

TESTIMONY OF

Marty Haroldson, Permits Program Manager

Good morning Chairman Luick and members of the Senate Agriculture and Veterans Affairs Committee. My name is Marty Haroldson, and I am the Permits Program Manager of the Division of Water Quality within the Department of Environmental Quality. I am here to testify in a neutral capacity for Bill 2174.

The Permits Program houses water quality permitting for Animal Feeding Operations or AFOs which includes Concentrated Animal Feeding Operations or CAFOs. Rules and Regulations for the control of pollution from certain livestock enterprises were first issued in 1972 and most recently updated in 2021. Our primary focus is to permit, inspect, and provide oversight on the management of generated manure.

Before our permitting process can begin, approval from the local zoning authority is required. When the local authority does not have zoning for setback determination, the State will determine the setback for a livestock facility. Setback distances are a primary mechanism for all livestock facilities to ensure odor standards can be met.

One item developed during the Sixty-eighth Legislative Assembly was the Model Zoning Task Force. This task force was to look at current livestock zoning in North Dakota and evaluate for appropriate updates. The Department of Environmental Quality took part in Model Zoning meetings. We reviewed odor setback distance development in multiple states and provided input to the Task Force on the proposed odor footprint tool. Based on this review we analyzed previous odor monitoring inspections and found no extra odor violations would have resulted from the proposed setbacks.

We would like to mention that livestock facilities covered under the state setbacks may wish to have the same flexibility as outlined in Sections 1 and 3 of Bill 2174. This committee may want to revisit implementing the odor footprint model as Section 2 is void of this tool when setbacks are determined by the State.

Mr. Chairman and committee members, this concludes my testimony. I would be happy to answer any questions.