



**Minnesota Pollution
Control Agency**

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

Public Notice of Intent to Issue

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: June 14, 2012

Public comment period ends: July 13, 2012

Current coverage issued: April 28, 2012

Current permit expiration: March 31, 2015

Name and address of Permittee:

Dave and Karen VanHeel
1603 145th Street
Swanville, MN 56382

Facility name and location:

Rainbow Acres Dairy LLC
1603 145th Street
Swanville, MN 56382
NW ¼, Section 19, T129N, R31W
Culdrum Township, Morrison County, Minnesota

Watershed/Basin: Mississippi River - Brainerd

Description of permitted facility:

Rainbow Acres Dairy, LLC, has applied for a National Pollutant Discharge Elimination (NPDES)/State Disposal System (SDS) to operate a dairy located in the SE¼ of the NW¼ of Section 19, Culdrum Township, Morrison County, Minnesota. The facility will consist of a combination of open lots with runoff controls, partial confinement buildings, and total confinement buildings. The manure produced at the facility will be stored in an engineered liquid manure storage area (LMSA) with a sand separation system. The feed storage area will collect and manage runoff and leachate from the feed pad into the LMSA. The facility currently houses 1095 mature dairy cows over 1,000 pounds (lbs), 200 mature dairy cows under 1,000 lbs, 225 dairy heifers, and 375 dairy calves for a total of 1,965.5 animal units. After the expansion is complete the facility will house 1,630 mature dairy cows over 1,000 lbs, 190 dairy heifers, and 395 dairy calves. The facility will also transition from an individual permit to a general permit due to completion of all requirements in the individual permit.

Preliminary Determination to Issue Coverage

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to issue 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