



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

Public Notice of Intent to Modify

Coverage under the State of Minnesota
General Livestock Production Permit NPDES/SDS Permit
for a Concentrated Animal Feeding Operation
Permit Number MNG440000

Doc Type: Public Notice

Facility Specific Information

Public comment period begins: September 10, 2012

Public comment period ends: October 10, 2012

Current coverage issued: February 1, 2011

Current permit expiration: January 31, 2016

Name and address of Permittee:

New Horizon Farms, LLP
319 North Hiawatha
P.O. Box 93
Pipestone, Minnesota 56164

Facility name and location:

New Horizon Farms - Whitewood
965 – 21st Street
Jasper, Minnesota 56144
NW¼ of the NE¼, Section 30, T105N, R45W
Elmer Township, Pipestone County, Minnesota

New Horizon Farms - Applewood
854 – 21st Street
Jasper, Minnesota 56144
SE¼ of the SW¼, Section 19, T105N, R45W
Elmer Township, Pipestone County, Minnesota

Watershed/Basin: Rock River and Lower Big Sioux

Description of permitted facility:

The New Horizon Farms - Whitewood Facility (Facility) is currently permitted for 1,270 head of swine over 300 pounds (508 animal units), 3,400 head of swine between 55 and 300 pounds (1,020 animal units) and 1,200 head of swine under 55 pounds (60 animal units) for a total of 1,588 animal units housed in three existing total confinement barns. Manure generated at the Facility is stored in existing reinforced poured concrete pits located beneath the three existing total confinement barns. There are no changes proposed at this Facility.

The New Horizon farms - Applewood Facility (Facility) is currently permitted for 2,496 head of swine over 300 pounds for a total of 998.4 animal units housed in three existing total confinement barns. The Facility is proposing to expand by 239 head of swine over 300 pounds (95.6 animal units) to be housed in a proposed total confinement barn. Manure generated at the Facility will be stored in three existing under floor reinforced poured concrete pits and one proposed under floor reinforced poured concrete pit. Following the proposed construction and expansion, the Facility will be permitted for 2,735 head of swine over 300 pounds for a total of 1,094 animal units.

Both facilities will be covered under one multi-site permit. The combined capacity of both sites will be 4,005 head of swine over 300 pounds (1,602 animal units), 3,400 head of swine between 55 and 300 pounds (1,020 animal units) and 1,200 head of swine under 55 pounds (60 animal units) for a total permitted capacity of 2,682 animal units. This is a modification of the current permit which includes construction and expansion.

Preliminary Determination to Issue Coverage

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to modify coverage to this facility until the expiration of the General Livestock Production Permit on January 31, 2016. If you have questions about the Commissioner's preliminary determination, please contact the staff person listed at the end of this notice.

A General Livestock Production Permit can be viewed at <http://www.pca.state.mn.us/hot/feedlot-forms.html#2011permit>.

Written Comments

You may submit written comments on the conditions of the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the permit application or the preliminary determination.
2. A statement of the action you wish the MPCA to take.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the preliminary determination. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the preliminary determination. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of Minn. Stat. § 116.02, subd. 6(4), the decision whether to issue the permit coverage and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on permit coverage; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minn. R. 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on permit coverage. If the MPCA does not receive written comments, requests, or petitions during the public comment period, the MPCA staff as authorized by the Board, will make the final decision on permit coverage.

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

Ben Crowell
Minnesota Pollution Control Agency
504 Fairgrounds Road, suite 200
Marshall, Minnesota 56258
507-476-4261 or ben.crowell@state.mn.us