

**NOTICE OF HEARING FOR REISSUING THE
GENERAL WATER POLLUTION CONTROL PERMIT
FOR CONCENTRATED ANIMAL FEEDING OPERATIONS**

The Department of Environment and Natural Resources is announcing that the Division of Environmental Services – Feedlot Permit Program is recommending the Secretary reissue the general surface water pollution control permit regulating manure containment and land application from concentrated animal feeding operations.

The proposed permit outlines who is required to obtain coverage under the general permit; permit application requirements, the processes for issuing permit coverage, manure containment design, construction, operation, and maintenance requirements, the surface and ground water protection measures, nutrient management planning requirements, compliance responsibilities, and other general requirements. This permit streamlines and clarifies the department's requirements and expectations for new, expanding, and existing concentrated animal feeding operations in South Dakota. This permit does not revoke or revise any local laws and ordinances.

Concentrated animal feeding operations are required to obtain permit coverage under a general or individual water pollution control permit by South Dakota Codified Law (SDCL) Chapter 34A-2-36.2. To determine if an operation is required to obtain permit coverage, a producer must first determine if they are operating an animal feeding operation as defined by the permit. If they meet this definition, they then need to determine if they are operating a concentrated animal feeding operation. The maximum number of confined animals, the length of confinement, and whether pollutants are discharged to waters of the state are some of the criteria used to determine whether an animal feeding operation is a concentrated animal feeding operation.

Local governments may also require animal feeding operations to obtain permit coverage.

A contested case hearing on the division's recommendation has been scheduled before the Secretary on December 16, 2015, at 9:00 a.m. at the Matthew Training Center in the Joe Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota. Any interested person desiring to become a party in the contested case hearing must file a petition to intervene in the hearing on the permit pursuant to the Administrative Rules of South Dakota (ARSD), Section 74:50:02:05 by November 20, 2015.

The Secretary has the legal authority and jurisdiction to hold this hearing pursuant to provisions of SDCL Chapters 1-26 and 34A-2, particularly 34A-2-30 through 34A-2-35 and the regulations in ARSD Chapter 74:50:02 and ARSD Article 74:52.

The Secretary may grant, conditionally grant, or deny the division's recommendation. This hearing is an adversary proceeding. Any party to the proceeding has the right to be present and to be represented by an attorney. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision made by the Secretary at this hearing may be appealed to the circuit court and the State Supreme Court as provided by law.

The proposed general permit and statement of basis are available on the DENR website at <http://denr.sd.gov/public/default.aspx>. Copies of the general permit, statement of basis, and other information may also be obtained from Katie Luce, with DENR, at the address below or by calling (605) 773-3351. Any person desiring further information on the hearing may contact Katie Luce at the above phone number. Notice is further given to individuals with disabilities that this

hearing is being held in a physically accessible place. Please notify the department at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3351.

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