Effective Date: Date of Signature
Expiration Date: November 30, 2031

STATE ANIMAL FEEDING OPERATION PERMIT

NDAFO0916

In compliance with North Dakota Administrative Code (NDAC) 33.1-16-03.1 of the North Dakota Department of Environmental Quality rules as promulgated under Chapters 61-28 and 23.1-06 of North Dakota Century Code (NDCC), authorization of the **Blackhawk Farms** facility located in the in the NW ¼ of Section 13, Township 142 N, Range 57 W, 5th Prime Meridian, in Barnes County, North Dakota is granted provided the following conditions are met:

1) The application indicated the facility is a CAFO that will house a maximum of 5,159 head of gestating swine (400 lbs), 1,116 lactating swine (450 lbs), 284 gestation gilts (200 lbs), 744 nursery swine (30 lbs), 42 boars (500 lbs), and 1,116 grower swine (150 lbs). The department must be notified in writing if there is an expansion in the number of livestock, change in ownership of the facility, significant changes in the physical operation of the facility or if the lot area where livestock are concentrated is expanded. Changes may require an update to the permit or issuance of a new permit.

2) Operation and Maintenance plans and standard operating procedures must be followed as submitted to the department. Changes to the Operation and Maintenance plan must be reviewed by the department prior to being implemented. There must be regular and adequate maintenance and upkeep to prevent degradation of the structures, to ensure the system continues to operate as designed, and to ensure manure or wastewater does not discharge into waters of the state. Operation and maintenance plans shall include:

   a. Weekly inspections of all storm water diversion devices, runoff diversion structures and devices channeling runoff to the manure storage structure;
   b. Daily inspection of water lines, including drinking water or cooling water lines; and
   c. Weekly inspections of the manure storage structures noting the level of liquid in the structure as indicated by the depth marker. (North Dakota Livestock Program Design manual, section 6)

3) The operator shall notify the department within thirty days of construction completion of the manure storage or water pollution control structures. The operator shall provide certification from the engineer or the designer that construction of manure storage and water pollution control structures was completed according to designs provided with the application or the department-approved changes. (NDAC 33.1-16-03.1-07(5))

4) Mortality shall be disposed of in accordance with NDCC section 36-14-19, in a manner acceptable to the North Dakota Board of Animal Health, and so they will not impact waters of the state. Composting is the option for this facility.

5) Land application of manure shall be in accordance with the nutrient management plan. Manure shall be applied in a manner so it will not be washed into waters of the state. When applying manure within ½ mile of an occupied residence, building, or public area where people may be present; it is recommended that the operator review and follow the guidelines of the North Dakota Livestock Program Design Manual, 7.6, section 4 and incorporate the manure within 8 hours of land application.

6) The following records pertaining to nutrient management shall be maintained for a minimum of 5 years:

   a. The crops grown and expected realistic crop yields;
   b. The date(s) manure, litter or process wastewater is applied to each field;
   c. Weather conditions during application, 24 hours prior and following application;
   d. Test methods used to sample and analyze manure, litter, wastewater and soil;
   e. Results from annual testing of manure, litter, and process wastewater, and annual soil sample results for land where manure was applied that year;
   f. An explanation of how the application rates were determined in accordance with standards established by the department;
   g. Calculations showing nutrients applied to each field, including other nutrient sources;
   h. Total amount of nutrients actually applied to each field, including documentation of calculations

for the total amount applied, and;

i. Method used to apply the manure, litter or process wastewater; inspection of manure application equipment including method, frequency, dates and repairs made if leaks were found; and setbacks, vegetated buffers or other alternative practices used when land applying manure near surface water or potential conduits to surface water. (North Dakota Livestock Program Design Manual, 7.7, section 2)

7) If manure is transferred to other persons or entities not associated with the facility, the following conditions shall apply:

a. Owners/operators shall provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis prior to transfer;
b. The analysis provided shall be consistent with the requirements of section 7.4 in design manual, and;
c. The owners/operators of the CAFO shall retain records for five years after the transfer date documenting the recipient's name and address, the approximate amount of manure transferred, and the date the manure was transferred. (North Dakota Livestock Program Design Manual, 7.7, section 3)

8) All open manure storage structures shall maintain a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation from a 25-year, 24-hour rainfall event.

9) Any deficiency discovered during an inspection shall be corrected as soon as possible. Chemicals or other contaminants handled on site shall not be disposed of in a structure used for storage or treatment of manure, process wastewater or stormwater unless it is specifically designed for that purpose. The operator of a livestock facility should maintain a rain gauge at the production area and record measurable rainfall events. (North Dakota Livestock Program Design manual, 6.2)

10) The owner/operator of a CAFO shall make the following records available to the department for review upon request:

a. Records documenting the visual inspections;
b. Weekly records of the depth of the manure and process wastewater in the liquid manure storage structure as indicated by the depth gauge in storage structure; records documenting any actions taken to correct deficiencies;
c. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction;
d. Records of management and practices used;
e. Record documenting current design of any manure storage structures, including solids accumulation volume, design treatment volume, total design volume and the approximate number of days of storage capacity;
f. Records of the date, time and estimated volume of any overflow; and records documenting the land application of manure. (North Dakota Livestock Program Design Manual, 6.5)

11) This permit shall in no way authorize the discharge of any objectionable odorous air contaminant which is in excess of the limits established in NDAC Chapter 33.1-15-16 of the North Dakota Air Pollution Control Rules. If the department determines odors from the facility exceed limits, steps shall be taken, within a reasonable time, to control and reduce odors from the facility site. This may include requiring the installation of a cover on the ponds or other odor control measures.

12) There must be regular and adequate maintenance and upkeep to prevent degradation of the structures, to ensure the system continues to operate as designed, to ensure the containment system does not overflow, and to ensure manure or wastewater does not discharge into waters of the state.

13) The department must be notified if there is a change in address or other contact information for the facility.

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The above conditions are considered part of the proper operation of the facility. If any of the above conditions are not met, the department must be notified in writing, within five (5) days. Any noncompliance with the permit conditions or with state requirements must be reported to the department as soon as possible after the facility becomes aware of the noncompliance condition. Failure to meet these requirements may result in monetary penalties and/or revocation of this permit.

Construction may begin upon signature of this permit by the department. The permit is based on construction being completed as per the design plans reviewed by the department. If any structural changes are made that are different than these design plans, the department must be notified in writing and prior approval obtained, before making these changes.

Authorized department personnel shall be permitted access to the facility to determine compliance with department rules and regulations. Department inspections will abide by all security measures implemented by the owner or operator to protect the health and safety of the workers and animals at the facility.

The owner/operator of this facility shall comply with all State and Federal environmental laws and rules, and shall also comply with all local building, fire, zoning and other applicable ordinances, codes, and rules.

Notice of Completion and results of testing completed on the clay liner or the manure storage structures shall be received by the department within 30 days of completion of construction.

I certify that I have read and understand the above information and agree to operate the facility in a manner that will meet all the conditions listed herein.

OWNER/OPERATOR CONSENT	FOR THE NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY
By _____ (signature)	By _____
By _____ (print name here)	By Marty Haroldson, Director Water Quality Division
Date _____	Date _____

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