



October 11, 2018

Hardin County Board of Supervisors
Attn: Jessica Lara, Auditor
1215 Edgington Avenue, Ste. 1
Eldora, Iowa 50627

RE: Notice of Intent to Issue a Permit
Lettow Finisher Farm Site
Facility ID #64720
Hardin County

Dear Ms. Lara:

This department has made a preliminary determination that Dogwood Farms, LLC has met the legal criteria to be issued a construction permit for one new swine finishing confinement building located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31, T89N, R21W, Alden Township, Hardin County, Iowa. A copy of the draft permit is enclosed for your information. The permit would authorize Dogwood Farms, LLC to construct the confinement feeding operation structure(s) as described in the draft permit.

Pursuant to Iowa Code Section 459.304 and subrule 567 Iowa Administrative Code (IAC) 65.10(7) the Hardin County Board of Supervisors may contest the draft permit by filing a timely demand for hearing before the Environmental Protection Commission (EPC). The board shall, as soon as possible but not later than fourteen (14) days following receipt of this letter, notify the Director, Department of Natural Resources that it intends to file a demand for hearing. The current contact person for the Director is Jerah Sheets (jerah.sheets@dnr.iowa.gov). The demand for a hearing must be submitted to the Director, Department of Natural Resources, Henry A. Wallace Building, 502 E. Ninth Street, Des Moines, Iowa, 50319. The demand for hearing shall be submitted within thirty (30) days following receipt of this letter and accompanied by a statement that provides all the reasons why the permit should not be issued according to the legal requirements of Iowa Code Section 459 "Animal Agriculture Compliance Act" and 567 IAC chapter 65; legal briefs and any other documents to be considered by the commission or a statement indicating that no other documents will be submitted for the commission's consideration; and a statement indicating whether oral argument before the commission is desired. The matter would be heard by the commission at a time and location to be determined by the commission. The commission must set a meeting date within thirty-five (35) days from the date that the county board of supervisors files a demand for a hearing.

If you have any questions regarding this permit, please contact Cindy Garza at (641) 424-4073.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU

CINDY M. GARZA
ENVIRONMENTAL ENGINEER

c: Keith Kratchmer, Iowa Select, 824 Brooks Road, Suite B, Iowa Falls, IA 50126
Iowa DNR - Field Office #2 Attn: Dan Bratrud



October 11, 2018

Keith Kratchmer
Iowa Select
824 Brooks Road, Suite B
Iowa Falls, IA 50126

RE: Notice of Intent to Issue a Permit for Lettow Finisher Farm Site
Hardin County
Facility ID #64720

Dear Mr. Kratchmer:

The Iowa Department of Natural Resources (IDNR) has made a preliminary determination that your application for a construction permit to build one new swine finishing confinement building with beneath the floor deep concrete pit, at an existing facility, satisfies the legal requirements for issuance of a permit. A draft construction permit for the facility is enclosed.

Iowa Code Section 459.304 allows the Hardin County Board of Supervisors to contest this decision, as explained in the attached letter. Therefore, the IDNR's intent to issue this permit is not a final decision and you are not authorized to begin construction under the terms of the permit at this time. A final permit will be issued on the 15th day following receipt of this notice by Hardin County unless the County timely submits a facsimile (FAX) notice of intent to file a demand for hearing. If the County submits a notice of intent to file a demand for hearing, you will be notified, and the permit will not be issued until it is affirmed by the Environmental Protection Commission (EPC).

You may contest the conditions of the proposed permit as provided in 567 Iowa Administrative Code 65.10(8). A copy of this subrule is enclosed.

If you have any questions regarding this draft permit, please contact Cindy Garza at (641) 424-4073, cindy.garza@dnr.iowa.gov or our field office directly.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU

CINDY M. GARZA
ENVIRONMENTAL ENGINEER

c: Hardin County Board of Supervisors
Attn: Jessica Lara, Auditor, 1215 Edgington Avenue, Ste. 1, Eldora, Iowa 50627
Iowa DNR - Field Office #2 Attn: Dan Bratrud

567 Iowa Administrative Code 65.10(8)

65.10(8) Applicant's demand for hearing. The applicant may contest the department's preliminary decision to approve or disapprove an application for permit by filing a written demand for a hearing. The applicant may elect, as part of the written demand for hearing, to have the hearing conducted before the commission pursuant to paragraph 65.10(8) "a" or before an administrative law judge pursuant to paragraph 65.10(8) "b." If no such election is made, the demand for hearing shall be considered to be a request for hearing before the commission. If both the applicant and the county board of supervisors are contesting the department's preliminary decision, the applicant may request that the commission conduct the hearing on a consolidated basis.

a. Applicant demand for hearing before the commission. Due to the need for expedited scheduling, the applicant shall, as soon as possible but not later than 14 days following receipt of the department's notice of preliminary decision, notify the department in writing that the applicant intends to file a demand for hearing. The demand for hearing shall be sent to the director of the department and must be postmarked no later than 30 days following the applicant's receipt of the department's notice of preliminary decision. If the county board of supervisors has filed a demand for hearing, the times for facsimile notification and filing a demand for hearing are extended an additional 3 business days. It is the responsibility of the applicant to communicate with the department to determine if a county demand for hearing has been filed. The demand for hearing shall include a statement setting forth all of the applicant's reasons why the application for permit should be approved or disapproved, including legal briefs and all supporting documentation, and a further statement indicating whether an oral presentation before the commission is requested.

b Applicant contested case appeal before an administrative law judge. The applicant may contest the department's preliminary decision to approve or disapprove an application according to the contested case procedures set forth in 561—Chapter 7; however, if the county board of supervisors has demanded a hearing pursuant to subrule 65.10(7), the applicant shall provide facsimile notification to the department within the time frame set forth in 65.10(8) "a" that the applicant intends to contest the department's preliminary decision according to contested case procedures. In that event, the applicant may request that the hearings be consolidated and conducted as a contested case.

The current contact person for the Director is Jerah Sheets (jerah.sheets@dnr.iowa.gov).

The demand for a hearing must be submitted to:
Director, Department of Natural Resources
Henry A. Wallace Building
502 E Ninth Street
Des Moines, Iowa 50319

**STATE OF IOWA
DEPARTMENT OF NATURAL RESOURCES
HENRY A. WALLACE BUILDING
DES MOINES, IOWA 50319**

CONSTRUCTION PERMIT

Issued Date: **DRAFT**

Permit No: **DRAFT**

Issued To:

Dogwood Farms, LLC
824 Brooks Road, Suite B
Iowa Falls, IA 50126

File: Agriculture

RE: Lettow Finisher Farm Site

Facility ID No.: 64720

In accordance with the provisions of Sections 459.303 and 459.304 and 567 Iowa Administrative Code (IAC) 65.7(455B), the Director of the Department of Natural Resources does hereby issue a construction permit for:

One new swine confinement finishing barn (384' x 51'2" x 8' deep) to house 2500 head of swine finishers as an expansion to an existing animal feeding operation: The manure control system consists of below the floor deep concrete pit. (8 ft. deep). The site is in the SE¼ of the SE¼ of Section 31, T89N, R21W, Alden Township, Hardin County, Iowa. The maximum animal unit capacity (AUC), after completion, of the entire operation, confined at one time, shall not exceed 2000 animal units (AU). The total animal capacity of the operation (maximum number of finishing swine to be confined at any one time), after construction, is 5000 head.

This permit is issued subject to the following conditions and requirements:

1. No material change in the construction of this project shall be undertaken unless first authorized by this Department.
2. This construction permit shall expire if the authorized construction is not begun within one year. The construction of this project shall be initiated within one (1) year and completed within four (4) years of the date of issuance of this permit. A new construction permit will be required if construction is not completed within the permitted four years.
3. The design capacity of the manure storage system for the entire swine finishing operation is for a total animal unit capacity of 2000 animal units and a maximum animal capacity, to be confined at any one time, of 5000 head of finishing swine. A new construction permit shall be obtained prior to making any additions or alterations to the manure control system, making any process changes that would materially affect the manure control system, expanding the animal capacity, or increasing the volume of manure.
4. Animals shall not be placed in the new confinement building and manure shall not be stored in the new concrete pit until all of the following are satisfied:

- a) **Construction is completed.**
 - b) **You submit a certification (copy enclosed for your use) that the below the floor concrete manure storage pit was:**
 - **Constructed in accordance with the current concrete design standards of 567 IAC-65.15(14);**
 - **Constructed in accordance with the drainage tile removal standards of 567 IAC - 65.15(1) including a report of the findings and actions taken to comply with this subrule; and**
 - **Constructed in accordance with the minimum required separation distances as outlined in 567 IAC-65, Table 6.**
 - c) **You must notify this Department's Field Office in Mason City, Iowa, at (641) 424-4073 prior to the initial concrete pour for your manure storage pit floor.**
 - d) **A drainage tile system has been installed around the base of the manure storage structure (deep pit) or a licensed professional engineer has submitted his/her determination of the average annual high water table at the site which shows that the groundwater table is not above the bottom of the manure storage structure (deep pit) as required in the 567 IAC 65.15(7)"b".**
 - e) **A device to allow monitoring of the water in the drainage tile lines installed around the structure to lower the groundwater table and a device to allow shutoff of the drainage tile lines shall be installed if the drainage tile lines do not have a surface outlet accessible on the property where the formed manure storage structure is located.**
 - f) **You furnish the completed DNR Well Record Form and a site map showing the as built dimension from the well to the nearest proposed confinement structure.**
 - g) **You receive written approval from this Department.**
5. If karst terrain (limestone, dolomite, or other soluble rock) is found during excavation of the permitted formed manure storage structure(s), the upgraded concrete standards set forth in 567 IAC 65.15(14)"c", must be followed. Construction of an unformed manure storage structure in karst terrain, as defined in 567 IAC 65.1(455B), is prohibited. The Department must first authorize any design changes to the project, as required in condition 1 of this permit.
6. The Master Matrix evaluation of your application by Hardin County received on October 1, 2017, includes scores for criteria 7, 12, 17 and 25. The Master Matrix requires that a (design, operation and maintenance) plan for these criteria be included in the application and that compliance with said plan be a condition of the Permit. Briefly stated:
- a) **You shall not construct a water well within two times the required separation distance listed on the current 567 IAC- 65, Table 6. (criterion # 7)**
 - b) **You shall build, maintain, and operate the concrete manure storage pit according to your County-approved design, operation, and maintenance plan. (criteria # 12, and # 17)**

- c) **You shall build, maintain, and operate the manure volume reduction (feeding and watering) systems according to your County approved design, operation, and maintenance plan. (criterion # 25)**
7. The Master Matrix evaluation of your application by Hardin County received on October 1, 2017, includes scores for criteria 26 "e", 37, 40 and 41. The Master Matrix requires that the limitations or actions you accepted in choosing to receive scores for these criteria must be included as conditions of the Permit. Briefly stated:
- a) **The manure produced at this confinement operation shall be injected or incorporated on the same date it is land applied. (criterion # 26 "e")**
 - b) **You shall comply with your County approved worker safety and protection plan and keep a copy of this plan on site.(criterion # 37)**
 - c) **You shall follow the County approved emergency action plan in the event of an emergency and keep a copy of this plan on site. (criterion # 40)**
 - d) **The County approved closure plan shall be kept on site and followed in the event the facility is abandoned. (criterion # 41)**
8. Prior to entering the winter season, a sufficient volume of manure shall be removed from the manure storage structures to provide adequate volume for storage of manure produced in the livestock production facilities during the winter season.
9. All the manure removed from the manure storage facilities shall be disposed of by land application in accordance with your approved manure management plan. You must also keep your manure management plan current and maintain records sufficient to demonstrate compliance with the plan. A copy of the approved Plan shall be kept within 30 miles of the site in accordance with 567 IAC 65.17(12).
10. Water usage in the confinement facilities that result in dilution of manure entering the manure storage structures shall be minimized.
11. Dilution water shall not be added to the manure storage structures except during manure emptying operations.
12. Human sanitary wastes (including showers and laundry facilities) shall not be discharged to the manure storage structures.
13. A water use permit is required for the withdrawal or diversion of more than 25,000 gallons of water per day. Water purchased from municipal or rural water systems is excluded. Any future wells shall be located respective of regulated separation distances and installed according to county permit requirements. For more information or to verify permit requirements, contact Jim Neleigh at (515) 725-0276.
14. No construction activities shall be initiated unless a NPDES General Permit No 2, for "Storm water discharge associated with construction activities" is obtained from this Department if the site disturbance from all construction activities **equals or exceeds one (1) acre**. For more information or to verify permit requirements contact Joe Griffin at (515) 725-8417.

