



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF AGRICULTURAL SERVICES

523 East Capitol Avenue

Pierre, SD 57501

Phone: 605-773-3724 / Fax: 605-773-3481

http://sdda.sd.gov/Ag_Services

June 8, 2011

TOM BROSZ
KUGLER COMPANY
209 W. 3RD STREET
MCCOOK, NE 69001

JUN 13 2011

Dear Tom:

We have reviewed and approved your application and proposed drawings and specifications for the bulk liquid fertilizer storage. The new facility will meet the standards for approval if the following are maintained:

1. The existing concrete liquid fertilizer storage area measures 70 ft. by 55 ft. with a cement wall height of 1 ft. 8 inches. The new concrete secondary containment area measures 72 ft. by 20 ft. with a wall height of 1 ft. 8 inches. The existing exterior block walls are reinforced with #4 rebar at 2 ft. centers with a bond beam on top. The rebar is extended into the concrete floor. The existing concrete floor is 8 inches thick with a PSI of 4,000 lbs. The #4 rebar is spaced 12 inches on center both ways. The new containment floor will be 1 ft. 2 inches thick with a PSI of 4,000 lbs. The #4 rebar is spaced 12 inches on center each way. The leak detection system will be located under the existing concrete slab by boring the 2" perforated leak detection pipe through the stem wall. The pipe will slope 1 inch toward the monitoring tubes.
2. The enclosed load pad measures 70 ft. by 49 ft. 6 inches. The area slopes approximately six inches toward a sump. The concrete will be 8 inches thick with a PSI of 4,000 lbs. The rebar is spaced 12 inches on center both ways.

This letter serves as written notice to proceed with the construction of the bulk Fertilizer facility. **When construction is completed our office must be notified and the facility inspected before final approval can be given.**

The review and approval of these plans and specifications does not relieve the architect, engineer, owner or contractor from compliance with South Dakota Commercial Fertilizer Law 38-19 and Bulk Commercial Fertilizer Administrative Rules ARSD 12:44:05.

If you have any questions, please contact me at 605/ 773-4432 or Tom.Gere@state.sd.us.

Sincerely,

Tom Gere
Ag Program Specialist

cc: Brad Berven
Greg Wolford, W Design Associates

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**Rapid City Growth
Management Department**



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July 8, 2011

TOM BROZ
KUGLER COMPANY
209 W. 3RD STREET
MCCOOK, NE 69001

Dear Tom,

We are issuing a *Conditional Use Permit* for your Bulk Commercial Fertilizer Storage Facility Permit Application. The *temporary* approval will be based on boring the leak detection system underneath the secondary containment and removing the pipes that come up from the containment floor and sealing where the pipes were located. A maximum storage of 40,000 gallons will be allowed. This *temporary* approval is granted as long as the following conditions are complied.

These conditions are intended as part of the Permit:

1. The diagrams submitted to the department depict the actual construction of the facility.
2. The existing secondary containment will be used after the pipes that extend from the secondary containment floor will be removed and the secondary containment floor properly sealed
3. The leak detection system will be located under the existing concrete slab by boring the 2" perforated leak detection pipe through the stem wall. The pipe will slope 1 inch toward the monitoring tubes. The monitoring of the leak detection system will be documented once a month and will include name of person monitoring, time of day, date and year and whether the monitoring well contained a liquid or was dry.
4. Daily inventory of product being stored in the secondary containment will not exceed 40,000 gallons
5. Any alterations made to this facility will be reported to the South Dakota Department of Agriculture prior to making any changes.
6. The facility is operated in compliance with South Dakota laws and rules, pertaining to Bulk Commercial Fertilizer Laws, contained in SDCL 38-19 and ARSD 12:44:05.

If you have any questions, please contact us at 605-773-4432 or tom.gere@state.sd.us.

Sincerely,

Tom Gere, Ag Program Specialist
Office of Agronomy Services

CC: Brad Berven, Administrator

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Rapid City Growth

Agriculture – South Dakota's #1 Industry **Management Department**

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Page: 2407
R98-12033.0 Page 001 of 003
06/04/1998 09:56a 14.00
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EASEMENT

THIS INDENTURE, made this 8th day of December, 1997, between D.B. Western, of Rapid City, South Dakota, hereinafter referred to as Grantee, and the DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION, hereinafter referred to as Grantor.

WITNESSETH:

That for consideration of Four Thousand Five Hundred and No/100 Dollars (\$4,500.00) the receipt of which is hereby acknowledged by Grantor, Grantor hereby grants and conveys to Grantee a perpetual right-of-way and access easement for ingress and egress all the following described property situated in Pennington County, State of SD, described to-wit:

25' wide access easement to provide access to Lot 1 of D.B. Western Subdivision. All located in: NW 1/4 SW 1/4, Section 17 T1N, R8E, BHM.

Which easement is demonstrated and defined in accordance with the plan and in the location shown in yellow on map dated December 8, 1997, attached hereto and made a part hereof.

The easement granted and conveyed herein shall be deemed appurtenant to and shall run with the land.

Dated this 19th day of March, 1998.

Grantor:

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION

WITNESS:

Linda M. Acker

Joyce E. Hock

By: Kurt V. Reister
Kurt V. Reister, VP of Finance

By: Lynn A. Anderson
Lynn A. Anderson
VP of Marketing



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JUL 22 2011

Rapid City Growth Management Department

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF BROOKINGS)

I, Joyce E. Hock, a Notary Public duly commissioned and qualified in and for the County and State aforesaid, DO HEREBY CERTIFY that Lynn A. Anderson and Kurt V. Feaster, are to me personally known and known to me to be, respectively, Vice President Marketing & Public Affairs and Chief Financial Officer of the Dakota, Minnesota & Eastern Railroad Corporation, a Delaware Corporation, and the identical persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, severally acknowledged to me that they are, respectively, Vice President Marketing & Public Affairs and Chief Financial Officer of said corporation; that as such officers they signed, sealed and delivered said instrument in behalf of said corporation by authority and order of its Board of Directors, as the free and voluntary act and deed of said corporation by authority and order of its Board of Directors, as the free and voluntary act and deed of said corporation, and as their own free and voluntary act; that the seal affixed to said instrument is the seal of said corporation; and that said corporation executed said instrument.

I have hereunto set my hand and affixed my official seal of such Notary Public, at Brookings, South Dakota, this 19th day of March, 1995.

Joyce E. Hock

Joyce E. Hock, Notary Public, County of Brookings, State of South Dakota

My Commission Expires: May 5, 2002



(mc/notary.1)

DOCUMENT PREPARED BY:
Name DM & E RAILROAD
Address PO BOX 178
BROOKINGS, SD 57006
Tele # 605-697-2400

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JUL 22 2011
Rapid City Growth
Management Department