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DEPARTMENT: POLLUTION CONTROL AGENCY

STATE OF MINNESOTA

Office Memorandum

DATE: October 12, 2012

TO: MPCA Citizens' Board

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SUBJECT: Paul Magedanz Dairy Facility Compliance and Enforcement Status/Petition

On June 6, 2012, the attorney for Paul Magedanz served upon the Minnesota Pollution Control Agency (MPCA) Citizens' Board (Board), a petition. The petition requested that the Board reopen and rescind an Administrative Order issued to Paul Magedanz by former Commissioner Aasen in June 2011, and that going forward the Board make decisions regarding future administrative orders. This briefing memorandum is provided by MPCA staff. The following summarizes the MPCA's concerns and its position regarding the compliance and enforcement issues related to Paul Magedanz and his dairy facility. *See **Attachment 1** for the petition from Paul Magedanz.*

Introduction

Paul Magedanz owns and operates a dairy facility at 18785 228th Avenue, Richmond, Stearns County, Minnesota (Facility). The Facility is located within 600 yards of Rice Lake, which is on the MPCA's impaired waters list for excess nutrients, and is regulated under an MPCA permit that authorizes an expansion of up to 1,800 mature dairy cows. The Facility has a history of uncontrolled runoff to Rice Lake and Paul Magedanz has a history of non-compliance with the feedlot rules. Currently the Facility is out of compliance with its MPCA permit and the potential for uncontrolled runoff to Rice Lake still exists. For the last 11 years, Stearns County and the MPCA have made extraordinary efforts to assist Paul Magedanz with controlling runoff to Rice Lake and complying with the feedlot rules. Current MPCA efforts to resolve the compliance and enforcement issues with Paul Magedanz have been unsuccessful. *See **Attachment 2** for a map of the Facility's location and **Attachment 3** for an aerial photograph of the Facility.*

History of Runoff to Rice Lake and Non-Compliance with Feedlot Rules (Stearns County)

In 2001, Stearns County documented that Paul Magedanz had reconstructed a manure storage area without obtaining the required permit and engineered plans. In 2005, Stearns County issued a permit to Paul Magedanz to eliminate uncontrolled runoff from the Facility. Over the course of three years, the permit was modified five times and its deadlines were extended three times and in the end, uncontrolled runoff was not eliminated. From 2005 through 2008, Stearns County issued two Notices of Violations (NOVs) and two Letters of Warning (LOW) to Paul Magedanz. The NOVs were issued for construction and expansion without a permit and for discharges of runoff to Rice Lake from an open lot via a tile line. The LOWs were issued for violations related to land application of manure.