



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 8, 2026

Wim Hammink
Hammink Dairy, LLC
19890 470th Avenue
Bruce, SD 57220-5208

RE: Hammink Dairy, LLC – Biogas RNG Facility
Plans and Specifications Review – Digester Covered Lagoon Modification As-Built Plans

Dear Mr. Hammink:

The Department of Agriculture and Natural Resources (DANR) received an electronic copy of as-built plans and additional documentation for the biogas facility's modified covered digester lagoon. The biogas facility is located at, will use manure from, and be covered under Hammink Dairy, LLC's state permit coverage under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit), **permit number SDG-100065**. The biogas facility is located at your South Unit in the Southwest $\frac{1}{4}$ of Section 22, Township 112 North, Range 50 West in Brookings County, South Dakota. Your North Unit is located in the Southeast $\frac{1}{4}$ of Section 15, Township 112 North, Range 50 West in Brookings County, South Dakota.

DANR conditionally approved plans and specifications for the biogas facility on July 13, 2023, February 9, 2024, October 2, 2024, November 12, 2024, and December 12, 2024. **On August 18, 2025**, DANR conditionally approved plans and specifications for proposed modifications to the biogas facility's previously constructed digester lagoon to address a leakage issue and bring the digester lagoon into compliance with the general permit's requirements. Please refer to these letters and the department's other previous letters for descriptions of the previously approved and permitted manure management system for your dairy feeding operation.

Due to the leakage issue with the previously constructed digester lagoon, DANR's August 18, 2025, conditional approval letter included a "Compacted Earthen Liner Testing" requirement requiring BOTH moisture and compaction testing of each six-inch lift AND permeability testing of the completed earthen liner with test results to be submitted with the Notice of Completion.

The submitted as-built moisture and compaction test results for the earthen liner installed in the modified digester lagoon DID NOT meet general permit requirements as only three (3) tests on the complete 18-inch-thick earthen liner were submitted. The general permit requires a minimum of four (4) moisture and compaction tests per 6-inch lift, for a total of twelve (12) tests on the completed earthen liner for the digester lagoon. In a December 19, 2025, email, Brandon McLellan with POET Bioprocessing informed DANR staff additional moisture and compaction test results were not available.

Additional documentation submitted included the results of the required permeability testing of the compacted earthen liner installed in the modified digester lagoon and Quality Assurance/Quality Control (QA/QC) documentation for the HDPE liner installed in the digester lagoon and for the HDPE cover placed over the digester lagoon.

Due to the failure to comply with the “Compacted Earthen Liner Testing” requirement in DANR’s August 18, 2025, conditional approval letter, DANR is NOT able to approve the earthen liner installed in the modified digester lagoon as meeting general permit requirements. Options DANR is offering to address this issue are:

- **Option 1** – As the submitted Quality Assurance/Quality Control (QA/QC) documentation for the installed HDPE liner in the modified digester lagoon indicate this synthetic liner passed testing, DANR would accept the installed synthetic liner as meeting general permit requirements. Under this option, the as-built plans must be revised to indicate a compacted earthen liner meeting general permit requirements was not installed in the digester lagoon and the plans re-submitted. This would also require submittal of an updated Notice of Completion.
- **Option 2** – Reconstruct the compacted earthen liner in the digester lagoon and submit testing results for the reconstructed earthen liner showing the installed liner meets general permit requirements. This would also require submittal of an updated Notice of Completion.

Continued compliance is dependent upon you performing proper operation and maintenance activities. You will be liable for any noncompliance with applicable South Dakota environmental laws or regulations.

Our review covers works of sanitary significance and does not cover items such as quality of material, structural soundness, or electrical and mechanical design features. The Livestock Services Program does not review electrical, gas, boiler, control systems, or other items not related to the transport, treatment, and containment of manure or process wastewater. These items are not covered under our approval. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

If you have any questions regarding the content of this letter, please feel free to contact Keith Miller, Livestock Services Program, at (605) 882-5051. Thank you for your cooperation.

Sincerely,



Neal J. Konda, PE, Natural Resources Engineer
Livestock Services Program
Phone: (605) 773-4647

Cc: Brandon McLellan, Director of Project Management, POET Bioprocessing (email)
Nathan Westhoff, PE, POET Design & Construction (email)
Brookings County Commissioners
Luke Muller, FDALG, Watertown, SD (email)