

April 8, 2025

VIA EMAIL

To: Interested parties

RE: Lass Farms Feedlot

The Minnesota Pollution Control Agency (MPCA) has approved the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration (FOF) on the need for an Environmental Impact Statement (EIS) on the Lass Farms Feedlot (Project). The FOF document concludes that this project does not have the potential for significant environmental effects. The decision for a Negative Declaration completes the state environmental review process under Environmental Quality Board (EQB) rules, Minn. R. ch. 4410. Final governmental decisions on permits or approvals for the project may now be made.

The MPCA appreciates comments submitted on the Environmental Assessment Worksheet (EAW). The comments were considered by MPCA staff during the environmental review process and responses to these comments are provided in the FOF.

Interested parties can review the FOF and the EAW documents at the following locations: the MPCA office in Saint Paul; the Hennepin County Library at 300 Nicollet Mall, Minneapolis; and the Marshall-Lyon County Library at 201 C Street, Marshall, Minnesota. Interested parties can also view the documents on MPCA's website at: <https://www.pca.state.mn.us/business-with-us/recently-completed-mPCA-reviews>. Please contact the MPCA's Saint Paul office at 651-757-2098 for copies of these documents.

Sincerely,

Dan R. Card

This document has been electronically signed.

Dan R. Card, P.E.
Supervisor
Environmental Review Unit
Resource Management and Assistance Division

KK/MK:rs

Attachments

cc: See next page.

Interested Parties

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cc: Molly Mehl, NRCS Tribal Liaison (electronic) (w/attachments)
Kelly Kingbird (electronic) (w/attachments)
Scott Doig (electronic) (w/attachments)
Vanessa Alberto (electronic) (w/attachments)
Alan Walts (electronic) (w/attachments)
Allison Smart (electronic) (w/attachments)
Walt Ford (electronic) (w/attachments)
Billie Isham, (electronic) (w/attachments)
Jackie Dionne (electronic) (w/attachments)
Ravyn Gibbs (electronic) (w/attachments)
Bradley Harrington (electronic) (w/attachments)
Levi Brown (electronic) (w/attachments)
Shannon Kesner (electronic) (w/attachments)
Melissa King (electronic) (w/attachments)
Wendy Helgamo (electronic) (w/attachments)
Corey Strong (electronic) (w/attachments)
Curt Yoakam (electronic) (w/attachments)
Isaac Weston, Minnesota Indian Affairs Council (electronic) (w/attachments)
Doug Bos, Rock County (electronic) (w/attachments)
Eric Hartman, Rock County (electronic) (w/attachments)
Gary Overgaard, Rock County (electronic) (w/attachments)
Katrina Kessler, MPCA (w/attachments)
David Benke, MPCA (w/attachments)
Lisa Scheirer, MPCA (w/attachments)
Brian Timerson, MPCA (w/attachments)
Dan Card, MPCA (w/attachments)
Steven Schmidt, MPCA (w/attachments)
George Schwint, MPCA (w/attachments)
Nick Timmerman, MPCA (w/attachments)
Paul Wymar, MPCA (w/attachments)
Megen Kabele, MPCA (w/attachments)

**STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY**

**In The Matter of The Decision
On The Need for An Environmental
Impact Statement for The Proposed
Lass Farms Feedlot Project
Rock County, Vienna Township, Minnesota**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

INTRODUCTION

Pursuant to Minn. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed Lass Farms Feedlot (Project) in rural Rock County, Vienna Township, north of the intersection of 180th Street and County Highway 8. Based on the MPCA staff environmental review, the EAW, comments, and information received during the comment period, and other information in the record of the MPCA, the MPCA hereby makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Project description

1. Lass Farms, Inc. is proposing to construct a new feedlot consisting of one total confinement barn with a capacity of 1,440 Animal Units¹ (AU) swine. The proposed construction includes (1) 121'8" by 336' total confinement barn with an 8' deep below-ground manure storage area and a stormwater pond. The proposed Project is in the NW1/4 of SW1/4 of Section 15 of Vienna Township in Rock County, north of the intersection of 180th Street and County Highway 8.

Procedural history

2. An EAW is a brief document designed to provide the basic facts necessary for the Responsible Governmental Unit (RGU) to determine whether an Environmental Impact Statement (EIS) is required for a proposed Project or to initiate the scoping process for an EIS (Minn. R. 4410.0200, subp. 24). The MPCA is the RGU for this Project.
3. Pursuant to Minn. R. 4410.4300, subp. 1, the Project requires preparation of an EAW for "the construction of an animal feedlot facility with a capacity of 1,000 animal units (AU) or more" which exceeds the threshold identified in Minn. R. 4410.4300, subp. 29(A).

¹ An "animal unit" or "AU" is a unit of measure developed to compare the differences in the amount of manure produced by livestock species. The "AU" is standardized to the amount of manure produced on a regular basis by a slaughter steer or heifer, which also correlates to 1,000 pounds of body weight. The "AU" is used for administrative purposes by various governmental entities for permitting and record-keeping.

4. The MPCA provided public notice of the Project as follows:
 - the Environmental Quality Board (EQB) published the Notice of Availability of the EAW for public comment in the EQB Monitor on February 14 through March 13, 2025, as required by Minn. R. 4410.1500;
 - the EAW was available for review on the MPCA website at: <https://mpca.commentinput.com/comment/search>;
 - the MPCA provided a news release to media in Rock County, Minnesota on February 11, 2025; and
 - Lass Farms, LLC application for permit coverage under the Feedlot State Disposal System (SDS) General Permit ("feedlot permit") was open for public comment from February 14 to March 13, 2025.
5. During the 30-day comment period on the EAW ending on March 13, 2025, the MPCA received comments from the Minnesota Department of Transportation (MNDOT) and the Minnesota Department of Natural Resources (DNR). The MPCA also received one late comment that did not raise any new significant information.
6. On March 19, 2025, the MPCA requested and was granted approval from the EQB for a 15-day extension of the decision-making process on the need for an EIS for the Project in accordance with Minn. R. 4410.1700, subp. 2(B).
7. The list of comments received during the 30-day public comment period is included as Appendix A to these Findings. The MPCA prepared written responses to the comments received during the 30-day public comment period and is found in Appendix B to these Findings.

The four criteria for determining the potential for significant environmental effects

8. The MPCA must base its decision on the need for an EIS on the information gathered during the EAW process and the comments received on the EAW (Minn. R. 4410.1700, subp. 3). The MPCA must order an EIS for projects that have potential for significant environmental effects (Minn. R. 4410.1700, subp. 1). In deciding whether a project has the potential for significant environmental effects, the MPCA must compare the impacts that may be reasonably expected to occur from the Project with the criteria set forth in Minn. R. 4410.1700, subp. 7. The four criteria are:
 - A. type, extent, and reversibility of environmental effects;
 - B. cumulative potential effects. The RGU shall consider the following factors:
 - whether the cumulative potential effect is significant;
 - whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect;
 - the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and
 - the efforts of the proposer to minimize the contributions from the project;
 - C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and
 - D. the extent to which the environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

The MPCA Findings with respect to each of these criteria

A. Type, extent, and reversibility of environmental effects

9. The first criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the “type, extent, and reversibility of environmental effects” (Minn. R. 4410.1700, subp. 7(A)). The MPCA Findings with respect to this criterion are set forth below.
10. A summary of the types of impacts the MPCA finds may be reasonably expected to occur from the Project include:
 - surface water or groundwater quality;
 - air quality, as related to:
 - Air Emission Risk Analysis (AERA);
 - hydrogen sulfide;
 - ammonia;
 - odor emissions; and
 - Greenhouse Gas emissions (GHG).
11. A summary of written public comments received during the comment period that raised additional issues:
 - Threatened and endangered species.
12. With respect to the extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following Findings:
 - 12.1 Surface and groundwater quality**
 - 12.1.1: The EAW outlines construction and operational requirements used to comply with the water quality discharge standards of Minn. R. 7020.2003 and the feedlot permit. This includes the requirements to design, construct, operate and maintain the animal feedlot to contain all contaminated runoff and the direct precipitation up to the volume from a 25-year, 24-hour storm event.
 - 12.1.2: Minn. R. 7020.2015 and the feedlot permit requires all animals at the animal feedlot facility have no direct access to surface waters.
 - 12.1.3: Storage structures for liquid manure will meet the design criteria of Minn. R. 7020.2100. Additionally, a professional engineer licensed in Minnesota is required to design and oversee the construction of liquid manure storage structures.
 - 12.1.4: As required by Minn. R. 7020.2100, a perimeter tile will be installed around the liquid manure storage area to protect the liner from impacts due to water table fluctuation. The perimeter tile system will have access for visual observation.
 - 12.1.5: Minn. R. 7020.2225 and the feedlot permit, require Lass Farms to manage all manure following a Manure Management Plan (MMP) approved by the MPCA. The MMP describes how manure generated by the Project will be land applied to meet all rules and regulations and protect surface water and groundwater quality. The MMP for the Project requires manure and other wastewater sources be applied following the feedlot permit and Minn. R. 7020.2225.

- 12.1.6: To minimize the potential for nitrate leaching into the groundwater at the manure application sites, application of manure generated by the Project must not exceed nitrogen-based agronomic rates for the type of crop grown. Additionally, manure application must include nitrogen Best Management Practices (BMPs) based on timing of application as required by the feedlot permit. Nitrogen contributions from all sources, including commercial fertilizers, must be accounted for when determining the application rate of manure.
- 12.1.7: Manure application rates may also be limited when soil phosphorus test results exceed levels listed in Minn. R. 7020.2225 and the feedlot permit. Phosphorus management is required in special protection areas when soil phosphorus test results exceed 21 ppm Bray 1 or 16 ppm Olson, two different types of soil tests that determine the amount of phosphorus available for plant uptake. Additional feedlot permit restrictions apply to fields testing exceedingly high for soil phosphorus.
- 12.1.8: To minimize impacts from surface runoff at the manure application sites, Lass Farms must observe manure application setbacks to waters, open tile intakes, sinkholes, mines, quarries, and wells as specified in Minn. R. 7020.2225 and the feedlot permit. Where a county also has setback requirements for land application of manure, Lass Farms must follow the most restrictive of the state or county setback requirements.
- 12.1.9: The feedlot permit requires the transport of manure in a manner to prevent it from leaking or spilling onto public roadways. If manure leakage or spillage occurs, it must be removed and properly disposed of by the hauler of the manure following Minn. R. 7020.2010 and the Feedlot Permit.
- 12.1.10: Lass Farms has identified 1,007 acres of cropland available for manure application. Based upon the approved MMP, this is adequate for land application of the manure at agronomic rates.
- 12.1.11: The MMP for the Project indicates all manure applications to fields will be injected or incorporated within 24-hours, which further limits potential impacts due to runoff from the land application sites. This also limits the potential for bacterial transport from the manure application sites to waters.
- 12.1.12: When ownership of manure generated by the Project is transferred to a third-party recipient, the feedlot permit requires Lass Farms, before or at the time of manure land application, to provide the manure recipient with the most current manure nutrient analysis. The recipient of the manure must ensure the agronomic needs of the crop are not exceeded by the application of nutrients from manure, including contributions from any other source. The manure recipient must also apply manure following required setbacks and other requirements of Minn. R. 7020.2225.
- 12.1.13: The recipient of the manure must follow the requirements of Minn. R. 7020.2225. This includes application of nutrients from manure and other sources at agronomic rates observing required setbacks and keeping record of the manure application.
- 12.1.14: If a Commercial Animal Waste Technician (CAWT) is hired to spread the manure generated by the Project, they must keep records of the quantity and nutrient content of the manure applied as well as the location and rate of application. These records must be provided back to Lass Farms within the 60-days of application.
- 12.1.15: Lass Farms must keep records of manure application activities for the six most recent years. The records must include the amount and nutrient content of manure, location where the manure is applied, and the rate of application.
- 12.1.16: The MPCA finds that the measures specified above will prevent or mitigate potential water quality impacts.

- 12.1.17: The MPCA does not reasonably expect significant adverse impacts to water quality, however, if they were to occur Lass Farms must modify the operation and management of the Project. The MPCA would require modification of the feedlot permit coverage for those items found to cause pollution of waters, including modification of the MMP.
- 12.1.18: The MPCA finds that information presented in the EAW and other information in the environmental review record are adequate to assess potential impacts to the quality of surface water and groundwater that are reasonably expected to occur from the Project.
- 12.1.19: The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent and reversibility of impacts related to surface water and groundwater quality, which are reasonably expected to occur.

12.2 Air quality related to hydrogen sulfide emissions

- 12.2.1: The air modeling predicts that the Project will comply with the 30 parts per billion (ppb) hydrogen sulfide Minnesota Ambient Air Quality Standards (MAAQS). Under the hydrogen sulfide MAAQS, the third exceedance of the MAAQS within any 5-day period is a violation. The air modeling demonstrates compliance when the high-third-high hydrogen sulfide concentration (added to background concentration) for any 5-day period at each property-line receptor is less than 30 ppb.
- 12.2.2: The air modeling predicts that the Project emissions alone will result in a maximum property-line hydrogen sulfide concentration of 6.21 ppb. The estimated ambient air concentration for hydrogen sulfide in the Project area is 17 ppb. The total (Project emissions plus existing background) hydrogen sulfide concentration is predicted to be 23.21 ppb at the Project's property lines.
- 12.2.3: When analyzing Sub-Chronic Inhalation Health Risk Value (iHRV), air modeling predicts the Project will not exceed the 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) subchronic (13-week) hydrogen sulfide iHRV at neighboring residences. iHRVs are concentrations of chemicals emitted to air that are unlikely to pose a significant risk of harmful effects when humans are exposed to those concentrations over a specified period.
- 12.2.4: The air modeling predicts that the Project emissions alone will result in a maximum monthly hydrogen sulfide concentration of $5.33 \mu\text{g}/\text{m}^3$ at the nearest residence. The estimated hydrogen sulfide background concentration in the Project area is $1.0 \mu\text{g}/\text{m}^3$. The total Project emissions plus existing background H_2S concentration in the air is predicted to be $6.33 \mu\text{g}/\text{m}^3$. Note that while the iHRV is for a 13-week period, AERMOD is not capable of averaging concentrations for that time- period, so a monthly averaging period was used instead. The monthly averaging period is acceptable because it produces a more conservative or protective prediction than the 13-week period.
- 12.2.5: Based on the air modeling results discussed above, the MPCA finds that hydrogen sulfide emissions expected from the Project do not present the potential for significant environmental effects.

12.3 Air quality related to ammonia emissions

- 12.3.1: The air modeling predicts that the Project will not exceed the $3,200 \mu\text{g}/\text{m}^3$ (1-hour) acute ammonia iHRV at the Project's property-line.
- 12.3.2: The air modeling predicts that the Project emissions alone will result in a maximum hourly property-line ammonia concentration of $368.16 \mu\text{g}/\text{m}^3$. The estimated ammonia background concentration in the Project area is $148 \mu\text{g}/\text{m}^3$. The maximum total (Project

emissions plus existing background) property-line ammonia concentration is predicted to be 516.16 µg/m³.

- 12.3.3: The air modeling predicts that the Project will not exceed the 80 µg/m³ (1-year) chronic ammonia iHRV at neighboring residences to the Project site.
- 12.3.4: The air modeling predicts that the Project emissions alone will result in a maximum 1-year time averaged ammonia concentration of 23.13 µg/m³ at the neighboring residences. Air modeling results indicate the proposed Lass Farms Feedlot, and the 15 neighboring feedlots will not create exceedances of the chronic ammonia iHRV at the neighboring residences. The maximum highest average annual Ammonia concentrations at a nearby residence was 28.85 µg/m³, below the concentration threshold of 80 µg/m³.
- 12.3.5: Based on the air modeling results discussed above, the MPCA finds that ammonia emissions expected from the Project do not present the potential for significant environmental effects.

12.4 Air quality related to odor emissions

- 12.4.1: Although Minnesota has not established ambient air quality standards to regulate odor, Lass Farms completed air dispersion modeling for odor. Based on the air dispersion modeling analysis, American Meteorological Society Regulatory Model (AERMOD) modeling results indicate that after construction, the Project will not exceed the odor strength described as “Faint” or “A little annoying” at the effective south, north, and east property lines.
- 12.4.2: On the west property line, the modeled maximum hourly odor intensity was 49.11 OU/m³ – described as a “Faint” or “A little annoying” odor.
- 12.4.3: 10 nearby residences exceeded the 72 OU/m³ “Faint” threshold on a range of 31.93 – 200.12 OU/m³, described as “Moderate” or “Annoying” odor. All these residences are located on the site of an existing nearby feedlot.
- 12.4.4: Lass Farms has submitted an air emissions and odor management plan to the MPCA with its feedlot permit application. The plan includes measures that Lass Farms will take to minimize the generation of odors from its proposed feedlot and associated manure application activities. Lass Farms will use below ground manure storage areas and immediately inject manure into the soil as its manure application method to minimize odors. Lass Farms has also taken other measures as listed in item 6.B. of the EAW to further reduce odors.
- 12.4.5: Based on the modeling results discussed above, the MPCA finds that odor at Lass Farms property lines and nearby residences does not present the potential for significant environmental effects.

12.5 Summary of air quality impacts

- 12.5.1: Lass Farms conducted air dispersion modeling to estimate the atmospheric concentrations of hydrogen sulfide, ammonia, and the intensity of odorous gases at the Project property lines and nearest neighbors.
- 12.5.2: Lass Farms air modeling used the AERMOD developed by the American Meteorological Society and the U.S. Environmental Protection Agency (EPA). The model evaluated the air quality impacts of the Project. AERMOD is a widely accepted air dispersion model, which uses conservative assumptions to predict air quality.
- 12.5.3: The gaseous emissions from the proposed facility are mechanically ventilated from the building by means of wall-mounted exhaust fans and pit cover fans.
- 12.5.4: The MPCA expects the Project to meet applicable air quality standards and criteria.

- 12.5.5: With respect to the reversibility of air quality impacts expected to occur from the Project, air emissions from the Project will continue while it remains in operation and would cease only if the Project were temporarily or permanently closed.
- 12.5.6: If excessive air emissions or violations of the hydrogen sulfide MAAQS were to occur, or if Lass Farms exceeded iHRVs for hydrogen sulfide or ammonia, air quality impacts are likely to be correctable. The MPCA could initiate an investigation and require Lass Farms to make operation and maintenance changes. Therefore, the MPCA finds that any impacts on air quality that may occur from the Project are reversible.
- 12.5.7: The MPCA finds that information presented in the EAW and other information in the environmental review record are adequate to assess the impacts on air quality that are reasonably expected to occur because of the Project.
- 12.5.8: The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts on air quality that are reasonably expected to occur from the Project.

12.6 Greenhouse Gas (GHG) emissions

- 12.6.1: The MPCA considered GHG emission sources that are within the scope of the Project.
- 12.6.2: The Project will directly release Greenhouse gas emissions, which can widely disperse within the atmosphere, and which vary both in terms of their global warming potential and their persistence in the atmosphere.
- 12.6.3: To provide a common unit of measure, the MPCA uses the individual global warming potential of methane and nitrous oxide to convert to carbon dioxide equivalency (CO₂e).
- 12.6.4: Using EPA emission factors found in Table 8A of the EAW, Scope 1 Construction Sources are 18.19 CO₂-e tons/year for one year). After the construction and during operation of the Project, Source 1 Mobile Equipment Combustion, Scope 1 Stationary Equipment Combustion, Scope 2 Fugitive Emissions, and Scope 2 Off-site Electricity will be approximately 1902.6 CO₂-e tons/year). Lifetime emissions from the Project: Construction Emissions (18.19) + [Operational Emissions (1902.6) @ 30 years] = 57,096.19 tons CO₂-e. CO₂ emitted to the atmosphere from combustion of biomass, is considered biogenic CO₂ as defined in Table 4 of the Environmental Quality Board's EAW climate guidance and is considered carbon neutral.
- 12.6.5: There are no Minnesota or National Ambient Air Quality Standards (NAAQS) for GHG emissions.
- 12.6.6: Currently, there are no federal or Minnesota thresholds of Greenhouse Gas significance for determining the impacts of GHG emissions from an individual project on global climate change.
- 12.6.7: In the absence of a threshold of GHG significance, the MPCA looks to existing regulation. Minn. R. 4410.4300, subp. 15(B), establishes a mandatory category requiring preparation of an EAW for stationary source facilities generating 100,000 tons per year of GHG emissions. The purpose of an EAW is to assess environmental effects associated with a proposed Project to aid in the determination of whether an EIS is needed. On the premise of GHG emissions, environmental regulations establish 100,000 tons per year as a trigger to prepare an EAW to aid in determining potential significant environmental effects. A reasonable conclusion is that the Project's GHG emissions below 100,000 tons per year are not considered significant.
- 12.6.8: The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to assess potential GHG impacts that are reasonably expected to occur to and from the Project.

12.6.9: The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to emissions of Greenhouse Gas emissions, which are reasonably expected to occur.

13. Categories of written public comment are received during the comment period that raised additional issues:

13.1 Threatened and endangered species review

13.1.1: The following comment was received from the Minnesota DNR: “To ensure compliance with federal law, a federal regulatory review using the U.S Fish and Wildlife Service’s (USFWS) online Information for Planning and Consultation (IPaC) tool should be conducted. Rock River and its tributaries are designated critical habitat for Topeka shiner, and the USFWS may have additional guidance and/or requirements.”

13.1.1.1: In response, Lass Farms submitted and received a Technical Assistance Letter to the US Fish and Wildlife Service on March 14, 2025. Based on the information submitted by Lass Farms, the USFWS Determination is as follows, “Thank you for informing the Service of your “NLAA” [Not Likely to Adversely Affect] determination(s). No further coordination is necessary for the species you determined may be affected, but not likely to be adversely affected, by the Action.”

13.1.2: The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns related to threatened and endangered resources. The impacts on threatened and endangered Species that are reasonably expected to occur from the proposed Project have been considered during the review process and methods to prevent significant adverse impacts have been developed.

13.1.3: The MPCA finds that the Project, as it is proposed does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to facility site and manure application areas that are reasonably expected to occur from the Project.

B. Cumulative potential effects

14. The second criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the “cumulative potential effects.” In making this determination, the MPCA must consider “whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effects; and the efforts of the proposer to minimize the contributions from the project.”

Minn. R. 4410.1700 subp.7(B). The MPCA findings with respect to this criterion are set forth below.

15. The EAW, public comments, and the MPCA follow-up evaluation did not disclose related or anticipated future projects that may interact with this Project in such a way as to result in significant cumulative potential environmental effects.

16. The EAW addressed the following areas for cumulative potential effects for the proposed Project:

- Surface and groundwater quality;
- Air quality; and
- GHG.

16.1 Surface and groundwater quality

- 16.1.1: The Project is in the Rock River Watershed (HUC 10170204) within the Missouri River Basin.
- 16.1.2: The land use in the region, including the Project location and manure application sites, are primarily row-crop agriculture, which can contribute to non-point source pollution of surface waters.
- 16.1.3: Minnesota's "Final Animal Agriculture Generic Environmental Impact Statement" (2002) and the University of Minnesota Agriculture Extension Program state that manure not only supplies nutrients but can also improve the biological and physical properties of soil, making it more productive and less erosive. Manure provides valuable organic matter to soil that improves soil tilth, aids in the retention of water and nutrients, and promotes growth of beneficial microorganisms. Manure, when properly used as part of a soil management program, improves soil quality, builds soil structure and increases the level of soil organic matter.
- 16.1.4: Rock River is adjacent to land application sites #1, 2, and 6. The Rock River is listed as impaired in the 2024 TMDL Report. The reach has multiple impairments such as Turbidity, Fish Bioassessments, Escherichia coli (E. coli), and Benthic macroinvertebrates bioassessments.
- 16.1.5: Unnamed Creek is adjacent to the land application site #7. Unnamed Creek is listed as impaired in the 2024 TMDL report. The reach has multiple impairments such as Turbidity, Fish Bioassessments, Escherichia coli (E. coli), and Benthic macroinvertebrates bioassessments.
- 16.1.6: The MPCA published the Rock River Watershed Biotic Stressor Identification Report in April 2015. The report studied the local stressors limiting the biotic communities in the Rock River Watershed and found the primary stressors on aquatic life are high levels of phosphorus, nitrates, and total suspended solids, and poor habitat.
- 16.1.7: Lass Farms will design and build the feedlot facility as a total confinement operation. This limits the potential for precipitation coming in contact the animals or manure generated at the facility and creating contaminated runoff.
- 16.1.8: All manure is stored within storage structures approved by the MPCA and meet the design requirements of Minn. R. ch. 7020, which limits the potential for impacts to surface or ground water quality. Lass Farms is required to examine any liquid manure storage area (LMSA) drain tile outlet monthly for water flow and signs of discoloration or odor in any water in the drain tile.
- 16.1.9: Minn. R. 7020.2003 and the feedlot permit prohibits discharge of manure, manure contaminated runoff, or process wastewater from the production area to waters of the state except when authorized by the permit because of extreme or chronic rainfall events. As a result, the discharge of manure or manure-contaminated runoff to waters of the state from the production area is not reasonably expected to occur.
- 16.1.10: All manure application must occur at agronomic rates and comply with Minn. R. ch. 7020, the feedlot permit and county setback requirements, as well as all other applicable federal, state, and local rules, whatever are the more restrictive.
- 16.1.11: Land application of manure from the Project will be done in accordance with the MPCA-approved MMP. The manure from the Project will be injected or immediately incorporated into the soil.

- 16.1.12: If a manure spill occurs, Lass Farms must comply with the Emergency Response Plan developed as part of the permit application process and incorporated into the feedlot permit. Minn. Stat. § 115.061 and the feedlot permit requires Lass Farms to report manure spills to the Minnesota Duty Officer and requires all responsible parties to take immediate action to stop the discharge and recover the material.
- 16.1.13: Proper operation and management of the Project and adherence to appropriate manure land application practices in the MPCA-approved MMPs will limit the potential of manure and/or manure-contaminated stormwater runoff from impacting waters of the state.
- 16.1.14: Since the feedlot permit and MMPs require preventative measures to protect surface water and groundwater quality, the MPCA does not anticipate the Project will contribute to any potential adverse effect on water quality. Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on water quality.

16.2 Air quality

- 16.2.1: Cumulative potential effects related to Air Quality were discussed in Part 13.A of the EAW and are incorporated herein as part of MPCA's cumulative potential effects evaluation for human health impacts to air quality, in that the air assessment through refined air dispersion modeling and AERA incorporated ambient background concentrations and nearby contributing emission sources in the same geographic region.
- 16.2.2: The modeling analysis included the estimated emissions from the Project and emissions from nearby feedlots, and it incorporated conservative background concentrations to account for other possible sources of emissions in the area. Lass Farms estimated air concentrations for these pollutants at the residences closest to the Project.
- 16.2.3: The MPCA evaluated cumulative potential effects on air quality by comparing the MAAQS for hydrogen sulfide, iHRVs for hydrogen sulfide and ammonia, and odor intensity thresholds with concentrations in the air predicted by air modeling.
- 16.2.4: The MPCA finds the information presented in the EAW and other information in the environmental review record does not demonstrate the Project has the potential for significant environmental effects to air quality based on significant cumulative potential effects because: the project will comply with a MPCA air emissions permit, will meet the NAAQS, and will not pose any acute inhalation health hazards or any sub-chronic or chronic multi-pathway health hazards to the public.
- 16.2.5: Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on air quality.

16.3 Greenhouse gas emissions

- 16.3.1: Global climate change results from the total accumulation of Greenhouse Gas emissions in the Earth's atmosphere, as well as other man-made and natural factors. The Greenhouse Gas composition of the Earth's atmosphere is changing and causing the planet's climate to change.
- 16.3.2: While it may be possible to model the effects of the incremental Greenhouse Gas emissions associated with the Project, it is not within the current state of science to provide an analysis of the cumulative potential effect the Project-related Greenhouse Gas emissions will have on the environment.

- 16.3.3: The MPCA finds the information presented in the EAW and other information in the environmental review record does not demonstrate the Project has the potential for significant environmental effects to air quality based on significant cumulative potential effects because: There are no Minnesota or NAAQS for GHG emissions.
- 16.3.4: The MPCA finds that for the reasons stated in items 7 and 8, the cumulative potential effect of Project GHG impacts, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects based on the Project's GHG emissions that are reasonably expected to occur.
- 16.3.5: Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on GHG emissions.

Cumulative effects summary

17. Based on information on the Project obtained from air modeling reports and feedlot permit application processes, information on water quality, air quality including GHG emissions presented in the EAW, and consideration of potential effects due to related or anticipated future projects, the MPCA does not expect significant cumulative effects from this Project.
18. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects that are reasonably expected to occur.

C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority

19. The third criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is "the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project." Minn. R. 4410.1700, subp. 7(C). The MPCA Findings with respect to this criterion are set forth below.
20. The following permits or approvals will be required for the Project.

Permits and approvals

Unit of Government	Permit or approval required
MPCA	SDS Permit ("feedlot permit")
Rock County	Conditional Use Permit

21. **MPCA Feedlot Permit:** The MPCA requires Lass Farms to obtain a feedlot permit for the Project. The Feedlot permit incorporates construction and operation requirements and includes operating plans that address manure management, emergency response protocols and/or air quality management. The attachments will be an enforceable condition of the feedlot permit.
22. **County Conditional Use Permit:** The proposer is required to obtain all required building and conditional use permits required by local units of government to ensure compliance with local ordinances. The conditional use permit will address local zoning, environmental, regulatory, and other requirements that are needed to avoid adverse effects on adjacent land uses.

23. The MPCA finds that the environmental effects of the Project can be anticipated, evaluated, controlled and mitigated through ongoing regulatory control by implementing the state-wide PFAS Blueprint plan and strategy to address PFAS impacts. Implementation of the PFAS Blueprint and other ongoing activities for addressing PFAS, will be used in conjunction with Project design, and permitting processes undertaken by the MPCA and the Project Proposer to address Project impacts.
24. The above-listed permits include general and specific requirements for the mitigation of the environmental effects of the Project. The MPCA finds that the environmental effects of the Project are subject to mitigation, as explained in these Findings and the EAW, by ongoing public regulatory authority.
- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the Project Proposer, including other EISs**
25. The fourth criterion that the MPCA must consider is “the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs,” Minn. R. 4410.1700, subp. 7(D). The MPCA Findings with respect to this criterion are set forth below.
26. Although not exhaustive, the MPCA reviewed the following documents as part of the environmental impact analysis for the proposed Project:
- data presented in the EAW;
 - Feedlot permit application, with construction specifications, MMP, and attachments;
 - Air Dispersion Modeling Report;
 - U.S. Government’s U.S. Greenhouse Gas Emissions and Sinks: 1990-2016 (2018)’
 - MPCA’s legislative report Greenhouse Gas Emissions in Minnesota: 1990-2016 (2019);
 - MPCA’s report Greenhouse gas reduction potential of agricultural best management practices (2019);
 - the Center for Climate Strategies in Collaboration with Minnesota State Agencies’ report;
 - Minnesota Climate Strategies and Economic Opportunities (2016);
 - Minnesota’s “Final Animal Agriculture Generic Environmental Impact Statement” (2002);
 - permits and environmental review of similar projects; and
 - TMDL recommended Best Management Practices.
27. The MPCA also relies on information provided by Lass Farms, persons commenting on the EAW, staff experience, and other available information obtained by staff.
28. The environmental effects of the Project have been addressed by the design and permit development processes, and by ensuring conformance with regional and local plans. No elements of the Project pose the potential for significant environmental effects that are not addressed or mitigated by the requirements of the permits listed above or in the EAW.
29. Based on the environmental review, previous environmental studies by public agencies or the Project Proposer, and staff expertise and experience on similar projects, the MPCA finds that the environmental effects of the Project that are reasonably expected to occur can be anticipated and controlled.

30. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix B) as the basis for response to any issues not specifically addressed in these Findings.

CONCLUSIONS OF LAW

31. The MPCA has jurisdiction in determining the need for an EIS for this Project. The EAW, the permit development process, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this Project.
32. The MPCA identified areas for potential significant environmental effects. The Project design and permits ensure Lass Farms will take appropriate mitigation measures to address significant effects. The MPCA expects the Project to comply with all environmental rules, regulations, and standards.
33. Based on a comparison of the impacts that are reasonably expected to occur from the Project with the criteria established in Minn. R. 4410.1700, subp. 7, the Project does not have the potential for significant environmental effects.
34. An EIS is not required for the proposed Lass Farms Feedlot.
35. Any Findings that might properly be termed conclusions and any conclusions that might properly be termed Findings are hereby adopted as such.

ORDER

The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Lass Farms Feedlot and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

April 8, 2025

Date signed

Katrina Kessler

This document has been electronically signed.

Katrina Kessler, P.E.
Commissioner

Appendix A

Minnesota Pollution Control Agency

Lass Farms Feedlot

EAW

List of comment letters received

1. Haley Byron, Wisconsin Department of Natural Resources. Letter received March 11, 2025
2. Angela Piltaver, Minnesota Department of Transportation. Letter received March 13, 2025

Appendix B

Minnesota Pollution Control Agency

Lass Farms Feedlot

Environmental Assessment Worksheet (EAW)

Responses to comments on the EAW

1. Comments by Haley Byron, Wisconsin Department of Natural Resources. Letter received March 11, 2025.

Comment 1-1: Given the proximity of manure application sites to Rock River and its tributaries and Minnesota Sites of Biodiversity Significance, it is highly recommended that these BMPs [Best Management Practices] be strictly followed.

Response: Lass Farms plans to begin construction in Spring 2025 by installing stormwater erosion prevention and sediment control Best Management Practices (BMPs), including silt fence and topsoil stripping and stockpiling. To prevent negative effects on habitat, best management practices will be used during land application, such as managing nutrient applications so they don't exceed the crop nutrient uptake levels, and tillage will be managed to control soil erosion and sediment.

Application equipment will monitor and calibrate the rate of application flow, manure will be applied according to permit requirements, and the Proposer may utilize other best management practices such as nitrogen stabilizers or split applications. All manure application rates will be calculated and applied following the University of Minnesota agronomic recommendations for the appropriate crop to be fertilized. The Proposer will follow the required county and state setbacks when applying manure.

Additional mitigation strategies outlined in the feedlot permit include:

- Avoiding manure application on frozen or snow-covered ground.
- Inspection of LMSA drain tile according to the requirements and the engineering operating maintenance plan for flow discoloration or odor in the water.
- Perform soil testing once every 4 years.
- Comply with the state and county required manure application setbacks from sensitive features.

Comment 1-2: To ensure compliance with federal law, a federal regulatory review using the U.S Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#) should be conducted. Rock River and its tributaries are designated critical habitat for Topeka shiner, and the USFWS may have additional guidance and/or requirements.

Response: Lass Farms submitted and received a Technical Assistance Letter to the US Fish and Wildlife Service on March 14, 2025. Based on the information submitted by Lass Farms, the USFWS Determination is as follows: "Thank you for informing the Service of your "NLAA" [Not Likely to Adversely Affect] determination(s). No further coordination is necessary for the species you determined may be affected, but not likely to be adversely affected, by the Action."

2. Comments by Angela Piltaver, Minnesota Department of Transportation. Letter received March 13, 2025.

Comment 2-1: Based on the maps found within the EAW document, the feedlot site and the seven manure application sites do not appear to be located adjacent to or within close proximity to a state highway. Although it is conceivable that some amount of truck traffic could use highways such as US 75 and I-90 for some portion of travel between the feedlot and processing facilities, it does not appear that such traffic would represent an outsize impact on state highway infrastructure itself.

Response: Lass Farms has evaluated the traffic flow due to construction, post-construction, and management of the proposed facility and land applications in multiple sections of the Environmental Assessment Worksheet. Lass Farms acknowledges there will be increased traffic due to the proposed project, but will work to manage this traffic so that it will not pose a major impact on the highway infrastructure.

Comment 2-2: The project as described in the EAW indicates that the project will increase emissions, both from the construction process and in the operation of the facility once constructed. Because MnDOT has set both statewide and regional goals for GHG reductions, the applicant should consider the implementation of any feasible mitigation strategies for the additional tailpipe emissions that will be generated as a result of the feedlot.

Response: The Greenhouse Gas Emissions were evaluated in the Environmental Worksheet. Lass Farms stated mitigation measures in the worksheet to reduce or manage greenhouse gas emissions.

Appendix C

Minnesota Pollution Control Agency

Lass Farms Feedlot

Environmental Assessment Worksheet (EAW)

Errata sheet

The EAW had errors in Air Quality Criteria:

The AERMOD results for hydrogen sulfide listed an ambient standard of 80 µg/m³. The ambient standard for hydrogen sulfide should be corrected to 10 µg/m³.

The odor scale indicated the Project will not exceed the “Very Faint” odor strength. This should be corrected to “Faint” as shown in the table below.

Table 1. n-butanol odor intensity referencing scale, swine and cattle detection threshold.

Odor Intensity	Odor Intensity Description		n-butanol Solution (ppm)	n-butanol in Air (ppm)	Swine Odor		Cattle Odor	
	Strength	Strength			DT ^[a] (OU)	Range of DT (OU)	DT ^[a] (OU)	Range of DT (OU)
0	No odor	Not annoying	0	0	0	<5	0	<5
1	Very faint	Not annoying	250	24	25	5-42	28	5-48
2	Faint	A little annoying	750	72	72	42-124	83	48-142
3	Moderate	Annoying	2250	216	212	124-364	244	142-420
4	Strong	Very annoying	6750	649	624	375-1070	723	420-1244
5	Very strong	Extremely annoying	20250	1948	1834	>1070	2140	>1244

^[a] DT = detection threshold.

Proper citing was not provided for the odor scale. This should be corrected to show the citing as DEVELOPMENT OF THE OFFSET MODEL FOR DETERMINATION OF ODOR-ANNOYANCE-FREE SETBACK DISTANCES FROM ANIMAL PRODUCTION SITES: PART I. REVIEW AND EXPERIMENT. L. D. Jacobson, H. Guo, D. R. Schmidt, R. E. Nicolai, J. Zhu, K. A. Janni.