

Public Notice of intent to modify coverage under a general permit

Feedlots
MNG441269

General information

Public comment period begins: February 1, 2024

Public comment period ends: March 4, 2024

General permit issued: February 1, 2021

General permit expiration date: January 31, 2026

Name and address of Permittee:

Arlen Bode
66546 240th St
Gibbon, MN 55335-2080

Vance Bode
25435 641st Ave
Gibbon, MN 55335-2080

Facility name and location:

Bode Dairy and Feedlots Co - Sec 7
66546 240th St
Gibbon, MN 55335-2080
Sibley County
T113N, R31W, Section 007

MPCA contact person:

David Malakowsky
Watershed Division
Minnesota Pollution Control Agency
12 Civic Center Plz, Ste 2165
Mankato, MN 56001-8704
Phone: 507-461-3168
Email: david.malakowsky@state.mn.us

File manager phone: 651-757-2728 or
844-828-0942

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to modify coverage under the Animal Feedlot NPDES General Permit. A copy of the general permit is available for review at: www.pca.state.mn.us. Coverage under this permit will expire on the date indicated above.

The public notice is available for review on the MPCA Public Notices webpage at <http://www.pca.state.mn.us/publicnotices>. Additional materials are available for inspection by appointment at any MPCA office (<https://www.pca.state.mn.us/about-mpca/contact-us>) between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The MPCA will mail or email a copy of the General Permit, permit application or any supporting materials upon request. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and U.S. Mail comments must be received by 4:30 p.m.

Watershed: Minnesota River - Mankato

Description of permitted activity

The facility will house 1,677 head of dairy cattle in total confinement barns, partial confinement barns, and open lots. Liquid manure generated by the animals will be stored within earthen lined and concrete lined storage structures. Solid manure generated by the animals will be stockpiled at the facility. Process wastewater from the facility will be treated via vegetation. Manure generated at the facility will be applied to surrounding cropland at agronomic rates.

The permitting modification includes the elimination of total confinement barns, partial confinement barn, and an open lot, along with the proposed construction of new confinement barns and a concrete lined structure for manure and sand bedding retainment at the facility. The animal unit (AU) capacity will be unchanged with a final total of 1,611.4 AU.

The preliminary determination to modify coverage is tentative.

Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- 1) Submit written comments on the permit application or the preliminary determination to issue coverage under a general permit.
- 2) Petition the MPCA to hold a public informational meeting.
- 3) Petition the MPCA to hold a contested case hearing.

Submitting written comments

The terms and conditions of the general permit are not open for public comment. The permit application, the eligibility for coverage under the general permit, and the ability to comply with requirements of the general permit are open for public comment.

Comments may be submitted:

- 1) Online at <http://www.pca.state.mn.us/publiccomments>; or
- 2) By U.S. postal mail to the following address:
David Malakowsky
Minnesota Pollution Control Agency
12 Civic Center Plz, Ste 2165
Mankato, MN 56001-8704

Submitted comments or petitions must state:

- 1) Your interest in the permit application or the preliminary determination to issue coverage under a general permit.
- 2) The action you wish the MPCA or Permittee to take, including specific references to the application materials you believe should be changed.
- 3) The reasons supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

Public informational meeting

A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed facility. MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above and in addition include a statement of the reasons the person desires the MPCA to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.

Contested Case Hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.