

## General information

**Public comment period begins:** April 5, 2024

**Public comment period ends:** Extended to May 9, 2024

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to this permit for a term of approximately five (5) years.

**Name and address of Permittee:**

Dean Smith  
27308 Cty Rd 4  
Rushford, MN 55971-4263

Randy Smith  
5195 Red Oak Ln  
Houston, MN 55943

Greg Smith  
25772 Cty Rd 102  
Rushford, MN 55971

**Facility name and location:**

D & D Dairy  
30882 Hwy 43  
Rushford, MN 55971 Winona  
County  
T105N, R08W, Section 013

**MPCA contact person:**

Peter Kuisle  
Watershed Division  
Minnesota Pollution Control Agency  
7381 Airport View Dr SW  
Rochester, MN 55902  
Phone: 507-424-9132  
Email: [peter.kuisle@state.mn.us](mailto:peter.kuisle@state.mn.us)

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

A draft permit is available for review on the MPCA Public Notices webpage at <https://www.pca.state.mn.us/get-engaged/public-comments>. Additional materials relating to the issuance of this permit 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 draft permit 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:** Root River

## Description of D & D Dairy

The facility will house 1,052 head of dairy and 25 head of calves in total confinement barns. 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 and manure contaminated runoff from the facility will be stored within lined structures. Manure generated at the facility will be applied to surrounding cropland at agronomic rates.

This permitting action includes the construction and expansion of animal holding areas, liquid manure storage areas, feed storage areas, vegetative treatment areas at the facility. The animal unit (AU) capacity will be increased from 978.6 AU to a final total of 1,477.8 AU. Additional manure from this facility will be stored and comingled at Smith Farms - Marin Site and will be applied to surrounding croplands and agronomic rates.

The preliminary determination to issue this Feedlots permit 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 draft permit.
- 2) Petition the MPCA to hold a public informational meeting.
- 3) Petition the MPCA to hold a contested case hearing.

## Submitting written comments

Comments may be submitted:

- 1) Online at <https://mpca.commentinput.com/comment/search>; or
- 2) By U.S. postal mail to the following address:

Peter Kuisle  
Minnesota Pollution Control Agency  
7381 Airport View Dr SW  
Rochester, MN 55902

Submitted comments or petitions must state:

- 1) Your interest in the permit application or the draft permit.
- 2) The action you wish the MPCA to take, including specific references to the section of the draft permit 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.