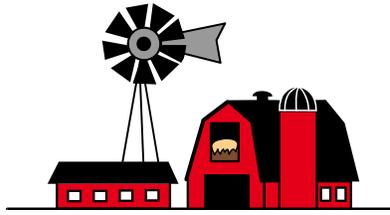


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW Room 10
Rochester, MN 55902
Phone: (507) 529-0774



Roger Ihrke, Administrator
David H. Meir, Administrator
Jered Staton, Administrator
roger@tcpamn.org
david@tcpamn.org
jered@tcpamn.org

-- TCPA --

Public Informational Meeting - Additional Information

To obtain better information regarding the feedlot numbers, what is allowed and how Sheas were able to operate over their permitted number of animal units, Staff attempted to contact Martin Larsen, the Olmsted County Feedlot Technician and Paul Brietzke the MPCA representative for Olmsted County. (At the time of this writing Staff has not heard from Paul Britzke at the MPCA.)

A conversation with Martin Larsen revealed the following:

- According to Martin Larsen the MPCA does not have, within their rules, a specific number of square feet that is required for an animal unit. I.e., there is no definition that states a 10,000 square foot barn can hold XXX number of animals.
- Martin did indicate that a *general rule of thumb* used by Dairy farmers was that you needed 80 sq.ft. of lounging area per animal. He also said that in the last few years the rule of thumb on lounging space has been reduced to 50 to 60 sq.ft. of lounging area per animal. In other words, the same size barn can now, per the general rule of thumb, hold roughly 60% more animals. (Keep in mind this is a rule of thumb not a written rule or statute.)
- The Dairy operation needs to have a new manure management plan created each year. That manure management plan is based on the number of animal units. The plan needs to show, among other things, that the slurry pit/liquid manure pit, has enough capacity to handle a minimum of nine months of manure storage.
- A manure management plan is one of the requirements for obtaining a new NPDES permit.
- It was the MPCA who, in 2012, stated that the confinement areas on the Shea Dairy operation were capable of maintaining 1,255 animal units. While the NPDES permit has not yet been *reissued*. It is the MPCA who is stating that the confinement areas of the Shea operation are now capable of handling 1716 animal units.

Other Considerations by Staff:

- The Township only controls the number of animal units allowed by ordinance – or conditional use permit. We do not have control over the manure management plan or the reissue of the NPDES permit.
- The first condition of the CUP states: “1. *This permit is not valid until the applicant obtains all applicable permits that are required by federal, state, and local agencies. After said permits are obtained, they must be kept current.*” Therefore, if the applicant is unable to obtain a new NPDES permit then the CUP amendment – if approved by the Planning Commission, is not valid.

- It's unlikely a dairy operation such as this is ever in 100% compliance with their conditional use permit allowed animal units. Animals die, calves are born, some cattle are sold. It's logical that the actual number of animal units is constantly fluctuating and is probably one reason, as Martin Larsen explained, that the MPCA does not *count* animal units.
- The NPDES permit could be compared to a septic permit in a house. Septic systems are sized based on the number of bedrooms in a home. A five bedroom home requires a certain size septic system – it makes no difference how many people live in the house. The permit and septic system are sized for the “potential” number of people who might live – in a five-bedroom house. The septic inspector also now issues operating permits for certain new septic systems. The septic system has a flow meter attached to it to make sure the amount of effluent that enters the system does not exceed the capabilities of the system.
- The NPDES permit is based, in part, on the size of the confinement area for animals. The MPCA, even though they apparently don't have a specific written definition in their rules, (per Martin Larsen) determines how many animals can be housed in a certain size barn. So, like a house septic system, the NPDES permit requirements are related to the size of the barns (number of bedrooms). The manure management plan is like the septic system operating permit. That plan makes sure the land where the manure is spread, and the pit where liquid manure is stored are large enough to handle the number of animals in the barns.
- After the NPDES permit (and other required permits) are issued, the CUP for the increase in animal units would become effective and the Township would not hear anything more about it. A condition, already within the CUP and available to the Township is #10 – Review of Conditional Use Permit. The Planning Commission can review this CUP on an annual basis. #10 could be amended to say something to the effect that, “This CUP shall be reviewed on an annual basis to provide an update on a new manure management plan and total number of animal units currently housed.”

If the Planning Commission and the applicant agree, the Planning Commission may want to consider something like the following condition instead of condition #9 in the Staff Report.

1. The applicant (i.e.,) “*will pay for ____ loads of crushed rock each year to help maintain the roads they use,*” or, “*the applicant will pay to provide chloride on ____ feet of road per year to help maintain the roads they use.*”

And something like the following for #10.

1. Review of Conditional Use Permit. This Conditional Use includes, at the discretion of the Town Board, a periodic review to determine compliance with the conditions of the permit *– in particular the (then) current number of animal units and a copy of their new manure management plan -* and whether changed circumstances or conditions require changes to the permit. The Town Board may also elect, upon adoption of an appropriate resolution following verification of a complaint that a condition has been violated, to conduct a review of the permit. Said review shall only take place following written notice to the owner of the subject property and a

duly noticed public hearing. Following such hearing, the permit may be amended based on changed conditions and experiences with the site.

(*) Said review does not have to be at an advertised meeting and can be completed at a time and date at the Planning Commission's discretion – with proper notification of the applicant.