



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 14, 2026

Brad Freking, Managing Partner
New Fashion Pork, LLP
P.O. Box 244
Jackson, MN 56143-0244

Re: Revised Nutrient Management Plan (NMP)

Dear Mr. Freking:

The Department of Agriculture and Natural Resources (DANR) received your request to add the field listed in the following table to your approved nutrient management plan (NMP). Your existing NMP is part of your application for NPDES permit coverage under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit). Your animal feeding operation was originally approved on September 24, 1997 and permitted on June 3, 1998. You received NPDES permit coverage under the 2017 general permit on March 29, 2018. **Your current NPDES Permit number is SDG-100130).**

Field Being Added to NMP						
Line #	Field or Tract #	County	Legal Description	Available Acres	Soil Sampling Requirements	
					0-2 feet	Additional
26	34	Miner	E ½, Sec. 5, T105N, R58W	90.1	Yes	No

The new field is not located within ¼ mile of a stream where Topeka shiners have been observed or have potentially occupied according to the U.S. Fish and Wildlife Service.

We are approving the modification and are including *Field 34* in your approved NMP. We are also amending your NPDES permit coverage to include this modification. **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.

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

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.

Field 34 will require soil tests from zero to two feet prior to manure application.

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>.

If you or your crop consultant sends your soil or manure samples to a lab that is not listed on either of these websites, you and/or crop consultant may want to tell them that you need to use a certified lab so they can become certified.

The land 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. 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.

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.

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. **You may not apply manure to any fields not included in your approved 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

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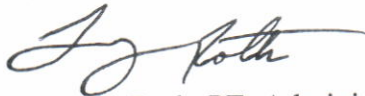
of Transportation area office. Contact your local SD DOT area office for more information on this permit. In addition, please contact your county highway superintendent to determine if your county has similar requirements.

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.

The 2025 Legislature established a \$600 permit application fee for field additions that are submitted to the department for review and approval. This fee became effective on July 1, 2025, and only applies to a second or subsequent field addition submitted during the calendar year. The required \$600 permit application fee has been received for your field addition.

If you have any questions regarding the content of this letter, please feel free to contact Justice Jessop, Livestock Services Program at (605) 773-4647. Thank you for your cooperation.

Sincerely,



Troy M. Roth, PE, Administrator
Livestock Services Program
Phone: (605) 773-4647

cc: Sarah Withers, New Fashion Pork, LLP (email)
Miner County Commissioners

Enclosures: Field List
Field Map