



Minnesota Pollution
Control Agency

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

Public Notice of Intent to Modify a Manure Management Plan

**for a Feedlot Facility Covered under the State of
Minnesota General Livestock Production Permit**

**NPDES/SDS Permit for a Concentrated
Animal Feeding Operation**

Permit Number MNG440000

Facility Specific Information

Public comment period begins: December 17, 2012

Public comment period ends: January 16, 2013

Current coverage issued: February 1, 2011

Current permit expiration: January 31, 2016

Name and address of Permittee:

Robert Cunningham
52084 - 190th Lane
Lake Crystal, MN 56055

Facility name and location:

Robert Cunningham Farm 3
68502 - 425th Street
Ormsby, MN 56162
NE ¼, Section 29, T105N, R32W
Long Lake Township, Watonwan County, Minnesota

Watershed/Basin: Watonwan River

Description of change(s) to Manure Management Plan (MMP):

Remove the following field from the Manure Management Plan: St. James 31 SW.

Preliminary Determination to Approve Changes to MMP

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to approve the changes to the MMP for this facility until the expiration of the facility's existing National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit as identified on page one.

If you have questions about the Commissioner's preliminary determination, please contact the staff person listed at the end of this notice.

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 MMP.
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, 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:

Sara Isebrand
Minnesota Pollution Control Agency
12 Civic Center Plaza, Suite 2165
Mankato, MN 56001
507-344-5263