issuance of a final construction permit within 14 days after its receipt of the draft permit under Iowa Code Section 459.304 and Iowa Administrative Rule 567-65.10(7).

After consideration of this matter the Board supports allowing construction to begin as soon as possible. The Board voted unanimously to unconditionally and irrevocably waive its rights to appeal the issuance of the above-referenced construction permit and we would ask that the Iowa DNR issue the final permit to Grandview Farms immediately.

By waiving its rights to appeal the Grandview Farms permit, the Board does not in any way waive its rights to appeal any other confinement construction permits that may be issued by the Iowa DNR to livestock producers in Scott County in the future.

Sincerely,

Carol Earnhardt, Chair
Scott County Board of Supervisors

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE

SCOTT COUNTY AUDITOR

RESOLUTION

SCOTT COUNTY BOARD OF SUPERVISORS

March 23, 2017

APPROVAL OF WAIVER OF SCOTT COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT BY THE IOWA DEPARTMENT OF NATURAL RESOURCES FOR THE EXPANSION OF GRANVIEW FARMS CONFINED ANIMAL FEEDING OPERATION

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

- Section 1. The Scott County Board of Supervisors has recommended that the Iowa Department of Natural Resources (DNR) approve a State construction permit to Thomas Dittmer, dba Grandview Farms, Inc for the construction of additional confined animal feeding operation buildings at 12090, 12139 and 11872 240th Street in unincorporated Scott County.
- Section 2. The Scott County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on March 9, 2017.
- Section 3. The Scott County Board received the Iowa DNR's Notice of Intent to issue a final permit on March ~~XX~~, 2017. The Scott County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit
- Section 4. The Scott County Board of Supervisors encourages the Iowa DNR to issue the Final Permit as soon as possible.
- Section 5. The Scott County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.
- Section 6. This resolution shall take effect immediately.