



**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:** May 25, 2012

**Public comment period ends:** June 25, 2012

**Current coverage issued:** February 1, 2011

**Current permit expiration:** January 31, 2016

### Name and address of Permittee:

Frank Yorek and Jerome Yorek  
10124 90<sup>th</sup> Street  
Little Falls, MN 56345

### Facility name and location:

Yorek Dairy Farm Real Estate Co.  
10243 90<sup>th</sup> Street  
Little Falls, MN 56345  
NW ¼, Section 22, T128N, R30W  
Swan River Township, Morrison County, Minnesota

**Watershed/Basin:** Mississippi River - Sartell

### Description of permitted facility:

The Yorek Dairy Farm Real Estate Co. facility located in the NW 1/4 of the NW 1/4 of Section 22, in the Swan River Township of Morrison County is currently permitted for 700 mature dairy cattle, 240 dairy heifers, 80 dairy calves, and 17,000 laying chickens 5 pounds or more, with a dry manure system for a total of 1,249.0 animal units to be housed in existing total confinement barns, partial confinement barns, and open lots with run-off controls. Manure generated at the facility is stored in existing reinforced poured concrete liquid manure storage areas (LMSA), earthen or soil lined LMSA, and composite lined LMSA. This facility will be expanding by converting an existing compost barn to a sand manure system, a new composite lined LMSA, and a new poured reinforced concrete LMSA less than 20,000 gallons. The Yorek Dairy Farm Sec 15 facility is currently permitted for 260 dairy heifers and 120 dairy calves for a total of 206.0 animal units housed in partial confinement barns and open lots with run-off controls. Manure generated at the facility is stored in existing partial confinement barns and open lots with run-off controls.

Both facilities will be covered under one multi-site permit. The combined permitted capacity of both sites will be 700 mature dairy cattle, 500 dairy heifers, 200 dairy calves, and 17,000 layer chickens greater than 5 pounds with dry manure for a total permitted capacity of 1,455 animal units.

The facilities will not increase animal unit capacity.

### 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, 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:**

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