

## AZ Economy

### Farms

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as a firefighter, the third generation of Hickman had set the stage to propel the egg farm into a multimillion-dollar venture.

Hickman's Family Farms bought land in Arlington and began operations there in 1997. In 2001, Glendale — wanting to get rid of a farm operation in an area of growing development — bought Hickman's land for \$7 million. The egg producer then opened operations in Maricopa in 2002 and in Tonopah in 2004.

The rows of white barn-like buildings are visible from the overpass on 44th Avenue and Interstate 10 when entering Tonopah, which is an unincorporated community.

The 80-acre Tonopah facility is designed to hold up to 5.5 million hens, according to records Hickman's sent to the U.S. Environmental Protection Agency last fall. The company produces about 1.8 billion eggs per year in Arizona and sells organic fertilizer from manure.

Butler said Hickman's operations are now beyond what can be called a farm. "We call it an industrial blight," Butler said. "It's not that people moved to the agriculture, it's that Hickman moved there... The county is turning a blind eye, they are subjecting our community to this."

National consumer advocates say large animal operations are not regulated with the same environmental standards as industrial factories.

"We have this long history of thinking of (the agricultural) industry as still being the red barn out in the pasture, and regulators have not caught up with the fact that these are now factories — they are manufacturing plants, there's no bones about it," said Jessica Culpepper, a food safety and health attorney with Public Justice, a non-profit that provides lawyers in consumer-related lawsuits.

Paul and Carolyn Burton moved to Tonopah in 2005. They say they no longer can enjoy the outdoors.

"We can't eat out in the patio anymore, the smell and the flies... can't do it," Paul Burton said.

Carolyn Burton worries about the health of their grandchildren when they visit because of gas emissions from the egg ranch about three miles away.

The grandma wears a bright orange T-shirt with STOPP stamped in black on the back. She and other residents organized Save Tonopah Oppose Poultry Plant in 2014 to tell the egg giant it was not welcomed.

The Burtons spoke to *The Arizona Republic* just outside Hickman's Tonopah facility.

A white sign is posted at the entrance of the paved road that leads into the egg operation. It reads, "Desert Fringe Hickman's Family Farms." Below the two phone numbers are posted to reach the county air quality department for dust complaints.

Knowing who to turn to is much more complicated than that. Residents say they have covered their bases and complained to county, state and federal government officials.

State and county officials said they do not regulate ammonia emissions because ammonia is not on the EPA's list of hazardous air pollutants. However, Hickman's voluntarily measures and reports its emissions of ammonia, which is generated from chicken droppings and known for its penetrating and pungent odor.

"Their data does not indicate a public health issue," said Timothy Franquist, director of the Arizona Department of Environmental Quality.

The state air quality department has agreed to spend up to \$141,000 to investigate the concentrations of ammonia and hydrogen sulfide, another chemical often related to odor, in the air near Hickman's Tonopah and Arlington sites. The first round of testing was scheduled to conclude March 12. Another round will happen in the summer months.

ADEQ will send results to the Arizona Department of Health Services to determine if there's a human health risk.

"We are doing this as an abundance of caution, outside regulatory requirements," Franquist said. "We feel we have a community commitment to ensure that people are breathing air that meets federal and state standards. Our mission is to protect human health and the environment."

He added the measurements might contain other sources of emissions beyond Hickman's.

"If we were to find an issue, it will simply begin a conversation about the area, not necessarily Hickman's," Franquist said.

The county also plays a role. Hickman's operates its Arlington and Tonopah facilities with air quality permits issued by the Maricopa County Air Quality Department.

The county department has received 407 complaints about the Tonopah facility and 76 complaints about the Arlington operation since January 2015, according to spokesman Bob Huhn. Many complaints are about foul odors and from the same people, he said.

The county largely relies on Hick-

man's self-monitoring to determine compliance for hydrogen sulfide, which is regulated by the county. The county has also done its own measurements.

Levels of hydrogen sulfide never have been above the county air quality standards, Huhn said.

Phil McNeely, director for the Maricopa County Air Quality Department, said he understands the Tonopah community's concerns, but there are limits to his agency's reach.

"It can impact your quality of life if something smells and you don't like it, but it doesn't mean I have the authority to do something about it," McNeely said.

As for the federal government, the EPA in June 2016 reported records from Hickman's to determine if the farm complied with the Clean Air Act.

An EPA spokeswoman said the agency does not comment on the status of inquiries or "any possible, pending or ongoing enforcement actions."

Song Mun, 68, remembers the first time he drove through Tonopah in 2003. The natural hot springs and promising development plans for the area caught his attention.

"I never thought there were hot springs near Phoenix. I stopped by them, it was a nice, quiet and pretty town," Mun said. He's an immigrant from South Korea who graduated from Arizona State University and turned to property investing after working 21 years in the information technology industry.

In 2005, he bought a restaurant and tire shop in Tonopah, which are still his, he said.

"I thought it was a very exciting place to invest in my second life," Mun said. When the egg farm moved in, it ruined his business, he said.

"Hickman's company destroyed my future dreams," he said. Mun pointed to Clint Hickman, the elected county representative for the residents of Tonopah.

"He has power, money... Nothing we can fight. We are so weak," Mun said. "We haven't given up."

Supervisor Hickman declined to comment for this story, saying he wants to "keep a clear line" between the business he runs and his government service.

Since 2015, an overwhelming majority of the Hickman's-related complaints logged with county and state air quality agencies are about the Tonopah operation, according to records obtained by *The Arizona Republic*.

A county Board of Supervisors spokesman said Tonopah residents have attended board meetings, met with Supervisor Steve Gallardo, who represents the neighboring district that includes Arlington, and that the county ombudsman office has aided them in expressing their concerns.

Gallardo said he's confident that the county's air quality and environmental services agencies are properly investigating the residents' complaints.

"I don't want them to think that the rest of us are turning a blind eye or have no interest in what's going on out there in Tonopah. We do," Gallardo said. "I'd be the first one to speak up if these complaints are not doing what they are supposed to be doing."

He said he met with some residents more than a year ago, and he's willing to meet again.

Fields Mosley, a board spokesman, said in a statement that the Maricopa County Environmental Services Department sends inspectors to Hickman's site in Tonopah monthly.

"Hickman Family Farms has been found to be in compliance with all rules and regulations which is the standard to which the Board of Supervisors holds all businesses," Mosley said.

Linda Wood, 71, has lived since 2011 at Saddle Mountain RV Park, which is a half-mile east of Hickman's Tonopah operation. The neighboring hens have a profound impact beyond the enjoyment of her property — her asthma is worse, she said.

"I can't even hardly move at all because I can't breathe, I can't get the air into my lungs," Wood said, sitting back in the driver seat of her Ford Equinox. A portable oxygen machine rests on the passenger seat and connects to a tube she wears from ear to ear, pumping oxygen-rich air into her nose.

Wood is from upstate New York. And after 30 years of working for General Motors, she retired and traveled the country with her husband. The Tonopah RV park was a destination for them. In 2011, her husband died, and she permanently parked her blue and white 2002 Monaco motor home in Tonopah.

"I've had asthma my whole life, I wasn't even using an emergency inhaler when I came out here and everything was under control," Wood said. "Now, I stay inside a lot."

She's a plaintiff in one of three lawsuits filed in Maricopa County Superior Court last summer. The cases, which have been consolidated into one, include more than 40 residents who allege Hickman's is a nuisance and hinders the use of their properties; Saddle Mountain RV Park, which claims Hickman's is a nuisance that has impacted its business; and two land developers, who contend the egg farm hinders their plans for residential and commercial developments.

The residents, business owners and

"Hickman's company destroyed my future dreams."

**Song Mun**  
Tonopah business owner

land developers want a judge to declare Hickman's is a public and private nuisance and a jury trial to determine damages, according to court filings.

Hickman's counter-sued the residents and Mun, the business owner, in September, contending it's a good neighbor and takes measures to mitigate the impact of its operations. The company is asking a judge to declare that its facilities are not a public or private nuisance; it operates in compliance with state, local and federal law and environmental regulations; and its "state-of-the-art procedures" control and limit the effects of chicken ranching.

"For more than 70 years, Hickman's Family Farms has been a community and industry leader. Hickman's is receiving attention because a small group of people, who chose to live on rural land zoned for agricultural use, have decided to file lawsuits against the company," Michael Manning, an attorney representing Hickman's, said in an email to *The Republic*.

"Hickman's will prove it remains a good neighbor and faithful to our legal, zoning and environmental responsibilities," Manning said.

Wood and other residents said the countersuit is an intimidation tactic to pressure them out of Tonopah.

Moving to another town is not an option. Not for Wood, the Burtons or other retirees who invested their savings in homes and live on fixed incomes.

"I think it's harassment, they know damn well they're doing wrong," Wood said. "They thought if they make everybody scared, we would all run away. Well, it's not going to happen."

Steve Brittle sat a coffee shop on a recent morning, a voluntemer binder on federal environmental regulations at his side. He's been involved in Valley environmental issues since the 1980s and got a call from Tonopah-area residents four years ago.

Brittle is president of Don't Waste Arizona, a non-profit that advocates for the enforcement of environmental regulations. He compares the gravity of pollution from Hickman's to Flint, Michigan, where dangerous levels of lead were

found in the drinking water.

"This is a public health threat, a big one," said Brittle, referring to amount of ammonia he said is emanating from the egg operations in Tonopah and Arlington.

"They're being poisoned, they are being harmed. You can't gas people in this country, it's against the law."

His group filed a federal lawsuit in 2016 that seeks \$90 million in penalties against Hickman's.

The suit claims Hickman's has for years failed to comply with a federal requirement that business facilities inform regulators and the public of chemical emissions it generates, specifically ammonia.

Don't Waste Arizona contends Hickman's has been in violation of the reporting requirements for at least a year and a half in Tonopah, and for at least five years in Arlington. The group asks the court to fine Hickman's the maximum penalty allowed for every day it failed to report excessive ammonia emissions.

The federal guideline — the Emergency Planning Community Right-to-Know Act — sets reportable standards for certain chemicals. For ammonia, an operation that exceeds 100 pounds per day triggers the requirement to inform communities of the emissions.

Federal court records show an expert hired by Hickman's and another by Don't Waste Arizona agree that Hickman's emissions in Tonopah and Arlington exceed the reportable standard for ammonia — Hickman's expert acknowledging as much as 19 times over and Don't Waste Arizona's expert suggesting it could be 54 times over the reporting standard.

Hickman's expert conducted measurements inside the facilities near the chickens, according to court documents. In a deposition, Hickman's environmental manager said Arlington facility's daily ammonia emissions have exceeded the 100-pounds-per-day mark since 2011.

Franquist, with ADEQ, told *The Republic* he is aware of these findings but is not alarmed. The reportable amount standard isn't directly linked to detrimental health impacts, he said. Rather, the Right to Know Act's intent is more about informing emergency responders and planners about chemicals in an area, he said.

The question is what drifts beyond Hickman's to the surrounding communi-

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Institution	1 yr	2 yr	3 yr	5 yr	10 yr	12 mo	18 mo	24 mo	36 mo	60 mo
	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD
NA	1.05	NA	NA	1.95	1.70	2.00	2.05	2.50		
NA	0	NA	NA	2.00	2.00	2.00	2.00	2.00		

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**SAVINGS UPDATE**

**What is a jumbo CD, and should I open one?**  
By Sabrina Karl

Anything you shop around for Everything else about jumbo CDs CDs, you'll notice that, in addition works the same as standard CDs. to their menu of standard options, A fixed interest rate and maturity some banks and credit unions term are specified at the outset, also offer an array of jumbo cer- and the account must stay funded tificates. What are these products for the full duration. If cashed out and do they follow different rules early, a penalty will be applied, than regular CDs? and whether this is the same as the penalty for regular CDs will depend on the bank.

As you can guess, a jumbo CD simply requires a much larger deposit than a standard CD. Traditionally, the threshold for jumbo CDs has been \$100,000. But with no formal rules on the minimum, some financial institutions have taken marketing liberties to apply the term to \$50,000 or even \$25,000 CDs.

Also historically, jumbo CDs paid higher rates than standard CDs. But ever since deposit rates plummeted and then stagnated after names the Great Recession, the spread between standard and jumbo rates has greatly compressed, to mize your return and your flex- the point that jumbo CDs gener- ally pay only a tiny fraction more than regular certificates.

So if you have a large sum to save in a deposit account, should you open a jumbo CD? As always, your best bet is to simply shop for the highest rate you can earn, at an institution you feel comfortable with, for the amount you want to invest. Whether your top find is a jumbo CD or a stan- dard one really makes no differ- ence, since these are just market- ing names.

In fact, you may be able to max- imize your return and your flex- ibility (should you need the cash early) by opening multiple smaller CDs instead of one large certifi- cate.

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