

**NOTICE OF INTENT TO AMEND NPDES COVERAGE UNDER THE GENERAL
WATER POLLUTION CONTROL PERMIT FOR CONCENTRATED ANIMAL
FEEDING OPERATIONS**

The South Dakota Department of Agriculture and Natural Resources (DANR) received a proposed modification to the existing National Pollutant Discharge Elimination System (NPDES) permit application, consisting of a revised nutrient management plan (NMP), from the following applicant:

APPLICANT NAME/ADDRESS: New Fashion Pork, LLP
Brad Freking, Managing Partner
P.O. Box 244
Jackson, MN 56143-0244

FACILITY DESCRIPTION/LOCATION: The applicant seeks amended coverage to include the proposed modification under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit) for their permitted animal feeding operation. The permitted manure management system is located in the Northeast $\frac{1}{4}$ of Section 6, Township 105 North, Range 58 West in Miner County, South Dakota. NPDES coverage under the general permit for the manure management system for a maximum of 7,807 swine weighing 55 pounds or more was issued on August 21, 2025.

PROPOSED MODIFICATION: The proposed modification consists of revising the approved NMP by including additional land application acres, requiring a public notice. The total available land application acres will increase from 3,893.7 acres to 4,511.6 acres. The new land application acres are located in portions of the following sections in Miner and Sanborn Counties.

Miner County:

Section 7 in Township 105 North, Range 58 West.

Sanborn County:

Section 12 in Township 105 North, Range 59 West.

Review of the proposed modification indicates the revised NMP is complete and can be implemented in compliance with South Dakota Codified Law (SDCL), Section 34A-2-36.2, the Administrative Rules of South Dakota (ARSD), Article 74:52, and the 2017 general permit. DANR's Livestock Services Program, therefore, recommends approval of the modification to the permit application for amended NPDES coverage under the 2017 general permit to include the modification.

Comments on DANR's recommendation to amend coverage under the 2017 general permit can be submitted. Only the conditions of the permit subject to the modification proposed in this notice are open for comment. In accordance with ARSD 74:52:05:15, any person desiring to comment on DANR's recommendation to amend coverage under the existing permit must submit written comments indicating why the modification does not meet the requirements of the 2017 general permit by close of business on the fourteenth day of this public notice. Commenters

are encouraged to submit their comments electronically using the comment link for this permit on DANR's public notice webpage at <https://danr.gov/public>. Alternatively, written comments may be mailed to:

South Dakota Department of Agriculture and Natural Resources
Troy Roth, Livestock Services Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3182

Mail deposited with the U.S. Postal Service may no longer be postmarked on the day it is dropped off. To establish that you have met a public notice deadline, you may need to send mail by certified or registered mail, request a hand-stamped postmark at the time the mail is dropped off, or include an affidavit of mailing. DANR will consider and address all comments that are timely submitted and issue a final permit decision pursuant to ARSD 74:52:05:18. DANR will notify each person who requested notice or submitted written comments of the final permit decision.

A contested case hearing can be requested, but only the conditions of the permit subject to the modification proposed in this notice are open for consideration at a contested case hearing. Any person desiring to contest the issuance of amended coverage under the 2017 general permit to include the modification and request a contested case hearing must file a petition that complies with ARSD 74:50:02:02. This petition must be filed by close of business on the fourteenth day of this public notice. Upon receipt of a petition, DANR will schedule this matter for a contested case hearing before the Secretary.

If no comments or objections are received by close of business on the fourteenth day of this public notice, DANR's recommendation to approve the modification becomes the final permit decision and the modification will be approved with the issuance of amended coverage to include the modification.

Copies of DANR's recommendation and other information may be obtained from Justice Jessop at the above address, by telephone at (605) 773-4647, or from DANR's public notice webpage at: <https://danr.sd.gov/public>

Hunter Roberts
Secretary