



**Minnesota Pollution
Control Agency**

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

Public Notice of Intent to Issue

an Individual NPDES/SDS Permit for a Concentrated Animal Feeding Operation

Permit Number MN0070394

Doc Type: Public Notice

Facility Specific Information

Public comment period begins: April 26, 2013

Public comment period ends: May 28, 2013

Name and address of Permittee:

Wayne Hoffman and Joe Varner
P.O. Box B
Motley, MN 56466

Facility name and location:

Tri County Livestock-Sec 11
32638 Hwy 10
Motley, MN 56466
SE ¼, Section 11, T133N, R32W
Villard Township, Todd County, Minnesota

Watershed/Basin: Crow Wing River/Mississippi River

Description of permitted facility:

Tri County Livestock (Facility) has applied for a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit to operate an existing sales barn located in the SE¼ of the SW¼ of Section 11, Villard Township, in Todd County, Minnesota. The Facility consists of a combination of open lots without runoff controls and total confinement buildings. The manure produced at the facility is stored in an unpermitted liquid manure storage area and a permanent stockpile pad. The facility currently houses various livestock for a total of 2,450 animal units. Upon completion of the requirements of a schedule of compliance, the facility will consist of open lots with runoff controls, total confinement buildings, and a run off control system which includes an engineered liquid manure storage area. There is no expansion of animal units for a final total of 2,450 animal units.

Preliminary Determination on the Draft Permit

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to issue this NPDES/SDS Permit for a term of approximately five years.

A draft permit is available for review at the MPCA office listed below and on-line at

<http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request (if applicable). If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Samantha Adams at 218-316-3892 or 218-820-4915.

Written Comments

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

Written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed.
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 or draft permit; (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 draft permit. 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 permit issuance. 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 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 the permit; 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 this permit. 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 the draft permit.

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:

Samantha Adams
Minnesota Pollution Control Agency
7678 College Road, Suite 105
Baxter, Minnesota 56425
218-316-3892