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# NPDES News

Working with agriculture on economic solutions for protecting our natural environment resources.



## Feedlot Program

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## Calendar note: Send in application for 2011-2016 general NPDES permit on or before Aug. 1, 2010

Although a year away, it's not too early to start thinking about the application deadline for the 2011-2016 general NPDES permit. For those who qualify, applications must be submitted no later than Aug. 1, 2010. About 1,200 large livestock facilities in Minnesota operate under a general National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) permit. The 2011-16 draft general permit is a combination of the federal requirements and Minnesota rules and statutes. Similar to the current 2006 general permit, it regulates the construction and operation of Minnesota's largest feedlots for the protection of surface and ground waters, along with air quality. A significant change moves the issuance date up to Feb. 1, 2011 (instead of May 31) to better align with spring construction. A public comment period on the draft permit is scheduled

**Note: A cover letter issued with the public notice incorrectly stated "two new general permits." There is only one version.**

to run July 13 through Aug. 12, 2009. The draft permit and associated documents will be posted on the Web at: [www.pca.state.mn.us/hot/feedlots.html](http://www.pca.state.mn.us/hot/feedlots.html).

Other proposed changes include:

- Manure management plans required to cover the five-year permitting period.
- Annual reporting requirements must include the specific manure application records.
- Increased restrictions for liquid manure application to frozen and snow-covered soils.
- Anaerobic digesters eligible for general permit; other alternative technologies require individual permits.
- Covers facilities required to perform groundwater well or perimeter tile monitoring.
- Other regulated pollutants include litter, process wastewater, feedpad leachate and runoff, and manure-contaminated runoff.
- More detailed record-keeping required for transferred manure.
- Requires revised permit application for expansion construction, increased animal numbers, or altering manure management.
- Adds specific requirements for carcass disposal.
- Adds detail for stockpile setbacks, best management practices.
- Ownership change requires permit transfer approval.
- Disposal requirements for construction and hazardous materials.

### Some proposed changes in draft NPDES general permit for feedlots

Aug. 1, 2010 – Application Deadline

Feb. 1, 2011 – Issuance Date

- Anaerobic digesters eligible for a general permit; other alternative technologies require individual permits.
- Monitor basin perimeter tile monthly instead of weekly.
- No winter application of liquid manure, except if prior to Dec. 1, or during emergency conditions or under an individual permit.
- Modified restrictions for winter spreading solid manure: low rating on phosphorus index, slopes less than 6 percent.
- Requires application for a revised permit for expansion construction, increased animal numbers, or altering manure management.
- Specific requirements for carcass disposal.
- Submittal of land application records with annual report.
- Manure Management Plan written for the duration of the permit (changes require submittal of the revised plan).



## Public hearings July 28 on proposed air, water quality permit fee rule

A public comment period for the proposed new air and water quality permit fee rule is open and will continue until the Administrative Law Judge closes the comment period after the public hearing on July 28.

The public hearing will be held at 1 p.m. and 6 p.m. at these locations:

- MPCA St. Paul: 520 Lafayette Rd. North, St. Paul, MN 55155
- MPCA-Brainerd: 7678 College Rd., Suite 105, Baxter, MN 556425
- MPCA-Duluth: 525 Lake Ave. S., Suite 400, Duluth, MN 55802
- MPCA-Marshall: 1420 E. College Dr., Suite 900, Marshall, MN 56258
- MPCA-Rochester: 18 Wood Lake Dr. Southeast, Rochester, MN 55904
- MPCA-Detroit Lakes: 714 Lake Ave., Suite 220, Detroit Lakes, MN 56501

The hearing will be broadcast from St. Paul via an interactive video conference.

### Background

The 2007/2008 and 2009 Minnesota Legislature directed the Minnesota Pollution Control Agency to

conduct rulemaking to amend Minnesota Rule Chapter 7002, Air Emission and Water Quality Permit Fees. Per 2009 legislation, new fee rates became effective on July 1, 2009. Permit applications processed by MPCA after July 1, 2009 and before implementation of the rule are subject to the new fees and will be charged retroactive fees, as necessary.

The application fee for coverage or permit modification under a general feedlot permit would become \$620; the annual fee thereafter would remain at \$345. The construction or modification fee under the individual permit would become \$1,860, with re-issuance at \$620. The fee for a feedlot Environmental Assessment Worksheet would become \$4,650.

Since fall of 2007 the MPCA has been gathering input from permit holders and stakeholders across the state. Additionally, the MPCA researched permit fee structures from other states to formulate ideas for an application fee system. The rule entered the formal public comment stage of the rulemaking process with public hearings on July 28, 2009. Comments on the proposed rules must be submitted to the Office of Administrative Hearings (OAH) at the address identified in the Notice of Hearing. For more information, go to: [www.pca.state.mn.us/permits/airwaterfees.html](http://www.pca.state.mn.us/permits/airwaterfees.html)



 Minnesota Pollution Control Agency

Registered feedlots in Minnesota must update their registration by Jan. 1, 2010, and every four years thereafter.

If you are not sure that your feedlot registration has been renewed, contact your county or MPCA regional office.

1-800-657-3864

But has our feedlot re-registered?

What are they looking at?

I don't know. We're registered.

[www.pca.state.mn.us/hot/feedlots](http://www.pca.state.mn.us/hot/feedlots)

## Registration update due Jan. 1, 2010

County and state feedlot program staff will be busy in coming months contacting feedlot owners about updating their registrations. Most of the feedlots required to be registered, about 25,000, must update their registration information by Jan. 1, 2010. The information includes location, type of operation, and number of livestock. Owners must receive notification by Oct. 1, 2009. Feedlots that registered after Jan. 1, 2006 have already met the Jan. 1, 2010 requirement. Registration replaced the need for operating permits for the vast majority of livestock feedlots. Feedlots with current NPDES permits will be automatically re-registered.