



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 9, 2020

Dr. Barry Kerkaert
Kodiak Pork RE, LLC
P.O. Box 188
Pipestone, MN 56164-0188

Re: Revised Phosphorus-Based Nutrient Management Plan (NMP)

Dear Dr. Kerkaert:

The Department of Environment and Natural Resources (DENR) received a landowner request to remove the field listed in Table 1 and your request to add the fields listed in Table 2 to your approved phosphorus-based nutrient management plan (NMP). Your existing phosphorus-based NMP is part of your application for coverage under the *2003 General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit). Your animal feeding operation was originally approved on May 9, 2016, and permitted on March 10, 2017, (**general permit # SDG-0100522**).

Line #	Field or Tract #	County	Legal Description	Available Acres	Soil Sampling Requirements	
					0-2 feet	Additional
14	19	Brookings	SW ¼, Section 14, T109N, R48W	139.2	Yes	No

Line #	Field or Tract #	County	Legal Description	Available Acres	Soil Sampling Requirements	
					0-2 feet	Additional
20	27	Brookings	NE ¼, Section 11, T109N, R48W	143.1	Yes	No
21	28	Brookings	NW ¼, Section 2, T109N, R48W	37.5	Yes	No
22	29	Brookings	E ½, Section 12, T109N, R48W	259.9	Yes	Yes

We are approving the modifications by removing *Field 19* and including *Fields 27, 28, and 29* in your approved phosphorus-based NMP. With the removal of *Field 19* and the addition of *Fields 27, 28 and 29*, you still have adequate land available in your NMP to meet the permit requirements. **Please put one copy of the approved field information in Appendix D of your copy of the permit.** You are required to comply with the terms and conditions of your permit.

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You are also responsible for contacting the local planning and zoning office in the county where manure application will take place to determine if there are any local ordinances or requirements with which you need to comply.

All of the new fields will require soil tests from 0 to 2 feet prior to manure application.

Field 29 is also identified as being located over a shallow aquifer and has additional soil testing requirements. For these fields, soil tests are required from 0 to 2 feet and 2 to 4 feet prior to manure application. Please refer to Section 1.4.4.4., beginning on page 29 of the general permit for the annual nutrient management requirements.

For fields that require additional soil testing from 2 to 4 feet, you have the option to either conduct the initial 0 to 2-foot and the 2 to 4-foot soil test prior to land application of manure or the alternative option to conduct the initial 0 to 2-foot soil test prior to manure application and a second 0 to 2-foot soil test within four weeks after harvesting the crop. Please refer to section 1.4.4.4., beginning on page 29 of the general permit, for the annual nutrient management requirements. **You must notify the department in writing if you plan to use the post-harvest soil sampling option.**

The land application sites must be located at least 150 feet from a private well owned by you, 250 feet from a private well not owned by you and 1,000 feet from any public supply well or other public drinking water source. These setback distances from identified wells cannot be included as part of the land application acreage. Buffer zones are also required around any natural or manmade drainages or wetlands. Please review the buffer zone requirements on the land application maps included with the nutrient management plan in Appendix D of your permit prior to land applying manure.

To add fields to your approved phosphorus-based NMP, you must submit the required information for each additional field to the department for our review and approval. Information on adding fields to your approved phosphorus-based NMP may be obtained from your local Natural Resources Conservation Service (NRCS) office. You may also contact us for assistance at (605) 773-3351, or visit our website at <http://denr.sd.gov/des/fp/fieldadditions.aspx> for instructions on adding fields. **You may not apply manure to any fields not included in your approved phosphorus-based NMP.**

If manure application will involve placing hoses or other equipment in a state highway right of way (for example, in a road ditch or through a culvert), you must first obtain a Permit to Occupy Right of Way. Application for this permit may be made through the local South Dakota Department of Transportation area office. Contact your local SD DOT area office for more information on this permit. In addition, please contact your county highway superintendent to determine if your county has similar requirements.

The 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (2017 general permit) became effective on April 15, 2017. You currently have coverage under the 2003 general permit and will need to submit an application for coverage under the 2017 general permit by **April 15, 2021**. Please note that certain modifications may require operations to submit a permit application for coverage under the reissued 2017 permit prior to this deadline. We recommend when

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crafting your NMP under the reissued general permit that you consider writing your plan to maximize your flexibility and minimize the amount of modifications that you may need to make to your NMP.

One copy of the field information is being retained for our files. The attached field list is an updated listing of the fields that are currently approved for manure or wastewater application. The attached map shows the location of each field. Please review this information and notify the department if any of the information is incorrect. If the enclosed field list and map are correct, please place them in your NMP.

If you have any questions regarding the content of this letter, please feel free to contact Spencer Van Overbeke, Feedlot Permit Program at (605) 773-3351. Thank you for your cooperation.

Sincerely,



Paul N. Wegleitner
Natural Resources Project Engineer
Feedlot Permit Program

cc: Kevin Banken, Control, Brookings, SD
Brookings County Commissioners

Enclosures: Field List
Field Map