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MPCA
520 Lafayette Rd. N.
St. Paul, MN 55155-4194
www.pca.state.mn.us



NPDES News

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



Minnesota Pollution
Control Agency

Feedlot Program

Vol. 3, No. 2 • January 2011

Q and A on manure management in winter

These questions and answers on manure management in winter occurred at meetings and other contacts with livestock producers holding NPDES permits.

1. What information should be listed, or what do I do, for emergency applications of liquid manure if the following conditions apply?

- All the fields that were listed to be used in the case of an emergency have already received a manure application at maximum nitrogen rates. Can I apply to those fields in an emergency, which would amount to an over application of nitrogen?

Answer: If all fields are always used, then additional planning is recommended. Contact MPCA staff. In general, the MPCA will avoid approving over-application.

- All fields that the farm owns and/or manages have already received manure and are planned that way to always receive manure. What information should be provided

NPDES annual reports due March 1

NPDES permit annual reports are due at MPCA regional offices by March 1. A link to the 4-page form is located at top left of the MPCA feedlot program Web page at www.pca.state.mn.us/hot/feedlots.html. The annual report basically asks for updates on livestock numbers, manure management, and manure application records.

about the fields if plans are to transfer the manure in case of an emergency?

Answer: "When Ownership of Manure is transferred" form needs to be included in MMP and indicate that emergency manure applications will be transferred.

2. An NPDES facility receives transferred solid manure from a non-NPDES facility during the winter. Do the NPDES winter restrictions apply?

Answer: Yes.

(Continued on back)

Now's a good time to review your 2011-2016 NPDES general permit

Livestock producers with the new 2011-2016 National Pollutant Discharge Elimination System general permit for feedlots are encouraged to review its provisions becoming effective Feb. 1, 2011. As of Jan. 4, 762 permits have been issued. Significant changes from the previous permit include:

- Manure management plans cover the entire 5-year period; significant changes during that time must be submitted to the MPCA.
- Annual report must include (starting in 2012) specific manure application records.

- Increased restrictions on liquid manure application to frozen or snow-covered fields.
- Containment of runoff from feed storage pads.

The 2011-2016 general permit is a combination of the federal requirements for large Concentrated Animal Feeding Operations and Minnesota rules and statutes. The start date was moved ahead from May 31 to Feb. 1 to better align with the construction season. More information is available on the MPCA feedlot Web site.

Manure management Q and A

(Continued from front)

3. Can liquid manure be injected into unfrozen soil that is snow covered after Dec. 1?

Answer: Yes. NPDES liquid manure winter restrictions apply only to surface applications.

4. It is March 25, and the soil is **not** frozen and **not** snow covered. I surface apply manure on non-winter fields, and next week it snows four inches. Is that a violation?

Answer: No. If field conditions are no longer frozen and/or snow covered in the spring, winter is over until the new snow would again restrict surface applications.

5. On some dairy farms the manure transfer pipes (pipes to open air storage) freeze up in the winter for several weeks. With the new winter application restrictions, particularly on liquid manure, will we have an emergency every year?

Answer: Samples taken before the manure enters the outside storage basin most likely will meet the 15% solid definition. However, the MPCA

Duty to notify State Duty Officer of manure overflows, and avoid water pollution

Both state law and the NPDES permit require notification of the State Duty Officer (**1-800-422-0798**) about any discharge from manure storage areas or other process waste water. In just over one year, there have been six enforcement cases in Minnesota due to liquid manure storage overflows and the failure to notify and recover. Producers are reminded to manage storage area capacity and of the requirements if an overflow occurs (Minn. Stat. 115.061 and NPDES permit condition Part V. C.). Efforts to stop and contain the overflow should begin immediately.

will be contacting farms that have “emergencies” every year.

6. Do I have to run the P index and get a low risk score for winter applications of solid manure on a field with a bermed drainage ditch?

Answer: Yes.

7. What is considered frozen soil? How do you define “frozen” ground for winter application? Can I inject into a snow-covered soil? Frozen soils?

Answer: If **normal** tillage or injection can be done it is not considered frozen soil. Example: If a thin layer at the surface is frozen and equipment can break through the frozen layer and inject, or do normal tillage incorporation, that is allowed as long as there is no snow on the surface (preferred), or at the most one to two inches of snow on the surface.

8. What is considered snow-covered soil?

Answer: If there is more than one to two inches of snow. Incorporation or injection will not be sufficient at higher snow depths and won't be approved.

9. When is “winter”?

Answer: Under the new 2011-2016 permit, winter is after Dec 1 and the soils are frozen or snow-covered. Includes the spring thaw period, if the soils are still frozen or snow-covered.

Refer to your permit on all requirements for winter applications.



2011 inspections wall calendar on Web

The 2011 feedlot program wall calendar is available on the Web at: <http://www.pca.state.mn.us/zihy6a1>. (Scroll down toward bottom of page). It includes daily and weekly check boxes for record-keeping of various reports and inspections.



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NPDES/SDS general permit applications due Aug. 1

Applications are due Aug. 1, 2010 for the 2011-2016 NPDES/SDS general permit for livestock farms. Permit application packets are available on the Minnesota Pollution Control Agency Web site at: www.pca.state.mn.us, or by calling your designated regional office.

The application packet for each site for which you are requesting an NPDES/SDS permit coverage must contain the following completed forms and documents, including any information prepared by a consultant, or the entire application packet will be returned:

- Signed NPDES/SDS Permit Application for an Animal Feedlot or Manure Storage Area;
- Manure Management Plan (for non-transferred and/or transferred manure);

- Air Emissions and Odor Management Plan;
- Emergency Response Plan;
- Operation & Maintenance Plan;
- Animal Mortality Plan;
- Other documents the MPCA deems necessary;
- Application fee of \$620 payable to the Minnesota Pollution Control Agency.

The 2011-2016 general permit is a combination of the federal requirements for large Concentrated Animal Feeding Operations and Minnesota rules and statutes. A significant change moves the issuance date up to Feb. 1, 2011 instead of May 31, 2011 to better align with the spring construction season. Each completed application will be open for a 30-day public comment period. Permit notices will be posted on the MPCA Web site Public Notices page.

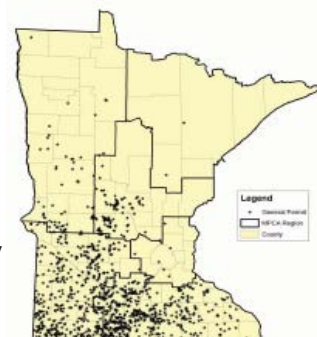
Manure management plan spreadsheet updated

An improved version of the MPCA Manure Management Plan spreadsheet has been posted on the livestock feedlot [Nutrient and Manure Management](#) page of the MPCA Web site. It now includes the manure management methods required by the U.S. Environmental Protection Agency for the NPDES general permit. It has simplified manure management planning to one year increments. It creates a record, which then follows into the next year's plan, continuing the cycle for five years. This also fulfills record-keeping requirements. The sensitive features worksheets have been consolidated and are easier to use. The overall file size has been reduced by half. Livestock producers and their consultants are encouraged to use the planner, which meets all MPCA requirements. For more information, contact George Schwint, george.schwint@state.mn.us, 320-441-6971.

Future newsletters to be sent on-line

To continue receiving future editions of this newsletter, please send your e-mail address to forrest.peterson@state.mn.us, or go to www.pca.state.mn.us and search NPDES News. Thanks!

Feedlots with Active General Permits



NPDES permits cover nearly 1,200 farms

As of Jan. 28, 2010, 1,187 Concentrated Animal Feeding Operations with 1,000 animal units or more had National Pollutant Discharge Elimination System permit coverage. The MPCA feedlot program is working to ensure that all feedlots that require federal or state permits have the necessary permit coverage.

Permits provide 'business plan' for operational success

Operating with an NPDES permit provides many benefits beyond meeting legal requirements. A permit provides evidence to the public that a large CAFO can operate without degrading the environment. Like an operational "business plan," the permit's various management plans for manure management, air quality, emergency response, etc. when followed help ensure an efficient, well-managed, and successful operation.

NPDES permits for large CAFOs incorporate effluent limitations prescribed by the effluent limitations guideline, which allow for discharge when

precipitation causes an overflow from a structure that is designed, constructed, operated, and maintained in accordance with the permit.

Upset provisions can afford permittees a defense when emergencies or natural disasters cause discharges beyond reasonable control, as provided in 40 CFR 122.41(n). Under the Clean Water Act, operators that do not apply for permits operate at their own risk. Any discharge from an unpermitted CAFO (other than agricultural stormwater) is a violation of the CWA subject to enforcement action, including third party citizen suits.

2011-2016 NPDES livestock general permit highlights

Public Notice of Application for Permit Coverage

MPCA posts "**Notice of Intent to Provide Permit Coverage**" on Web site when application is complete. www.pca.state.mn.us (select Public Notices)

- Posted for a minimum of 30 days
- Public can:
 - Obtain copies of application and plans
 - Provide comments
 - Request information meeting, contested case hearing, or consideration by Citizens' Board
- Permit coverage provided when issues resulting from public notice have been resolved



5-Yr. MMP

Year 1: Field specific

- Application rates
- Total available N & P
- Method & timing of application



Years 2 – 5: Provide "**methodology**" on how N & P rates are determined.

Also, for each field to be used, include:

- Crops potentially to be grown
- Method(s) of manure application
- Season(s) for spreading manure

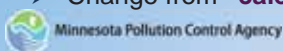


(Part II.B.3.)

Land Application of Manure

Changes made mostly in response to 2008 Federal CAFO Rule change:

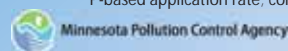
- **5-year** Manure Management Plan (MMP)
- Public notification of MMP changes
- Winter application of manure
- Inclusion of land application records in annual report
- Change from "**calendar year**" to "**cropping year**"



Winter application at NPDES sites

	Nov	Dec	Jan	Feb	Mar	Apr
If soils not frozen and/or no snow; or injection is possible						
Surface application of liquids on frozen/snow covered soils						After thaw
Solids on slopes ≤6% and meet other requirements*						
Solids on slopes >6% or not meeting other requirements*						After thaw
Emergency surface application of liquids on slopes ≤4%, 300' setback, and rate restrictions						

* Other requirements: No active snowmelt; no rain; 300' setback to surface waters; P-based application rate; contour tillage



(Part II.B.4.b.)



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Applications for 2011-2016 NPDES feedlot general permit due Aug. 1, 2010

The MPCA Citizens' Board Oct. 27, 2009 voted unanimously to approve the proposed 2011-2016 NPDES (National Pollutant Discharge Elimination System) general permit for eligible feedlots. The new general permit becomes effective for five years starting Feb. 1, 2011. Applications must be submitted by Aug. 1, 2010. The existing 2006-2011 general permit will expire Feb. 1, 2011.

What is the general permit?

The general permit covers about 1,200 feedlots that operate under NPDES permit language common to all, to meet the requirements of Minn. R. ch. 7020 and any other applicable state and federal rules and regulations. (About 40 feedlots operate with individual NPDES permits. Factors that require an individual permit include: specific permit conditions not included in the general permit, past enforcement with specific conditions, certain technology or manure management practices.)

How to apply

This winter you will receive a letter explaining the application process. Application forms and related information are posted on the MPCA feedlot program permit Web page: www.pca.state.mn.us/hot/feedlot-forms.html#permit. We encourage you to download and use the forms. Begin work on the forms early, leaving ample time for review and final completion. Applications are due Aug. 1, 2010.

Changes in 2011-2016 permit

Due to changes at the federal level, the new permit includes: submit land application records with annual report,

NPDES reports due March 1

NPDES permit annual reports are due at MPCA regional offices by March 1. The 4-page form is available on the MPCA feedlot program Web page at www.pca.state.mn.us/hot/feedlots.html, or from regional offices. **Blank forms will not be mailed out.** Be sure to include your e-mail address (if available) on the report form. In April, invoices will be mailed in for NPDES annual fees: currently \$345 for general permits and \$1,230 for individual permits.

public review and comment on manure management plans (MMPs), MMPs written for duration of permit, anaerobic digesters eligible, groundwater monitoring eligible. MMPs must be kept up-to-date on field specific information for amounts and methods to be used for following growing seasons. Substantial changes to manure management plans at any time during the 5-year permit will require a 30-day public notice; all MMPs and changes must be available for public review. In most cases, the public notice requirement will be fulfilled by posting on the MPCA Web site. Though a water permit fee increase to \$620 is pending, the permit application fee currently remains at \$345.

2010 calendar

Includes daily and weekly checkboxes for record-keeping. It is available at: www.pca.state.mn.us/hot/feedlots.html. The 2011 version will reflect permit changes.



Space, number on permit, determine feedlot maximum capacity

Capacity, maximum capacity, permitted capacity - what's the difference? Maximum feedlot capacity could be determined according to accepted guidelines for space per animal. Permitted capacity is determined by this space along with the actual number of animals stated on the permit. This number may fluctuate on annual reports; however, it may not exceed the number on the permit.

The federal rule says an NPDES permit is required if a feedlot meets the definition of a Large CAFO - Concentrated Animal Feeding Operation: Animals (other than aquatic animals) have been, are, or will be sta-

bled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility, CFR 122.23 (b) (1).

Examples of Large CAFOs are those with 700 dairy cows, 1,000 beef cattle, 2,500 market hogs, or 55,000 turkeys. State law also requires an NPDES permit if a feedlot is capable of holding 1,000 or more animal units (combined total of all species on site), or manure produced by that number (1 AU=manure equivalent to a 1,000-lb. cow) (Minn. R. 7020.0300, subp. 5).

Plan ahead for managing weather impact on fall land-application

For the past three years, above-average rainfall during October has posed greater challenges for land-applying liquid manure after harvest. While not much can be done about the weather, it is possible to be prepared to better deal with the impact of bad weather on manure management and land-application. A little more investment in storage, conservation practices, and planning can be a very cost-effective form of insurance. It also reduces the risk of economic loss of nutrients from surface-applied manure without incorporation.

Notice required for applying on frozen ground

Feedlot owners with a National Pollutant Discharge Eliminations System (NPDES) permit who wish to apply liquid manure to frozen soil must notify their state feedlot program representative. This notice should include an aerial photo that clearly outlines the location of the proposed land-application. It is also important to contact your county regarding any local ordinances.



Reduce the impact of manure applied to the surface of wet or frozen soil: Avoid steep slopes; seek fields or parts of fields with less than 6 percent slope for solid manure, 2 percent for liquid manure. Or, apply to fields with greater than 30 percent residue. Stay 300 feet away from sensitive features, such as surface waters.

Report any discharges from land-application or liquid-manure-storage-area overflows to the State Duty Officer (Call 800-422-0798.), and take immediate action to reduce environmental impact, such as creating temporary berms to stop discharge; temporarily plugging culverts and drain tile intakes to prevent manure inflow; and soaking up liquid with

absorbent material, such as hay, straw, cornstalks or wood shavings.

Do not construct or modify your basin without approval from the MPCA or county feedlot officer.

Be prepared: plan ahead

-- Arrange to have a portion of land-application acres planted with small grains and other early-harvest crops.

- Attempt some spring land-application to create more fall and winter manure storage.
- Install vegetated buffers and blind tile intakes to alleviate 300-foot setback.
- Develop a contingency plan.
- Ensure that all land-application equipment is calibrated and in good condition.
- Expand liquid manure storage capacity.

For more information, contact your MPCA regional office (Call 800-657-3864.) or county feedlot officer (See <http://www.pca.state.mn.us/hot/feedlots.html#contacts>.), or go to the MPCA feedlot Web page at www.pca.state.mn.us/hot/feedlots.html.



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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.

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



 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

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.



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New federal rules on carcass disposal heighten interest in composting, burial

With a new federal rule effective April 27, 2009, changing restrictions on the disposal of cattle and other ruminant carcasses, the Department of Agriculture, Minnesota Pollution Control Agency and Board of Animal Health will be discussing ways to promote alternatives, primarily, composting and burial. In 2008, the U.S. Food and Drug Administration published a regulation that strengthened a 1997 rule by prohibiting the tissues that have the highest risk for carrying the agent thought to cause Bovine Spongiform Encephalopathy (BSE, sometimes referred to as "mad cow disease") in animal feed. In Minnesota, the Board of Animal Health is the primary authority over carcass disposal bio-security, composting and rendering including pickup sites. The Minnesota Pollution Control Agency regulates burial

and incineration disposal methods and practices related to the environment. The Minnesota Department of Agriculture has formed a Rendering Study Group to advise the commissioner and the industry on disposal of these animals. On-farm pickup may continue if cost-effective. Non-feed use of affected carcasses may be explored, or other innovative alternatives that could generate economic value possibly could be developed. Large feedlots holding NPDES (National Pollutant Discharge Elimination System) permits are required to have an animal mortality plan. The NPDES general permit for feedlots places requirements on the handling of animal mortalities: Disposing in liquid manure storage areas is prohibited; Disposal must not cause a discharge to surface or ground water; Keep records of disposal management and practices.

Little impact in Minnesota from revised federal CAFO rule

The new federal rule for Concentrated Animal Feeding Operations (CAFOs) is expected to have little impact in Minnesota. State law (116.07, Subd. 7C) requires all livestock and poultry operations with either 1,000 or more animal units or that meet the federal definition of a large CAFO to apply for a National Pollutant Discharge Elimination System (NPDES) permit. Minnesota has been issuing a general NPDES permit since 2001. Legal challenges to the 2003 revised federal rule resulted in two key changes: Only CAFOs that discharge must apply for a permit, and permit applications must include a nutrient management plan. However, the state law requiring a permit prevails over the federal rule, and the nutrient management requirement has been

included in Minnesota rules since 2000 (Minn. Rules chap. 7020.2225). Changes that affect Minnesota permits include: 1) Detailed land applications to be submitted with annual report; 2) Manure management plan changes to be submitted to and noticed by MPCA.

NPDES reports due March 1

NPDES permit annual reports are due at MPCA regional offices by March 1. A quick link to the 4-page form is located at top left of the MPCA feedlot program Web page at www.pca.state.mn.us/hot/feedlots.html. The annual report basically asks for updates on livestock numbers and manure management. Also, invoices will be mailed in the near future for NPDES annual fees: currently \$345 for general permits and \$1,230 for individual permits.

Federal rule tells large CAFOs to report air emissions under EPCRA

On Dec. 18, 2008, the U.S. EPA published a final rule effective Jan. 20, 2009 that clarified which livestock facilities must report air emissions from their facilities. Large CAFOs with emissions that exceed 100 pounds per day of ammonia or hydrogen sulfide are required to report under the Emergency Planning and Community Right to Know Act (EPCRA).

In Minnesota, while the MPCA investigates the rule, it is advising affected facilities to contact their associations on how to proceed at this time. Those choosing to notify may contact the Minnesota State Duty Officer, 1-800-422-0798, 651-649-5451. When contacting the Duty Officer it is important to clarify that the report is for a continuous release rather

than an accidental release. Within 30 days, written notifications can be sent to: Steve Tomlyanovich, Minnesota EPCRA Program, 444 Cedar Street – Suite 223, St. Paul, MN 55101-622.

An EPA factsheet with information about calculating the normal range of air emissions, the reporting process, and link to a sample form for written notice (other formats also may be used), is located on the Web at: http://www.epa.gov/region7/factsheets/2009/exemptions_air_farm_animal_waste0109.htm. Information about EPCRA is located on the Web at: <http://www.epa.gov/oem/content/epcra/index.htm>. As mentioned above, the MPCA recommends that you contact your trade association for additional guidance.

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.
- Submit **Nutrient Management Plan** with permit application.
- Requires application for a **revised permit** for expansion construction, increased animal numbers, or altering manure management.
- Specific requirements for **carcass disposal**.
- Detail for **stockpile** setbacks, management practices.
- **Ownership change** requires permit transfer approval.



High interest, attendance at 2011-2016 NPDES general permit meetings

Livestock producer interest and attendance ran high at summer meetings on proposed changes for the 2011-2016 NPDES general permit for feedlots. MPCA feedlot program staff have reviewed comments, and will be placing a revised draft on formal public notice in the near future. For more information, contact Kim Brynildson, MPCA, 520 Lafayette Ave. N., St. Paul, MN, 55155-4194, e-mail: kim.brynildson@pca.state.mn.us.

Winter application of manure

NPDES permit holders are reminded that manure application to frozen or snow-covered soil shall be only on those fields identified in the MMP for winter application. Any field not listed on the MMP must be approved by the MPCA prior to winter application. Even in cases of emergencies, approval must be received prior to application. The MPCA Emergency Winter Application Approval form, which can expedite the emergency approval process, is available on the MPCA website or by calling your regional MPCA office.

The current NPDES general permit, which expires in 2011, establishes state standards and requires the following for winter application on fields that are owned, rented or in control of the feedlot owner:

- Avoid runoff or ponding of liquid manure during the application process.
- Do not surface-apply when:
 - o Fields are within 300 feet of lakes, streams, open tile inlets, intermittent streams, drainage ditches without protective berms, or public waters wetlands;
 - o During active snowmelt that creates runoff;
 - o Slopes exceed two (2) percent for liquid manure or six (6) percent for solid manure, except if: Emergency applications are approved by the MPCA, applications to frozen or snow-covered soil are made prior to Nov. 20, or snowmelt runoff from the field cannot enter surface waters due to constructed berms, depressional areas or other landscape features;
 - o Where tillage is up and down slopes (i.e., not along the contour) on slopes exceeding two (2) percent; or
 - o Where water or ice occupies most tillage furrows so that additional snowmelt or precipitation can not be contained between furrows or depressional areas in the field. Changes are expected in the 2011-2016 NPDES general permit for feedlots.



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NPDES News

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



Minnesota Pollution
Control Agency

Feedlot Program

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MPCA seeks producer input on proposed changes for 2011 NPDES General Permit

The MPCA Feedlot Program is hosting meetings to present information and receive comments about proposed changes in the next 5-year (2011–2016) National Pollutant Discharge Elimination System (NPDES) general permit for feedlots.

Meetings will be 2 p.m.–4:30 p.m. at the following locations:

- Monday, July 21
Pope County Courthouse, Glenwood
- Tuesday, July 22
City Center, Blooming Prairie
- Thursday, July 24
Jackson County Resource Center
Community Room, Jackson
- Tuesday, July 29
Redwood Area Community Center,
Redwood Falls
- Monday, Aug. 4
Detroit Lakes Public Library
- Monday, Aug. 11
Blue Earth County Public Library, Mankato

A significant change moves the issuance date up to **February 1, 2011** (instead of May 31) in order to better align with spring construction. This also moves the application deadline ahead to **August 1, 2010**.

Proposed changes include:

- Anaerobic digesters eligible for general permit; other alternative technologies require individual permit.
- Visual monitoring of basin perimeter tiles 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, including phosphorus-based rates, slopes less than 4%.
- More detailed land application record-keeping maintained by producers who transfer manure ownership.
- Requires revised permit application for expansion construction, increased animal numbers, altering manure management.
- Adds specific requirements for carcass disposal.
- Adds details from rule for stockpile setbacks and management practices.
- Ownership change requires permit transfer approval.
- Disposal requirements for construction, hazardous materials.
- Control feed storage area runoff.

New pocket guide helps find proper manure application rates for nitrogen

A handy pocket guide is now available to help determine application rates according to manure nitrogen content, type of manure, method of application, and crop needs. It has four sections with charts for swine, dairy, beef, and poultry manure in liquid or solid forms. Charts with ranges of manure nitrogen test amounts and the crop needs quickly identify the proper manure application rate. Booklets are available at regional offices, meetings and events, and on the MPCA Web site at: www.pca.state.mn.us/hot/feedlots.html.

EPA makes animal feeding operation rule changes

The U.S. Environmental Protection Agency is proposing additional options to a 2006 proposal for concentrated animal feeding operations (CAFOs) under the Clean Water Act. Under current federal law, if CAFOs do not discharge pollutants to waters of the United States they do not need an NPDES permit. The proposed supplement would, for the first time, allow CAFOs to certify that they do not discharge.

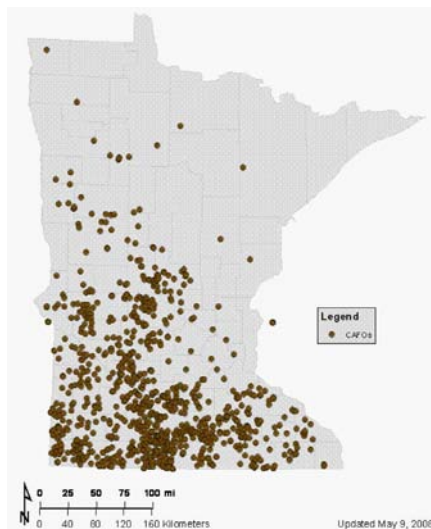
It is important to note that Minnesota statutes require all CAFOs and all sites with 1,000 animal units or more to apply for an NPDES permit regardless of the federal regulations.

EPA is also proposing three different approaches for nutrient management plans (NMPs) that could be used by permitting authorities and CAFOs

to determine application rates of manure, litter and wastewater to be incorporated into the permit. An NMP specifies the amount of manure that can be applied to crops so nutrient runoff to water bodies is minimized.

EPA has been regulating CAFOs for more than 25 years. In response to a February 2005 federal court decision vacating some portions of a 2003 CAFO rule, EPA proposed a revised rule in June 2006. This proposed rule supplements the 2006 proposal by adding additional options. Information on Animal Feeding Operations: www.epa.gov/npdes/afo/revisedrule, and <http://cfpub.epa.gov/npdes/afo/aforule.cfm>.

Locations of CAFOs in Minnesota



MPCA seeks input on water permit fee options

The MPCA is seeking stakeholder input on options for changes to air and water permit fees that were mandated by the state legislature. The legislature approved Governor Pawlenty's 2007 temporary recommendation for an additional \$3 million each year in FY 2008-09 for the MPCA to implement the air and water permit programs, and directed the MPCA to provide recommendations to the House and Senate on fee changes for ongoing revenue to the environmental fund for regulatory services beginning in FY 2010. The MPCA started gathering comments from stakeholders in the fall of 2007 and presented this information to the legislature in January 2008. Now the MPCA needs input and review from the feedlot industry. For more information about the permit fee rulemaking and to register to receive information regarding the fee rule stakeholder process, go to the website at: www.pca.state.mn.us/permits/airwaterfees.html.

Welcome to first edition

Welcome to the first edition of NPDES News, provided by the MPCA Feedlot Program. This newsletter will be mailed twice a year (July and January) to Minnesota feedlot operators with NPDES permits providing information, updates and reminders about permits and environmental regulations. More information about the feedlot program is available on the Web at: www.pca.state.mn.us/hot/feedlots.html.

If you have questions or comments about this newsletter, or about the feedlot program in general, please call your regional MPCA feedlot program staff:

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Willmar	320-214-3786
St. Paul	651-296-6300
	or toll-free, 800-657-3864