February 29, 2012

TO:     INTERESTED PARTIES

RE:    Matt Holland Farm Sec 27 Feedlot Expansion

On February 28, 2012, the Minnesota Pollution Control Agency Citizens’ Board voted to approve the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration on the need for an Environmental Impact Statement for the proposed Matt Holland Farm Sec 27 Feedlot Expansion, Steele County. The Findings of Fact, Conclusions of Law, and Order document concludes that the project does not have the potential for significant environmental effects. This decision for a Negative Declaration completes the state environmental review process under the revised Minnesota Environmental Quality Board Rules, Minn. R. ch. 4410. Final governmental actions on the granting of permits and approvals for the project may now be made.

These documents can be reviewed at the following locations: the MPCA offices in St. Paul and Rochester; and the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis. The document can be viewed on our MPCA website at http://www.pca.state.mn.us/news/eaw/index.html. Requests for copies of these documents may be made by contacting the St. Paul office at 651-757-2101.

We appreciate the time and effort of those who submitted comments on the Environmental Assessment Worksheet. Comments and responses to them have been incorporated into the Findings of Fact, Conclusions of Law, and Order and have been considered by MPCA staff during the permit process for the proposed project.

Sincerely,

Paul W. Aasen
Commissioner

PWA:mb
FINDINGS OF FACT

The above-entitled matter came before the Minnesota Pollution Control Agency (MPCA) Citizens’ Board (Board) at a regular meeting held in St. Paul, Minnesota on February 28, 2012. Based on MPCA staff review, 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.

Project Description

1. The existing Matt Holland Farm Sec 27 feedlot operation consists of one 51-foot by 392-foot, 2,400 head wean-to-finish hog barn (720 animal units, or AUs) and 20 beef cows (24 AUs) in pasture. The project is located in Section 27, Berlin Township, Steele County.

2. The existing facility was issued a Construction Short Form Permit in November 2008 by Steele County. Construction on the existing barns poured concrete pit began on November 19, 2008, and a final inspection was completed on December 16, 2008.

3. There has been no previous environmental review on the existing facility.

4. Matt Holland proposes to expand his existing feedlot by constructing a second 51-foot by 392-foot wean-to-finish hog barn in Section 27, Berlin Township, Steele County, Minnesota. The proposed barn will have a capacity 2,400 wean-to-finish hogs (720 animal units, or AUs) in total confinement. Upon completion of the project, the feedlot will have a capacity of 4,800 wean-to-finish hogs (1,440 AUs) and 20 cows (in pasture), for a total of 1,464 AUs at the site. Manure will be collected and stored in reinforced poured concrete pits beneath the barns. Manure will be land applied to cropland in the fall after October 1 in accordance with the approved Manure Management Plan (MMP). Application has been made for coverage under the 2011-2016 State of Minnesota General Livestock Production Permit, National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit MNG440000 (2011-2016 Feedlot General NPDES/SDS Permit).

Procedural History

5. The existing and proposed barns meet the criteria for a phased action (Minn. R. 4410.0200, subp. 60). Minn. R. 4410.4300, subp. 29 Animal Feedlots requires an Environmental Assessment Worksheet (EAW) for the construction or expansion of an existing animal feedlot by more than 1,000 AUs, thereby making an EAW mandatory for the proposed project (Minn. R. 4410.1000, subp. 4; Minn. R. 4410.1700, subp. 9; Minn. R. 4410.2000, subp. 4).
6. Pursuant to Minn. R. 4410.4300, subp. 29, an EAW was prepared by MPCA staff on the proposed project. Pursuant to Minn. R. 4410.1500, the EAW was distributed to the Minnesota Environmental Quality Board (EQB) mailing list and other interested parties on December 12, 2011.

7. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to media in Steele, Waseca, Freeborn, Dodge, Mower, and Rice Counties, as well as other interested parties, on December 12, 2011. The notice of the availability of the EAW was published in the EQB Monitor on December 12, 2011, and the EAW was made available for review on the MPCA website at http://www.pca.state.mn.us/news/eaw/index.html.

8. The public comment period for the EAW began on December 12, 2011, and ended on January 11, 2012. During the 30-day comment period, the MPCA received a comment letter from the Minnesota Historical Society, the State Historic Preservation Office, the Minnesota Department of Transportation, and four letters from citizens. A list and copies of the comment letters received is included as Appendix A to these Findings.

9. The MPCA prepared written responses to the comment letters received during the 30-day public comment period. The responses to the comments are included as Appendix B to these Findings.

**Criteria for Determining the Potential for Significant Environmental Effects**

10. Under Minn. R. 4410.1700, the MPCA must order an Environmental Impact Statement (EIS) for projects that have the potential for significant environmental effects. 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 following factors shall be considered:

   a. Type, extent, and reversibility of environmental effects.

   b. Cumulative potential effects. The responsible governmental unit (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.

   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.
The MPCA Findings with Respect to Each of These Criteria
Are Set Forth Below

Type, Extent, and Reversibility of Environmental Effects

11. 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.

12. The types of impacts that may reasonably be expected to occur from the project include the following:
   • Air quality impacts related to hydrogen sulfide emissions
   • Air quality impacts related to ammonia emissions
   • Air quality impacts related to odor
   • Impacts to groundwater and surface water quality

13. With respect to the extent and reversibility of impacts that are reasonably expected to occur from the project, the MPCA makes the following findings.

14. The ventilation system for the proposed barn will be a curtain sided barn, as is currently utilized for the existing barn.

15. The existing and proposed barns will have 8-foot deep concrete pits beneath the barn. The storage capacity for each barn will be 1,196,321 gallons, for a total site storage capacity of 2,392,642 gallons, which exceeds the expected annual manure production of 1,927,200 gallons by 465,442 gallons.

16. Air quality modeling was performed to estimate concentrations of hydrogen sulfide, ammonia, and odorous gases in the air that will be created by the existing and proposed feedlots. The air quality model provides an estimate of ambient air concentrations and odor intensities at the property lines for the two feedlot barns and at the expanded feedlot’s 39 nearest neighbors located in the three-mile by three-mile grid around the existing and proposed feedlot site. The model considered air emissions from two neighboring feedlots.
On the Need for an Environmental Impact Statement

Matt Holland Farm Sec 27 Feedlot Expansion

Berlin Township, Steele County, Minnesota

Findings of Fact
Conclusions of Law
And Order

Matt Holland Farm Sec 27 Feedlot Expansion
Hourly Average Concentrations in Ambient Air

<table>
<thead>
<tr>
<th>Proposed Site Property Boundary</th>
<th>Hydrogen Sulfide (ppb)&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Maximum Hourly Ammonia (µg/m³)&lt;sup&gt;b&lt;/sup&gt;</th>
<th>Maximum Hourly Odor Intensity (OU, d/t)&lt;sup&gt;c&lt;/sup&gt;</th>
<th>Frequency “Faint” Odor Threshold is Exceeded&lt;sup&gt;c&lt;/sup&gt;</th>
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<td>North</td>
<td>19.29</td>
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<td>35</td>
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<tr>
<td>East</td>
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<td>272</td>
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<td>0.0%</td>
</tr>
<tr>
<td>West</td>
<td>23.37</td>
<td>241</td>
<td>18</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

<sup>a</sup> The air quality standard for hydrogen sulfide is 30 ppb (parts per billion) as a half-hour average not to exceed more than two times in any five-day period. The results in the tables include a background concentration of 17 ppb.

<sup>b</sup> The acute iHRV (inhalation health risk value) for ammonia is 3,200 µg/m³ (micrograms per cubic meter). The results in the table include a background concentration of 148 µg/m³.

<sup>c</sup> Odor impact assessment based on odor units (OUs). Odor intensities and their perceived strength: very faint (25 – 72), faint (72 – 212), moderate (212 – 624) strong (624 – 1,834), and very strong (>2,140).

Air Quality Impacts Related to Hydrogen Sulfide Emissions

17. **CALPUFF** is an advanced non-steady-state meteorological and air quality modeling system. **CALPUFF** has been adopted by the U.S. Environmental Protection Agency in its Guideline on Air Quality Models as the preferred model for assessing long-range transport of pollutants and their impacts on near-field applications involving complex meteorological conditions. The modeling system consists of three main components and a set of preprocessing and post-processing programs: **CALMET** (a diagnostic three-dimensional meteorological model), **CALPUFF** (an air quality dispersion model), and **CALPOST** (a post-processing package). In addition, there are numerous other processors that may be used to prepare geophysical (land use and terrain) data in many standard formats, meteorological data (surface, upper air, precipitation, and buoy data), and interfaces to other models. The **CALPUFF** air quality model was selected to estimate the property-line and nearest-neighbor odorous gas concentrations because of its ability to account for calm wind conditions.

18. The **CALPUFF** modeling results indicated that the proposed project will not violate the Minnesota ambient air quality standard for hydrogen sulfide. The **CALPUFF** -predicted maximum project-specific contribution to the ambient hydrogen sulfide concentration was 11.92 ppb. When a background hydrogen sulfide concentration of 17 ppb was added to the **CALPUFF** prediction, the maximum property-line hourly concentration was 28.92 ppb, which indicates that the half-hour standard of 30 ppb will not be exceeded. Thus, violations of the hydrogen sulfide standard are not expected to occur, and the proposed project is expected to be in compliance with the applicable air quality standards for hydrogen sulfide.

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<sup>2</sup> [http://www.src.com/calpuff/calpuff1.htm](http://www.src.com/calpuff/calpuff1.htm)
19. The CALPUFF modeling results also indicated that the proposed project will not cause the subchronic hydrogen sulfide iHRV to be exceeded at neighboring residences. The estimated facility-specific maximum 13-week time-averaged hydrogen sulfide concentration for the feedlot’s neighbors was 0.63 μg/m³. When a background concentration of 1 μg/m³ is added to the CALPUFF estimate, the 13-week neighbor hydrogen sulfide maximum concentration was 1.63 μg/m³, which is below the subchronic hydrogen sulfide iHRV of 10 μg/m³.

**Air Quality Impacts Related to Ammonia Emissions**

20. The CALPUFF modeling results for ammonia indicates that the proposed project will not exceed the acute ammonia iHRV. The CALPUFF model predicted a maximum hourly property-line concentration of 483 µg/m³. When a background concentration of 148 µg/m³ was added to the CALPUFF prediction, the maximum property line ammonia concentration was 631 µg/m³, which is below the acute ammonia iHRV of 3,200 µg/m³.

21. The CALPUFF results also indicate that the proposed project would not result in air concentrations of ammonia exceeding the chronic ammonia iHRV at the neighboring residences. The estimated maximum one-year time-averaged ammonia concentration among the project’s neighbors was 9.18 μg/m³. When a background ammonia concentration of 5.72 μg/m³ was added to the CALPUFF estimate, the maximum annual ammonia concentration at any neighboring residence was 14.90 μg/m³, which is below the chronic ammonia iHRV of 80 μg/m³. Thus, the chronic ammonia iHRV is not expected to be exceeded.

**Air Quality Impacts Related to Odor**

22. Ambient air quality standards are not established for the regulation of odor in Minnesota; however, the CALPUFF model was used to estimate the ground level odor intensities at the feedlot’s property lines and at neighboring residences. As indicated in the table in finding number 14, the maximum hourly odor intensity predicted at the expanded feedlot’s effective property lines was 35 OUs. This would be above the “very faint” odor threshold of 28 OUs but below the “faint” odor threshold of 83 OUs.

23. With respect to the reversibility of air quality impacts that are reasonably expected to occur from the proposed project, air emissions from the facility will continue while the facility remains in operation and would cease only if the facility were to be temporarily or permanently closed. While in operation, the proposed project is expected to meet applicable air quality standards and criteria. Although CALPUFF predicts no exceedences of hydrogen sulfide and ammonia emissions, if excessive air emissions or violations of the ambient hydrogen sulfide air standards were to occur, or if iHRVs for ammonia were exceeded, corrective measures could be implemented. Such measures could include the initiation of a complaint investigation by the MPCA and requiring the project proposer to make operational and maintenance changes. In addition, as noted in the proposer’s Air Emissions Plan and Complaint Response Protocol, if higher than expected levels of air or odor emissions are anticipated, notification will be made to neighbors.
24. The MPCA finds that the information presented in the EAW and other information in the environmental review record is adequate to assess the impacts on air quality that are reasonably expected to occur from the proposed project. These impacts have been considered during the review process and methods to prevent significant adverse impacts have been developed.

25. 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 on air quality that are reasonably expected to occur from the project.

Impacts to Groundwater and Surface Water Quality

26. With respect to the extent of potential water quality impacts that are reasonably expected to occur from the proposed project, the MPCA makes the following findings.

27. The project site itself will be required by the 2011-2016 Feedlot General NPDES/SDS Permit to meet a zero discharge standard. The 2011-2016 Feedlot General NPDES/SDS Permit requires Stormwater Pollution Prevention and Management Plans that include best management practices (BMPs) for the operation of the facility be developed and implemented on the site.

28. All livestock will be housed in engineered total confinement buildings and not have access to surface waters. Manure will be stored in manure storage structures that meet the design criteria of Minn. R. 7020.2125.

29. All manure will be applied at agronomic rates according to an MPCA reviewed and approved MMP. The liquid manure from this project will be applied during the fall after the crops have been harvested from the designated land application sites. It will be injected into the soil during land application via knife injection utilizing a liquid tanker or drag hose system. Injected manure is then assimilated into the soil profile. The approved MMP provides a complete listing of potential methods, frequency, timing and locations of manure applications.

30. The MMP, submitted with the permit application, identifies maximum allowable manure application rates based on nitrogen of 5,000 gallons per acre on a corn/corn rotation and 4,400 gallons per acre on a corn/soybean rotation. The planned manure application rates identified in the submitted MMP is 4,000 gallons per acre for both corn/corn and corn/soybean crop rotations. This rate is based on both nitrogen and phosphorus crop usage requirements.

31. The 2011-2016 Feedlot General NPDES/SDS Permit prohibits the land application of manure to snow-covered or frozen ground or after December 1 except emergency applications. Solid manure can be land applied to frozen and snow covered ground subject to these conditions:

- manure is applied more than 300 feet from sensitive features
- no active snowmelt is occurring that can create runoff from an application field
- prohibited when the probability of rainfall over 0.25 inches is greater than 50 percent as predicted by the National Weather Service within 24 hours of the end of the application period
- slopes less than or equal to six percent on entire area to be applied
• water or ice cannot occupy tillage furrows to the extent that additional snowmelt of precipitation cannot be contained between furrows or in other depressional storage areas within the field
• fields used for land application must meet a total phosphorous loss risk index number of two or less (low to very low relative risk) as calculated according to the Minnesota Phosphorus Index

32. In order to avoid contaminating the groundwater at the manure application sites, permittees must develop an MMP whereby manure must be applied at agronomic rates based on the type of crop grown, the soil type, and the soil chemistry, taking into account levels of nitrogen utilized by crops planted at the manure application sites, thereby, minimizing nitrates leaching into the groundwater. The MMP is an enforceable part of the 2011-2016 Feedlot General NPDES/SDS Permit. MPCA and/or county setback requirements, whichever are the more restrictive, must also be observed from water supply wells. As a result, permit and rule restrictions at the manure application sites mitigate the potential for adverse impacts on groundwater quality.

33. One commenter noted that historic aerial photographs taken in 1971 show a building site approximately 150 to 300 feet south of the proposed barn and manure pit. This building site has since been demolished and been converted to farmland. Commenter raised a concern that the proposed manure storage structure meets isolation distances identified in Minn. R. 4725.4450, subp. 1C and/or subp. 2C.

34. The property owner to the south, Mr. Dennis Grunwald, was contacted by the project proposer, and Mr. Grunwald provided additional information about the former building site located on his property just south of proposed project. Mr. Grunwald stated the well that serviced the demolished buildings was located somewhere between the two former structures shown on the aerial photographs in Exhibit 1 and Exhibit 2 to Appendix B. Mr. Grunwald also indicated that the well was a drilled well, not a dug well, and that the well was capped approximately six feet below the ground surface at the time the building site was demolished. The abandoned well has been referred to the Minnesota Department of Health and Steele County for investigation. As shown on aerial photographs in Exhibit 1 and Exhibit 2 to Appendix B, the new barn, and associated manure storage structure, will be set back 60 feet north of the property line. MPCA staff measured the shortest possible distance from the possible location of the well, based on the information provided by Mr. Grunwald, to the proposed barn and determined that this will be at least 200 feet. Were the abandoned well properly sealed, no setback distance would be required; however, since there is no available information on the sealing of the well, the most restrictive isolation distance required by Minn. R. 4725.4450, subp. 2C, which is 200 feet from a ‘sensitive’ water supply well, will be complied with.

35. The land application of manure, if done improperly, can adversely impact surface-water resources through manure-laden runoff or manure residue leaching into draintile lines that outfall to surface waters. Therefore, MPCA and/or county setback requirements, whichever are more restrictive, must be observed around draintile intakes located within and adjacent to manure application areas, and near other surface-water resources. Additional requirements of the 2011-2016 Feedlot General NPDES/SDS Permit and the MMP are included to minimize the potential for manure applied at manure application sites to come in contact with runoff and enter surface waters.
36. The quality of runoff from land application areas for the manure is not expected to significantly change if managed in accordance with the MMP required by the 2011-2016 Feedlot General NPDES/SDS Permit. Nutrients from manure will replace nutrients provided by other fertilizers, and improved soil tilth through the use of organic fertilizer and immediate incorporation of manure may improve runoff characteristics over the acres identified in the MMP. Therefore, no additional impact to groundwater and surface water is expected to occur as a result of increased acres being utilized for land application of manure.

37. With respect to the reversibility of water quality impacts that are reasonably expected to occur from this proposed project, the MPCA makes the following findings.

38. The prevention of adverse effects on water quality due to manure storage and application is addressed in the proposed 2011-2016 Feedlot General NPDES/SDS Permit. Significant adverse impacts to water quality are not expected; however, if water quality impacts were to occur, the operation and management of the feedlot and the MMP can be modified, and impacts to waters could be reversed. Therefore, the water quality impacts that are reasonably expected to occur from the proposed project are found to be reversible.

39. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to assess potential impacts to surface and groundwater quality that are reasonably expected to occur from the proposed project. Measures to prevent or mitigate these impacts have been developed and required as proposed permit conditions.

40. 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 water quality that are reasonably expected to occur.

Cumulative Potential Effects

41. 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.

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

43. The EAW addressed the following areas for cumulative potential effects for the proposed project.

- air quality
- water quality of surface waters
Air Quality

44. Cumulative potential effects on air quality were evaluated by comparing the Minnesota ambient air quality standards for hydrogen sulfide, iHRVs for ammonia, and odor intensity thresholds with concentrations in the air predicted by air modeling (see findings 17–24). The modeling analysis included the estimated emissions from the proposed project and incorporated conservative background concentrations to account for the potential impacts of air emissions from other feedlots. Air concentrations were estimated for these pollutants at the 39 residences located in the three-mile by three-mile area surrounding the proposed project. All modeled concentrations were below the health-based and nuisance odor criteria used in the analyses and no violations of air quality standards were predicted. Therefore, the cumulative potential effects on air quality are not believed to be significant in the project area, and the proposed project is not expected to contribute significantly to adverse cumulative potential effects on air quality.

Water Quality of Surface Waters

45. The proposed feedlot expansion and manure application sites are located in the Cannon and Le Sueur River major watersheds. The Le Sueur River is a major watershed, and also a tributary of the Blue Earth River. Row crop agriculture is the primary land use within the two watersheds and extensive drainage through public and private tile systems has occurred. The feedlot expansion and manure application sites fall within two minor watersheds: the Straight River minor watershed (0704002010) and the Le Sueur River minor watershed (07020011010). The Straight River minor watershed includes the feedlot site and the majority of the manure application sites. The Le Sueur River is listed on the MPCA’s Impaired Waters and Total Maximum Daily Load list for aquatic life. The Le Sueur River converges with the Blue Earth River south of Mankato. According to the 303d List of Impaired Waters updated by the MPCA, the Le Sueur River and several tributaries have poor water quality mainly caused by fecal coliform bacteria and turbidity. The closest Le Sueur River impairment to the proposed project is 14.2 miles away from the project located in Waseca County. Currently, a total maximum daily load (TMDL) is needed for turbidity for this segment of the Le Sueur River. The Cannon River is on the 303d Impairment List as well for fecal coliform and turbidity. The impairments are 8.6 miles away from the proposed project, located on the Straight River. Currently a TMDL is need for turbidity for this segment of the Straight River. A TMDL with an approved implementation plan has been developed and approved for fecal coliform bacteria for this segment of the Straight River as part of the Revised Regional Total Maximum Daily Load Evaluation of Fecal Coliform Bacteria Impairments In the Lower Mississippi River Basin in Minnesota, Final Report – January 2006. The proposed project is consistent with this implementation plan.

46. As noted in previous findings, the facility is required to meet a zero discharge standard.

47. For land application of manure, BMPs will minimize the contribution of the project to cumulative effects on surface water resources. To ensure water resources will not be impacted, several measures will be taken as indicated in the MMP. Soil and manure testing will specify the amount of manure to apply on application sites. Required setbacks from all surface waters and tile intakes will be maintained and manure will be immediately (within 24 hours) incorporated into the soil. This conforms to the implementation plan of the Revised Regional Total Maximum Daily Load Evaluation of Fecal Coliform Bacteria Impairments In the Lower Mississippi River Basin in Minnesota, Final Report – January 2006.
48. Based on information on the proposed project obtained from air modeling, permit application and plan review processes, ongoing water quality assessments, a site visit, and presented in the EAW, the MPCA does not expect significant cumulative potential effects from this Project.

The Extent to Which the Environmental Effects Are Subject to Mitigation by Ongoing Public Regulatory Authority

49. 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," Minn. R. 4410.1700, subp. 7.C. The MPCA findings with respect to this criterion are set forth below.

50. The following permits or approvals will be required for the project:

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<th>Unit of Government</th>
<th>Permit or Approval Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPCA</td>
<td>General NPDES/SDS Feedlot Permit</td>
</tr>
<tr>
<td>MPCA</td>
<td>NPDES/SDS Construction Stormwater Permit</td>
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<tr>
<td>Steele County</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Minnesota Department of Natural Resources (DNR)</td>
<td>Water Appropriation Permit</td>
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51. **MPCA NPDES/SDS Livestock Production, Construction, Operation (Feedlot) and Stormwater Permit.** An NPDES/SDS Feedlot and Stormwater Permit are required for the project. The 2011-2016 Feedlot General NPDES/SDS Permit incorporates construction and operation requirements, and includes operating plans that address manure management, operation and maintenance, emergency response protocols, animal mortalities, and odor/air quality management. A Stormwater Pollution Prevention Plan is also required. These plans are enforceable conditions of the 2011-2016 Feedlot General NPDES/SDS Permit.

52. **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 is intended to address local zoning, environmental, regulatory, and other requirements that are determined by the county as necessary to avoid adverse effects on adjacent land uses.

53. **DNR Water Appropriation Permit.** An Individual DNR Water Appropriation Permit will be required, as the project proposer will be withdrawing more than 5.0 million gallons per year. The project proposer anticipates a total water use of 6.1 million gallons annually.

54. The above-listed permits include general and specific requirements for mitigation of environmental effects of the project. The MPCA finds that the environmental effects of the project are subject to mitigation by ongoing public regulatory authority.
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

55. 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.

56. The following documents were reviewed by MPCA staff as part of the environmental impact analysis for the proposed project.

- data presented in the EAW
- permit application(s), that includes:
  - MMP
  - engineered design plans and specifications
  - operation and maintenance plan
  - air emissions and odor management plan
  - animal mortality disposal plan
  - stormwater pollution prevention plan
- Air Dispersion Modeling Report
- Natural Heritage Review
- Archaeological sites and historic structures database search
- Revised Regional Total Maximum Daily Load Evaluation of Fecal Coliform Bacteria Impairments In the Lower Mississippi River Basin in Minnesota, Final Report – January 2006

57. This list is not intended to be exhaustive. The MPCA also relies on information provided by the project proposer, persons commenting on the EAW, staff experience, and other available information obtained by staff.

58. There are no elements of the project that pose the potential for significant environmental effects. Although not expected to, if any effect do occur they can be addressed in the project design and permit development processes, or by regional and local plans and ordinances.

59. Based on the environmental review, previous environmental studies, and MPCA 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.

60. Britta L. Bloomberg, Minnesota Historical Society, State Historic Preservation Office commented, “Based on our review of the project information, we conclude that there are no properties listed on the National of State Registers of Historic Places, and no known of suspected archaeological properties in the area that will be affected by this project.”

61. Mark Schoenfelder, Minnesota Department of Transportation commented, “The EAW is accurate and complete, and that there are no potential state transportation system impacts that may warrant further investigation before the project is commenced.”
62. The MPCA adopts the rationale stated in the attached Responses to Comments (Appendix B) as the basis for response to any issues not specifically addressed in these Findings.

63. The EAW, Comments, Responses to Comments, Board Issue Statement, Board documents, NPDES/SDS Permit Application and plans are hereby incorporated by reference.

CONCLUSIONS OF LAW

64. 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 for significant environmental effects that are reasonably expected to occur from this project.

65. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the project design and permits. The project is expected to comply with all applicable MPCA standards.

66. 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.

67. An EIS is not required.

68. 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 Matt Holland Sec 27 Feedlot Expansion project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

[Signature]
Commissioner Paul W. Aasen
Chair, Citizens' Board
Minnesota Pollution Control Agency

2/28/12
Date