



Minnesota Pollution Control Agency

STATE OF MINNESOTA

Minnesota Pollution Control Agency

INDUSTRIAL DIVISION PUBLIC NOTICE OF INTENT TO REISSUE

STATE DISPOSAL SYSTEM (SDS) PERMIT MN0003981

Public Comment Period Begins: July 23, 2012
Public Comment Period Ends: August 22, 2012

Current Permit Issued: February 13, 2006
Current Permit Expiration Date: January 31, 2011

Name and Address of Permittee:

Tyson Foods Inc
2200 Don Tyson Pkwy
Springdale, AR 72762

Facility Name and Location:

Former IBP Inc-Luverne
W Highway 17
T102N, R45W, Section 16,
Luverne, Rock County, Minnesota

Description of Permitted Facility

The Former Iowa Beef Processors, Inc. (IBP) -Luverne facility (Facility) is located at T102N, R45W, Section 16, Luverne, Rock County, Minnesota. Although this Facility is no longer operational, this permit is being reissued to facilitate the proper closure and abandonment of the wastewater treatment system.

The principal activity at the Facility, when operational, is described by the previously issued permit as “the processing of beef carcass and associated rendered beef by-products on a year round basis. The Permittee operates its own treatment and disposal system for sanitary wastewater, cooling water, and all processing wastewater.”

The previously issued permit describes the System as consisting “of a grease skimmer, grit settling basin, dissolved air floatation unit, two anaerobic treatment lagoons of approximately 0.62 acres each, one 0.28 acre anaerobic transition pond, two aerobic lagoons of about 22.5 acres each, two stabilization storage ponds of about 6.0 acres and 16.0 acres, respectively, and irrigation units and sites. A sedimentation basin is used to remove manure solids which are then land applied by a private contractor onto farmland. Stormwater runoff from the stockyards is routed to the lagoon system prior to discharge. Other stormwater runoff from the pavement areas flows to the Rock River via Saters Creek.”

This permit includes a compliance schedule for the proper closure and abandonment of the wastewater treatment system at the Facility, in accordance with the approved Closure Plan submitted by the Permittee on June 1, 2012. The approved Closure Plan is made an integral and enforceable part of this permit. Additionally, this permit authorizes the land application of industrial by-product material removed from the anaerobic ponds at agronomic rates under the terms and conditions of this permit.

The location of the Facility is shown on the attached map.

Preliminary Determination on the Draft Permit

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

A draft permit is available for review at the MPCA office at the St. Paul address listed below, at the Willmar regional office 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 at this office. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Emily Schnick at 651-757-2699.

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.

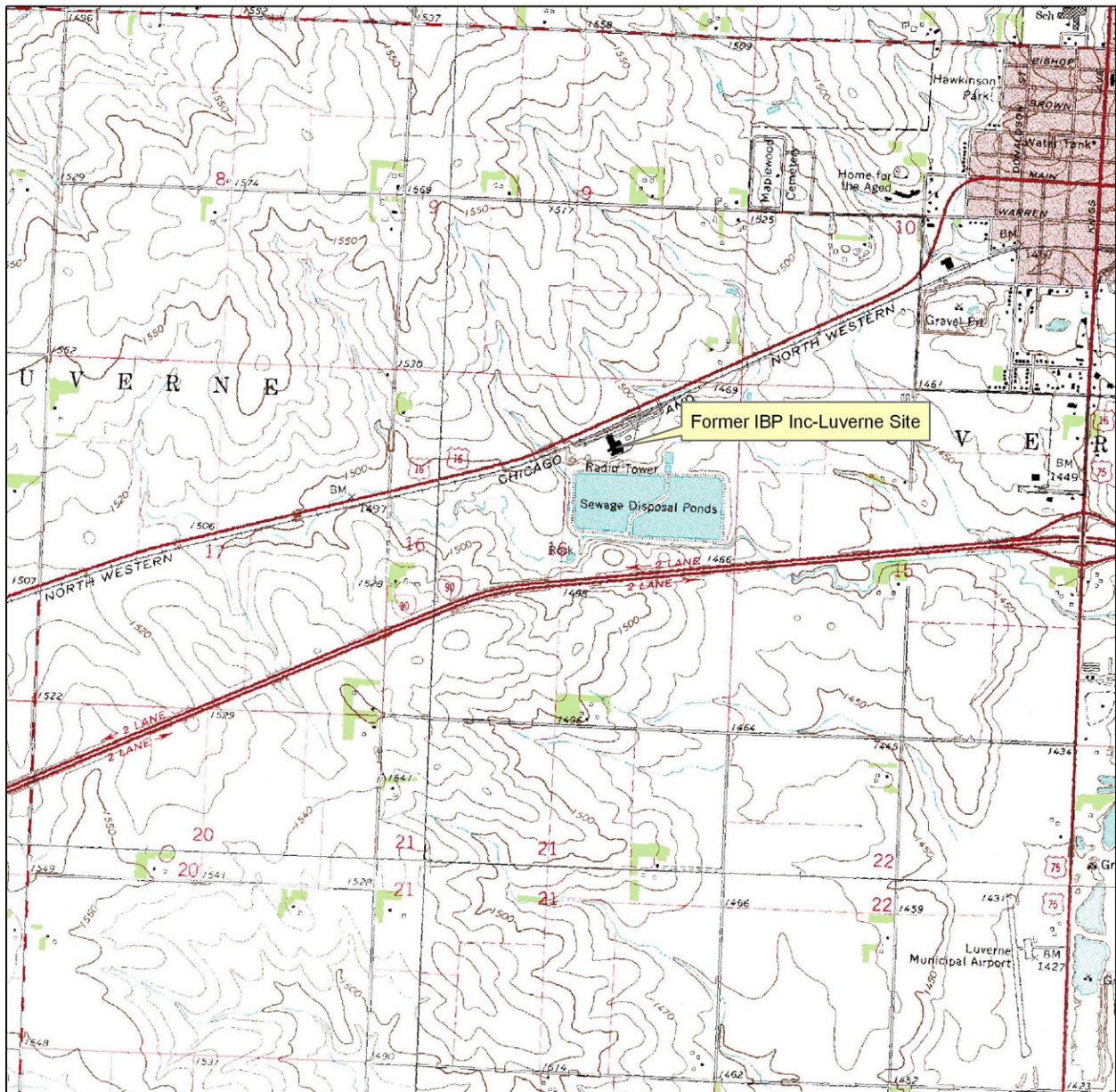
The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the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

Jeff Udd, P.E.
MPCA Duluth Office
Industrial Division
525 Lake Avenue South
Duluth, MN 55802

Topographic Map of Permitted Facility

MN0003981, Former IBP Inc-Luverne
T102N, R45W, Section 16
Luverne, Rock County, Minnesota



Map produced by: MPCA Staff, 10/19/05
Source: USGS Hills NE, Luverne, Hills and Ash Creek Quads
Scale: 1:24,000

0 0.125 0.25 0.5 Miles