

Agenda Item # 22 e

Date 4/5/23

**MINUTES
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Chairman, Marlin Brabec at 4:30 P.M., Tuesday, March 21, 2023 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Fooker, Hansen, Rolf, Taylor, Wagner and Weitzenkamp. Absent: Giesselmann and Ruzicka.

The meeting was declared legally convened, due to Public Notice given. It was considered to be an Open Meeting. No Exparte had been reported.

Motion was made by **Rolf** to accept the Minutes of the February 21, 2023 meeting as mailed. Seconded by **Fooker**. Motion carried by voice vote with the following voting yes: Fooker, Hansen, Rolf, Taylor, Wagner, Weitzenkamp and Brabec. Absent: Giesselmann and Ruzicka.

Chairman Brabec declared the public hearing to be open.

Public Hearing: Consider request of Craig Langemeier of 1583 County Rd. E, Scribner, NE 68057 to obtain a Conditional Use Permit to store and apply Biosolids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in the East ½ SW ¼ Section 12, Township 18 North, Range 6 East and West ½ NE ¼ Section 13, Township 18 North, Range 6 East in Cotterell Township, Zoning District A-1, Intensive Ag.

Testimony:

For: Scott Nunn with NE-IA Agronomics representing the City of Fremont and Craig Langmeier was present to explain the request. He stated the application was adhering to the EPA Setbacks, 10 Tons/Acre, Pretesting and Post Testing of minerals and metals and will not stockpile before August 1, 2023 and would have it applied before 2024. Wagner asked if the material would be applied in the fall? Nunn stated yes, Fall. Tom asked if it would be applied October or November. Nunn stated yes.

Craig Langemeier stated he had a paper he would like to read from. Motion to receive the letter was made by **Rolf** and seconded by **Fooker**. Motion carried by voice vote of everyone present. Absent: Giesselmann and Ruzicka. The letter is attached to the minutes.

Against: Anyone wishing to speak was asked to sign the tablet and speak their name for the record.

Steve Dvorak: He stated he was worried about the heavy metals. He stated that getting on the Internet, the storage and application was questionable. He went on to say he had a pond and was worried about the material damaging his pond. Stated he didn't like it one way or another. He also spoke of Alvin Kloke's pond and was concerned it would run off into his pond. He added that 50 years ago, we wouldn't be doing this. Brabec said that when they had a dairy, they hauled and spread cow manure. Dvorak stated he was still worried about the pharmaceuticals.

Wagner stated he did some research on the composting of products. He stated the high metals were attacked by the composting and he thinks it is a safe product. He went on to say that 10 years ago, he stockpiled the stuff.

Dvorak: If we let them do this, and we want to test it before it is applied and the test comes back bad, then what?

Keith Kontor, Supt. of Wastewater Treatment Plant for the City of Fremont, stated there is a process where the pathogens are broken down and it has to meet requirements to be safe. Pharmaceuticals are not tested by the EPA. If they were a concern of the EPA, they would test. Therefore, we do not test. We test nitrogen, pot ash, metals etc. We apply only 10 tons per acre. He said that once it is spread, can't tell it was there. It would be different if 50 or 60 tons per acre were spread. He added that the storage and application of Bio-Solids began in 2004 and in the 20 years, we have not had any complaints. We pre sample and post sample. The applicant is under a 5-year permit where they would apply the first and then again maybe in the 4th year. Taylor asked how often do they test? Kontor stated every 60 days.

Dvorak: What about the wind drift? Would you stand down wind with your mouth open? **Kontor** stated yes, he would.

Greg Dunn: I live at 1237 N. Blvd. and have 3 kids. Who is going to test my kids when they are playing out in the yard for chemicals? What if my well is contaminated? Who is going to test? My 3 kids play right next to this field and the drift comes into my house.

Ashley Clausen stated she is a nurse and is building a new home to the north of the property. She stated she has 3 kids; 8, 7 and 3. There are hidden dangers to the product. There are 350 chemicals and only 9 of them are regulated by the EPA. She presented the board with a paper from the Internet, "*Commentary/ The Hidden Dangers of Biosolids.*" Motion was made by **Fooken** and seconded by **Wagner** to receive the paper. Motion carried by voice vote with everyone present. Absent: Giesselmann and Ruzicka. Clausen stated that in Maine and Michigan, they make them test for the PFAS. She went on to say there isn't enough evidence to say the Bio-Solids are safe. She would feel better if this were tested better as it is not biodegradable. The paper is attached to the minutes.

Alvin Kloke stated he has a 13-acre lake where his grandsons fish and hopes this will not impact the lake. He stated if it were incorporated, it might be ok.

Wagner asked what is the reason for incorporation as we do no-till?

Dvorak agrees that there is a risk for incorporation, but if it is incorporated, the dog will not drag it into the house.

Ron Mueller state he lives right north of the field and does not like it being spread that close.

Langemeier stated there is a feed lot with livestock manure near you.

Mueller stated he has no problem with livestock manure on farm ground. He is more worried about the chemicals.

No other public spoke and no questions from the board.

Motion to close the hearing was made by **Rolf** and seconded by **Hansen**. Motion carried by voice vote. All present voted yes. Absent: Giesselmann and Ruzicka.

Possible Action:

Motion was made by **Weitzenkamp** and seconded by **Rolf** to recommend approving the Conditional Use permit based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located with the condition that the product be incorporated in a week or 10 days weather permitting. Motion carried by roll call vote. Those voting yes: Hansen, Rolf, Taylor, Wagner, Weitzenkamp, Brabec and Fooker. Absent: Giesselmann and Ruzicka. Mr. Langemeier was advised the Dodge County Board of Supervisors would hear the request on April 5, 2023 at 9:30 A.M.

Public Hearing: Consider request of Jay Uehling of 731 County Rd. 5, Oakland, NE 68045 to obtain a Conditional Use Permit to store and apply Biosolids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in SE ¼ SE ¼ Section 5, Township 18 North, Range 8 East and North ½ SE ¼ Section 5, Township 18 North, Range 8 East; South ½ NW ¼ Section 5, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-1, Intensive Ag.

Andrews stated this item was pulled by Uehling and Nunn. No action needed to be taken.

With no further business **Taylor** moved to adjourn at 5:20 P.M. and seconded by **Wagner**. Motion carried: Rolf, Taylor, Wagner, Weitzenkamp, Brabec, Fooker, and Hansen. Absent: Giesselmann and Wagner. The next scheduled meeting will be April 18, 2023, at 4:30 P.M. if business arises.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date

Biosolids have been safely and effectively applied to farmland in Dodge County for over 20 years. I am not aware of negative issues arising from the application in fields where this product was applied. The City of Fremont is regulated by state and federal agencies and must follow strict guidelines with this product. This farm is a perfect candidate for the application of biosolids for a few reasons.

1. The farm tests very low for Phosphorus, Potassium and Sulfur. These nutrients are essential to plant growth. The farm could use the nutrient content as well as the OM the biosolids would bring. Scott Nun is providing guidance on agronomic application rates.
2. Corn will be planted on the farm so any Nitrogen that gets into the soil will be used the following year.
3. The biosolids product is dry and appears like potting soil. This reduces odor and runoff concerns. 87% of the farm is between 0 and 6% slope so the topography is nearly level.
4. The farm sits on a high table well above the water table reducing chances of excess nutrients reaching groundwater.
5. The farm is located almost 3 miles from where it could enter into the Rawhide creek.
6. 0% of the farm drains onto Mr. Mueller's farm.

I understand that there are concerns about applying the biosolids product to my farm. I plan to follow all guidance provided by the City of Fremont and Scott Nun. The bottom line is that this farm is an excellent candidate for the bio solids product for the reason stated above. Rejecting this application set a bad precedent and I ask that the zoning commission approve this application. Thank you for your consideration.

COMMENTARY | The Hidden Dangers of Biosolids

peer.org/commentary-the-hidden-dangers-of-biosolids/

December 7, 2022

The Hidden Dangers of Biosolids



When we enter a grocery store, we assume that the produce we are about to buy is healthy and safe for ourselves and our family. However, we don't think about the pollutants that are transferred to produce through biosolids, a fertilizer made from treated municipal wastewater.

Biosolids, or sewage sludge, are the treated solids that are separated from the massive quantities of sewage waste created by Americans each day. Nearly half of biosolids are treated to kill pathogens and are then spread on farms, pastures, and wildlands.

Unfortunately, there is little federal regulation to ensure the safety of biosolids. EPA has currently identified more than 350 pollutants in biosolids, but has only regulated nine. As a result, **biosolids carry a variety of persistent and toxic chemicals**, like per- and polyfluoroalkyl substances (PFAS), which can threaten our food supply and can contaminate our water sources.

Research has shown that plants grown in soil with biosolids have higher levels of PFAS, which can impact all parts of the plant including the roots, shoots, and fruits. Eating PFAS contaminated crops has the potential to cause adverse health effects in people and livestock. In Maine, organic farmers **suspended their operation** after learning that PFAS-tainted biosolids were previously used on their property and that their soil, drinking water, irrigation water, crops, chickens and blood were contaminated.

Despite this, biosolids are **often marketed as an "all-natural"** and "organic" fertilizer for farms and home gardens. Even more concerning is that **state, local, and municipal** governments promote biosolids as a valuable soil conditioner, a beneficial resource, and good for the environment.

EPA has stated that the agency is working on a risk assessment of two PFAS in biosolids by 2024. Yet, that will not prevent the hundreds of pollutants from entering our food chain and our environment. PEER continues to push the agency to take bold and decisive action to protect human health and the environment from toxic biosolids.



Monica Mercola is *PEER's staff counsel*.

STAFF REPORT
Dodge County Bldg. Insp. & Zoning Dept.
Meeting of March 21, 2023

Zoning signs were placed on the property Wednesday, March 15, 2023

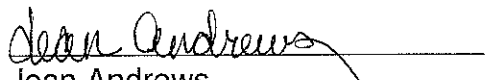
Craig Langemeier:

The property is located approximately 6 ½ miles north and 4 ½ miles east of North Bend just west of County Road 13. A phone call was received where the property owners were concerned about their water supply. The location according to NE-IA Agronomics is not far from their property as well as another farmstead just to the east of the location. The land was into corn in 2022 and is not in a flood plain.

Jay Uehling:

The property is located 4 miles west and 2 miles north of Nickerson, NE south of the Maple Creek Subdivision just to the west side of County Road 20. There is an acreage just to the south of this location for the biosolids. As you could see by the map that was included in the first mail, there are a number of places where they will apply the material. And, this area is not in a flood plain.

Respectfully submitted,


Jean Andrews,
Dodge County Zoning Administrator

Craig Langemeier 3-15-2023



Jay Uehling

March 15, 2023



**ZONING ACTION
HAS BEEN REQUESTED
ON THIS PROPERTY**

Contact the Zoning
Administrator's Office
at 402/727-2724 for
More Information

**AGENDA
DODGE COUNTY PLANNING COMMISSION**

Dodge County Planning Commission, Tuesday, March 21, 2023 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M – Roll Call
2. Declaration of Open Meeting and Legality
3. Declaration of Exparte
4. Approval of Minutes of February 21, 2023 Meeting

5. **Public Hearing:** Consider request of Craig Langemeier of 1583 County Rd. E, Scribner, NE 68057 to obtain a Conditional Use Permit to store and apply Biosolids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in the East ½ SW ¼ Section 12, Township 18 North, Range 6 East and West ½ NE ¼ Section 13, Township 18 North, Range 6 East in Cotterell Township, Zoning District A-1, Intensive Ag.

Testimony

For:

Against:

Possible Action:

6. **Public Hearing:** Consider request of Jay Uehling of 731 County Rd. 5, Oakland, NE 68045 to obtain a Conditional Use Permit to store and apply Biosolids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in SE ¼ SE ¼ Section 5, Township 18 North, Range 8 East and North ½ SE ¼ Section 5, Township 18 North, Range 8 East; South ½ NW ¼ Section 5, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-1, Intensive Ag.

Testimony

For:

Against:

Possible Action:

7. Other Business brought to the Board (By Published Addendum)

8. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON MARCH 8, 2023. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE
PUBLIC HEARINGS
DODGE COUNTY PLANNING COMMISSION
AND
DODGE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN, that public hearing of the Dodge County Planning Commission will be held during their special meeting March 21, 2023 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, April 5, 2023 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3rd floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following items:

1. Consider request of Craig Langemeier of 1583 County Rd. E, Scribner, NE 68057 to obtain a Conditional Use Permit to store and apply Biosolids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in the East ½ SW ¼ Section 12, Township 18 North, Range 6 East and West ½ NE ¼ Section 13, Township 18 North, Range 6 East in Cotterell Township, Zoning District A-1, Intensive Ag.
2. Consider request of Jay Uehling of 731 County Rd. 5, Oakland, NE 68045 to obtain a Conditional Use Permit to store and apply Biosolids as per Article 12 Section 2. Conditional Uses 2.18 and Supplemental Regulations Article 25, Section 22 located in SE ¼ SE ¼ Section 5, Township 18 North, Range 8 East and North ½ SE ¼ Section 5, Township 18 North, Range 8 East; South ½ NW ¼ Section 5, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-1, Intensive Ag.

Questions or comments concerning the public hearings and proposed request should be directed to the Zoning Administrator at (402)727-2724 and the Dodge County Clerk's Office at (402)727-2767. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.