



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

Keith Needham
N6 Cattle Company, LLC
48754 209th Street
Elkton, SD 57026-6720

RE: N6 Cattle Company, LLC Manure Management System
State General Permit Application and Plans and Specifications Review

Dear Mr. Needham:

The Department of Agriculture and Natural Resources (DANR) received an electronic copy of your application for state permit coverage under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit), **permit application number SDG-100159**, for your existing swine feeding operation. Included with your application were documentation for a previously constructed hallway with a loadout/generator structure, and plans and specifications for a proposed GDU barn. Your existing manure management systems are located at two sites in Section 3, Township 110 North, Range 47 West in Brookings County, South Dakota.

Your existing swine feeding operation, currently permitted under the 2003 general permit as Buffalo Ridge Ranch, is for housed lots feeding a maximum of 4,141 swine weighing 55 pounds or more.

Your application for state permit coverage under the 2017 general permit modifies your existing swine feeding operation. Your modified swine feeding operation will be for existing and proposed housed lots for a maximum of 3,419 swine weighing 55 pounds or more located at the two existing sites in Section 3, Township 110 North, Range 47 West in Brookings County, South Dakota. The two sites are:

- **Site 1**, located in the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 3, will house a maximum of 1,723 swine weighing 55 pounds or more in existing barns. The existing manure management system consists of six barns with shallow concrete pull-plug pits, one barn with a concrete deep pit, piping, diversion dikes or channels, a holding pond, and no acres of drainage area. The existing concrete deep pit was designed with at least 365 days of liquid storage capacity. The existing holding pond meets the requirements of the general permit and is designed with at least 365 days of liquid storage capacity.

- **Site 2** located in the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 3, will house 1,696 swine weighing 55 pounds or more. The manure management system will consist of two existing barns housing 1,096 swine with concrete deep pits beneath the barns, a proposed GDU barn to house 600 swine with concrete deep pits beneath the barn, and no acres of drainage area. A hallway with a loadout/generator structure was previously constructed between the two existing barns. The two existing barns with concrete deep pits meet the requirements of the general permit and are designed with at least 365 days of liquid storage capacity. The proposed GDU barn's concrete deep pits will be divided into a large 8-foot-deep pit and a small 4-foot-deep pit. The 8-foot-deep pit is designed to have at least 365 days of liquid storage capacity for the swine housed above this pit. The 4-foot-deep pit is designed to have at least 270 days of liquid storage capacity for the swine housed above this pit.

State Permit Application

Your permit application includes a new Certification of Applicant Form, a new Notice of Intent Form, documents identifying the officers, shareholders, and those with signatory authority for the corporation, a new Operation and Maintenance Guideline, an evaluation of the holding pond using the Soil, Plant, Air, and Water (SPAW) model with 100 years of climatic data showing the holding pond is designed to not discharge, an updated nutrient management plan (NMP).

We have reviewed and hereby conditionally approve your permit application, the as-built documentation for the previously constructed hallway with loadout structure between the two existing barns at Site 2, and the plans and specifications for your proposed GDU barn at Site 2. Requirements you must implement are listed on the attached pages. This approval expires on January 20, 2028, unless construction of the proposed GDU barn at Site 2 has been started by that date. Once construction has commenced, you will have three years to complete construction and submit a Notice of Completion. If construction is not completed within the three-year timeframe this approval will expire.

An electronic copy of the approved application, including the plans and specifications for the proposed barn, will be made available to you for your use. If you are unable to access the files, please contact the department.

If any deviations are required from the approved plans, those changes must be approved by the department prior to construction. A complete set of as-built plans will be required if any major deviations result.

Upon receipt of a Notice of Completion for the previously constructed hallway with loadout structure between the two existing barns at Site 2, the department will issue 2017 state permit coverage and an amended Certificate of Compliance for the existing operation.

Upon completion of construction of the proposed deep pit barn at Site 2, a Notice of Completion must be returned to the department. **You cannot populate the proposed GDU barn at Site 2 or use the proposed barn's deep pits to store manure until amended coverage for the structure is granted under the 2017 state general permit.** The department will issue an amended

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Certificate of Compliance and grant updated coverage under the 2017 state general permit after the Notice of Completion has been received and a satisfactory construction inspection has been conducted.

If you plan to increase your maximum number of animals or make any modifications to your manure management system, you must obtain department approval prior to increasing your animal numbers or beginning any new construction. If you plan to make any modifications to your nutrient management plan that include a change in manure application method, the addition of land application fields, or a change in crop rotation, you must obtain department approval prior to making the change.

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. 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: James Housiaux, PE, Stockwell Engineers, Inc.
Brookings County Commissioners
Dustin Hauschild, Lincoln County Environmental Office, P.O. Box 66, Ivanhoe, MN
56142

Enclosures: Construction Schedule Postcard
Notice of Completion Form

REQUIREMENTS

The following requirements must be implemented. Failure to implement these requirements will invalidate this approval.

Plans & Specifications

The plans and specifications review is to determine whether seepage, storage, and other design requirements will be met.

1. Drain Tile Around Existing Deep Pit Barns

Previously approved plans for this facility indicate drain tile was installed adjacent to the exterior of the existing deep pit barns at Site 1 and Site 2 with previously submitted site plans showing the locations of the drain tile and tile outlets. The department's previous conditional approvals have required inspection of the drain tile outlets and included sampling and reporting requirements if a discharge was occurring.

The signed Operation and Maintenance Guideline included as part of your application includes requirements for inspecting the existing drain tile systems and documenting the inspections. If any discharge is found occurring from a drain tile outlet, the discharge must be sampled at least quarterly for Biochemical Oxygen Demand (BOD), fecal coliform, ammonia, pH, temperature, chlorides, sulfates, and total dissolved solids. The results of any samples must be submitted to the department. If wastewater is detected in any drain tile discharge, the department must be notified, and corrective action will be required for the particular building.

State General Permit

You will be required to operate your feeding operation and manure management system in accordance with the requirements in the general permit.

1. Environmental Training

You, Keith Needham, and Julie Needham attended an approved environmental training program held on June 27, 2018. Copies of your training certificate were included with your permit application. If the person or persons who attended training no longer work at the operation or ceases to serve as the operation's on-site representative, a new on-site representative shall attend an approved environmental training program within one year.

Currently, the department has approved the environmental training program developed by the SDSU Agriculture and Biosystems Engineering Department's Cooperative Extension Service. The next training session is scheduled for **Wednesday, December 3, 2025**, in Huron. Announcements for this and future training dates and locations may be found on our website at <https://danr.sd.gov/Agriculture/Livestock/FeedlotPermit/FormsPermits/CAFOTraining.aspx>. The training is a day in length and runs from 8:30 a.m. to 4:30 p.m. **Pre-registration for this class is required and must be completed online.**

REQUIREMENTS CONTINUED

2. Shallow Aquifer Monitoring

Based on the system design, soil boring logs, and other published reports and information, the Site 1 existing system and the Site 2 existing barns and proposed barn do not appear to overlie a shallow aquifer and should not impact groundwater. Therefore, a Groundwater Discharge Permit and shallow aquifer monitoring was not previously required and is not required for the proposed barn at Site 2. Should the design or operation of the facility change appreciably, new hydrogeological information becomes available, or any contamination problems be reported, the department reserves the right to reassess the need for possible remediation, monitoring of shallow aquifers, or a Groundwater Discharge Permit. For additional information concerning shallow aquifer monitoring, please contact the department at (605) 773-4647.

3. Disposal of Animal Mortalities

Section 1.4.3.3.y on page 23 of the general permit indicates animal mortalities shall be handled to prevent the discharge of manure and process wastewater to surface waters of the state. Proper disposal of animal mortalities, including composting, is regulated by the South Dakota Animal Industry Board. The Animal Industry Board's animal mortality disposal protocols and regulations must be followed for the disposal of animal mortalities from your facility. For information on their requirements, please contact the Animal Industry Board at (605) 773-3321. If you plan to compost animal mortalities at your operation using manure or process wastewater in the composting process, approval of plans and specifications and coverage under the general permit for the composting structure are required.

4. Notification

Construction Schedule – You or your engineer must notify the department of the proposed construction schedule for your project to allow our personnel the opportunity for construction inspections. Please fill out the enclosed postcard and return it to us prior to beginning construction of the proposed deep pit barn at Site 2. If any of the dates change from the ones submitted on the postcard, please notify Keith Miller at (605) 882-5051.

Other Government – You are responsible for contacting your local planning and zoning office to determine if there are any local ordinances or requirements with which you need to comply. If a stream, lake, or wetland will be dredged or filled during the construction of the feeding operation, you need to contact the United States Army Corps of Engineers' South Dakota Regulatory Office at (605) 224-8531 and Aaron Ward with DANR's Water Quality Program at (605) 773-3351 prior to beginning construction of the manure management system.

Notice of Completion – The Notice of Completion form must be completed by your engineer and returned to the department when construction of the proposed deep pit barn at Site 2 is complete. **You cannot populate the proposed barn at Site 2 or use this barn's deep pits to store manure until amended coverage for the structure is granted under the 2017 state general permit.** The department will issue an amended Certificate of Compliance and grant

REQUIREMENTS CONTINUED

updated coverage under the 2017 state general permit after the Notice of Completion has been received and a satisfactory construction inspection has been conducted.

5. Initial Nutrient Management Plan (NMP)

The initial NMP submitted as part of your permit application includes fields located in South Dakota and Minnesota which may be used for the application of manure from your facility located in South Dakota. The fields are listed in the following tables. The submitted NMP, prepared to comply with the requirements in the 2017 general permit, shows there are an adequate number of acres available in approvable fields for the application of manure from your operation to meet 2017 general permit requirements. Following are requirements pertaining to your NMP:

A. Missing Soil Tests – South Dakota Fields

Field #s 3, 4, 5, and 6 in your submitted NMP are missing soil phosphorus test information. The general permit requires submittal of the results of a representative 0 to 6 inch soil phosphorus test from each field included in the nutrient management plan no older than two (2) years from when the permit application was submitted. **A soil phosphorus test result meeting general permit requirements must be submitted for these fields before the department can approve the field for inclusion in your NMP.** You cannot apply manure to any fields not in your approved NMP.

B. Manure Application Agreements Required – South Dakota Fields

Manure application agreements were not submitted for Fields #s 3, 4, 5, and 6. For any fields included in the submitted NMP not owned by the permit applicant, in this case N6 Cattle Company, LLC, the general permit requires submittal of a written manure application agreement between the permit applicant and the legal landowner. **Manure application agreements must be submitted to the department for our review and approval before these fields can be included in your approved NMP.** You cannot apply manure to any fields not in your approved NMP.

C. Approved Land Application Fields – South Dakota

The fields listed in Table 1 below are approved for the land application of manure or process wastewater in South Dakota. Before manure or wastewater can be applied to these fields, you must obtain a current soil test and use the table on page 34 of the 2017 general permit to determine whether the field fits into a nitrogen need, one-year phosphorus crop removal, five-year phosphorus crop removal, or no application category based on the current phosphorus level of the field and the predicted annual erosion. Please refer to the table on page 34 and the annual nutrient management requirements beginning on page 35 of the 2017 general permit prior to the land application of manure to determine the proper procedure for calculating the appropriate application rate for each specific field.

REQUIREMENTS CONTINUED.

Table 1: N6 Cattle Company, LLC – Approved Land Application Fields – South Dakota

CPA-63 Line # & Field #	County	Legal Description	Available Acres	Soil Sampling Requirements	
				0-2 feet	Additional
1	Brookings	S ½ of SE ¼, Section 4, T110N, R47W	65.8	Yes	No
2	Brookings	W ½ of SE ¼, N ½ of SW ¼ & W ½ of NW ¼, Section 3, T110N, R47W	129.0	Yes	No
Total Available Acres			194.8		

Please note in your initial NMP the estimated time it will take to build your listed fields up to 50 ppm (Olsen test) or 75 ppm (Bray-1 test) of phosphorus. You may need additional land in order to apply to your fields based on phosphorus removal at that time.

D. Time of Application and Application Method – South Dakota Fields

Your submitted NMP indicates that manure and wastewater may be applied in the spring, summer, and fall, and that the methods of manure application may include injection and sprinkling with and without incorporation. If manure or process wastewater is applied to fields in South Dakota other than cropped fields, grass, alfalfa, pasture land, or no-till cropland, liquid manure and process wastewater must be incorporated within 24 hours and solid or semi-solid manure must be incorporated within 5 days.

E. Annual Soil Testing – South Dakota Fields

Annual soil samples from 0 to 2 feet are required on all manure land application fields prior to manure application. Please refer to section 1.4.4.3., beginning on page 35 of the 2017 general permit for the annual nutrient management requirements.

F. Land Application to Saturated, Snow-Covered, or Frozen Soil – South Dakota Fields

Your submitted NMP did not identify any potential winter manure application fields. Item A.2.p. of your submitted Operation & Maintenance Guidelines indicates that you do not plan for application to saturated, snow-covered, or frozen ground and accept that doing so would be a violation of the general permit, even in the event of an emergency.

G. Additional Land Application Fields Located in Minnesota

Your permit application indicates the fields listed in Table 2 below are located in Minnesota and may be used for the application of manure from your facility. You need to contact the Lincoln County Environmental Office in Ivanhoe and the Minnesota Pollution Control Agency (MPCA) for information on their requirements pertaining to the land application of manure on fields in Minnesota.

For the fields located in Minnesota, you are required to annually provide each landowner with the manure or process wastewater sample results for total nitrogen, inorganic nitrogen, and total phosphorus. You must maintain records documenting the manure and litter

REQUIREMENTS CONTINUED

transferred including the date of transfer, nutrient content, and the quantity transferred. These records will be reviewed during your operation and maintenance inspections.

Table 2: Land Application Fields Located in Minnesota

CPA-63 Line # and Field #	County	Legal Description	Acres
7	Lincoln	E ½ of E ½, Section 1, T110N, R47W	203.0
8	Lincoln	W ½ & SE ¼, Section 6, T110N, R46W	332.7
9	Lincoln	NW ¼, Section 7, T110N, R46W	145.9
10	Lincoln	NE ¼, Section 12, T110N, R47W	110.0
11	Lincoln	SE ¼, Section 12, T110N, R47W	120.8

H. Modification to Crop Rotation

Your initial NMP identifies a specific crop rotation for each field and includes a list of alternative crops that may be substituted into the rotation. If for any reason an alternative crop that is not included in the list of alternative crops is planned to be grown, that change would be considered a major modification and would require a revised alternative crop list to be submitted to the department for review and approval.

I. Certified Soil and Manure Testing Laboratories

As part of your annual nutrient management planning requirements, soil and manure tests must be analyzed by certified soil testing and manure testing labs. The laboratory analyzing the soil samples must be accredited by the **North American Proficiency Testing Programs' Proficiency Assessment Program** and the labs that are currently accredited are listed on the following website: <http://www.naptprogram.org/pap>. The laboratory analyzing the manure or process wastewater must be certified by the **Manure Testing Laboratory Certification Program** and the manure testing labs that are currently certified are listed on the following website: <http://www2.mda.state.mn.us/webapp/lis/manurelabs.jsp>.

J. Field Addition Requirements – South Dakota Fields

To add fields to your approved 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 NMP may be obtained from your local Natural Resources Conservation Service (NRCS) office. You may also contact us for assistance at (605) 773-4647, or visit our website at <https://danr.sd.gov/Agriculture/Livestock/FeedlotPermit/NutrientManagement/FieldAddition.aspx> for instructions on adding fields to your NMP. **You cannot apply manure to any fields not included in your approved NMP.**

REQUIREMENTS CONTINUED

K. Field Addition Requirements – Minnesota Fields

To add other fields located in Minnesota to your approved NMP, you must submit a list indicating the out of state landowners who will be sold or given manure for its fertilizer value, the county and number of acres where manure will be applied, and the estimated amount of manure or process wastewater that will be given to each landowner.

L. Mobile Land Application Systems

If a mobile land application system using temporary piping will be used for the land application of liquid manure or process wastewater, the equipment must be equipped with an on-board radio controller and flow meter that can be overseen by the applicator. See Section 1.4.4.1.m. on page 30 of the 2017 general permit for more information on this requirement.

6. Setback Distance and Water Wells

The manure management system and the application sites must be located at least 100 feet from a private well owned by you if the top of the aquifer is 100 feet or more below the land surface, 150 feet from a private well owned by you if the top of the aquifer is less than 100 feet below the land surface, 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 cannot be included as part of the land application acreage.

7. Other Permit(s) That Will or May Be Required

Storm Water Permit – If construction will disturb more than one acre in total land area, **you must obtain a general storm water construction permit.** This permit must be obtained before you can start constructing your proposed manure management system. Information concerning this permit can be obtained by calling the Water Quality Program at 1-800-737-8676. **A copy of this plan must be kept on-site during construction for review by DANR inspectors.**

Emergency Power Generator – The department has observed that emergency power generators have been installed at similar sized operations. If an emergency power generator will be installed at your operation it may require that you obtain an air quality permit. Please contact the department's Air Quality Program at (605) 773-3151, to determine whether an air quality permit is required. If an air quality permit is required, you must have that permit prior to using the generator.

Permit to Occupy Right of Way – 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.