



**Minnesota
Pollution
Control
Agency**

Minnesota Statute 116.07, Subp. 7c. requires all feedlots that meet the definition of a large CAFO under the federal rules, or has 1,000 or more animal units, to apply for an NPDES permit.

Inspectors do not typically see the types of conditions that would trigger a medium or small CAFO designation.

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Feedlot NPDES General Permit Incorporates Federal CAFO Rules

No impact on most medium, small feedlots

Water Quality/Feedlots #6.79 • Revised July 2010

In response to court rulings, in November 2008 the U.S Environmental Protection Agency (EPA) issued revisions to the Concentrated Animal Feeding Operation (CAFO) regulations.

Due to the comprehensive feedlot rules and statutes in Minnesota, most of the changes at the federal level have minimal impact on the requirements for feedlots here.

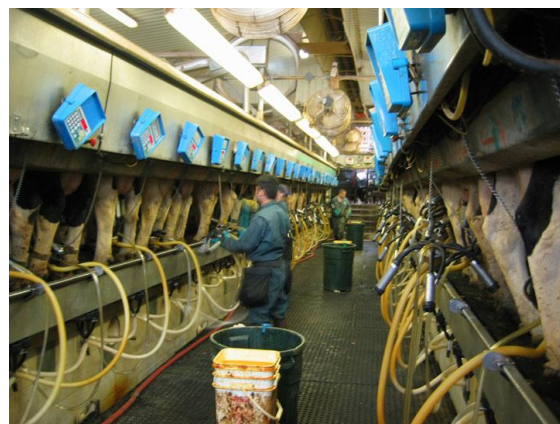
Minnesota made revisions to its feedlot general NPDES permit to incorporate all requirements at both the federal and state levels. This permit takes effect on Feb. 1, 2011 and expires five years later on Feb. 1, 2016. How some of the federal requirements pertain to regulations in Minnesota are described below.

Large CAFOs required to apply

Minnesota Statute 116.07, Subp. 7c. requires all feedlots that meet the definition of a large CAFO under the federal rules, or has 1,000 or more animal units, to apply for an NPDES permit. It does not matter whether or not these larger feedlots intend to discharge; they still need to apply for a permit in Minnesota.

No changes for medium and small feedlots

No rule changes have been made recently that would affect small and medium-sized feedlot permitting requirements in Minnesota. Minnesota has maintained feedlot regulations and conducted feedlot inspections for decades. Feedlot inspectors do not typically see the types of conditions



that would trigger a medium or small CAFO designation.

Nutrient Management Plan requirements

Minn. R. ch. 7020.2555, which were adopted in 2000, require that a Manure and Nutrient Management Plan (MMP) be submitted with each NPDES permit application. Each MMP is reviewed by MPCA staff during the permitting process, and the MMP records are reviewed at least once during the 5-year permit cycle. All NPDES permits issued by MPCA staff require that the MMP be an enforceable part of the permit.

Since the above MMP requirements have been in place for years in Minnesota, new Federal regulations have had less of an impact on Minnesota feedlots compared with most states. Yet, some changes were needed for Minnesota permits:

- The MMP for NPDES-permitted feedlots must show how determinations such as rate of

application will be made throughout the 5-year duration of the permit.

- Changes made to such MMP items as fields, rates, timing of application, and more, need to be reported to the MPCA.
- The changes are reviewed and a public notice of the changes will be posted on the MPCA Web site.

Forms for completing a 5-year MMP and for notifying of changes are found at the MPCA web-site:

www.pca.state.mn.us/index.php/topics/feedlots/feedlot-permit-information-and-application-forms.html.

Other notable changes to manure and nutrient management requirements for NPDES permitted feedlots include:

1. Annual records of specific land application practices need to be submitted with annual reports,
2. Winter spreading requirements were modified to increase restrictions for liquid manure spreading after Dec. 1 of each year.

Feed pad runoff

Requirements for feed pad runoff were clarified in the 2011-2016 permit. The permit requires that the facility maintain an impervious cover (i.e. a roof or plastic sheet) over the feedstuffs that will prevent exposure of the feedstuffs to precipitation except during active removal of feedstuffs from the storage area. Any spillage of feedstuff outside of the area protected by the impervious cover shall be cleaned up on a daily basis.

When undergoing an expansion in the number of animals, manure storage system, feed storage area, making major renovations or additions to the facility, or if the runoff/leachate from the feed storage area is creating a pollution hazard, one of several feed storage area runoff containment control options must be implemented. A fact sheet (wq-f8-21) explaining the options in more detail is found at

<http://www.pca.state.mn.us/index.php/topics/feedlots/feedlot-publications.html?menuid=&missing=0&redirect=1>

Other changes

Other refinements to the NPDES permit also were made in the 2011-2016 permit. The entire NPDES feedlot general permit is found at the following MPCA website:

<http://www.pca.state.mn.us/index.php/topics/feedlots/feedlot-publications.html?menuid=&missing=0&redirect=1>

This permit will be issued to the vast majority of large CAFOs in Minnesota between 2011 and 2016.

Individual NPDES permits may be required when conditions exist that are not covered by the general permit. These conditions could include certain new and/or complex technologies; pollution hazards which will be corrected under a schedule in an individual permit; or storage of materials other than manure and feedstuffs.

For more information about the 2011-2016 NPDES general permit for feedlots, contact Kim Brynildson, MPCA, 520 Lafayette Ave. N., St. Paul, MN, 55155-4194, 651-757-2250. e-mail:

kim.brynildson@state.mn.us

For more information

If you have questions or need more information, call your regional MPCA office, or log on to:

www.pca.state.mn.us/hot/feedlots.html.

U.S. EPA Animal Feeding Operations Web page:

http://cfpub1.epa.gov/npdes/home.cfm?program_id=7

