



Minnesota
Pollution
Control
Agency

Under 300 Animal Units: Operation and Management

Feedlot Program

Feedlot Rule Summary

February 2001

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MPCA Area Offices:

Rochester area:

507/285-7343

Mankato area:

507/389-5977

Marshall area:

507/537-7146

Willmar area:

320/214-3786

Detroit Lakes area:

218/847-1519

Brainerd area:

218/828-2492

Duluth area:

218/723-4660

Metro area:

651/296-6300

Toll-Free Number:

800/657-3864

Feedlot Service Center:

877/333-3508

This fact sheet is intended to provide producers with the basic information they need to operate and manage their feedlots in compliance with the revised state feedlot regulations. See MN Rule Chapter 7020 or referenced rules for specific information. Please keep in mind that where local ordinances are more restrictive than state laws, the local ordinance must also be followed. Please contact your local county feedlot officer or planning and zoning department.

Registration

Registration is required by January 1, 2002 for feedlots with 50 or more animal units, or 10 or more animal units in shoreland. It can be completed in one of three ways:

- submit a registration form
- submit a permit application
- be listed on a current county level II or level III feedlot inventory

Feedlot owners will be notified by the MPCA or delegated county prior to the requirement to update registration.

Owners who have an open-lot pollution hazard are also eligible for the 2005/2010 open-lot agreement (see Feedlot Pollution Hazards section of this fact sheet). Owners must register and submit a certification form to be eligible for the 2005/2010 open-lot agreement.

Permits

Permits required for feedlots under 300 animal units are the following:

- Interim permit (requiring that pollution hazards be corrected in 24 months) if there is a hazard at the facility for which the owner has not agreed to complete corrective measures under the 2005/2010 open-lot agreement.
- Interim permit (requiring pollution hazards be corrected within 24 months) is required if pollution hazards exist that are not related to open-lot runoff.
- Individual National Pollutant Discharge Elimination System (NPDES) permit is needed if the site is designated a Concentrated Animal Feedlot Operation (CAFO) in accordance with federal regulations (very rare for feedlots under 300 animal units).
- State Disposal System (SDS) permit is needed for proposed construction that is different than technical standards under Chapter 7020.

Delegated counties can issue interim permits. MPCA issues all permits in non-delegated counties and all NPDES and SDS permits. Permit fees only apply to NPDES permits.





Pollution Hazards

A feedlot owner with less than 300 animal units and an open lot that does not meet runoff discharge standards, has two options:

- 1) apply for and obtain an Interim permit and fix the hazards within 24 months; or
- 2) sign an agreement at the time of registration (or no later than October 1, 2005) to complete corrective measures under the 2005/2010 Open-lot Agreement.

If the agreement option is selected (option 2), the owner must install interim measures by the year 2005 to reduce manure runoff (as specified in Chapter 7020), and have until the year 2010 to install final measures needed to meet the discharge standards in Chapter 7050. If all conditions of the agreement are met, the MPCA will waive civil penalties for past violations of 7050 and failure to obtain a permit.

Please note that recently passed legislation states that if cost-share funds for 75 percent of the costs to fix a hazard are not available and an imminent public health threat does not exist, then feedlots with less than 300 animal units cannot be required to spend more than \$3,000 to fix the pollution hazards.

The standards for feedlot runoff pollution limits are defined in MN Rules Chapter 7050, which was not revised during the feedlot rule revision process. A pollution hazard is more generally defined in 7020.0300 subp. 19a.

Unpermitted or Non-Certified Liquid Manure Storage Areas

By October 1, 2005, the owner must complete one of the following options:

- Reconstruct the storage area in accordance with current standards
- Close the storage area
- Show original plans and specifications prepared by a design engineer and a construction report verifying that all applicable rules and regulations were met
- Complete a water balance test that demonstrates compliance with seepage limits

- Complete a soils investigation that demonstrates compliance with construction standards

Owners who have entered into the 2005/2010 open-lot agreement and who must close or reconstruct the unpermitted basin, are required to notify the MPCA or delegated county by October 1, 2005, that the basin will be closed or reconstructed. These owners have until October 1, 2010 to actually complete the work.

Pastures

Pastures (as defined in Chapter 7020) are not considered feedlots and do not have to register or apply for a permit. However, pastures must be operated so that they do not pose a pollution hazard or imminent public health threat. Livestock access to waters is allowed for pasturing operations, unless that portion of the facility is found to have conditions consistent with the definition of a feedlot.

Manure Application

Manure application rates must be limited so that the estimated plant-available nitrogen from all nitrogen sources does not exceed expected crop nitrogen needs for non-legumes and expected nitrogen removal for legumes. The rate determinations are to be based on the most recent publications of the University of Minnesota Extension Service or another land grant college in a contiguous state (some exceptions apply for rates above these levels). The following testing, planning and record-keeping requirements must be met:

Manure Testing: Manure from all storage areas holding manure from more than 100 animal units must be tested for nitrogen and phosphorus at least once every four years, or more frequently if management changes could lead to varying nutrient content. Individual stockpiles and manure packs generated by fewer than 100 animal units are not required to be tested.

Soil Testing: Soil testing is not generally required for feedlots with less than 300 animal units.

Manure Management Plans: Manure management plans are not required for feedlots under 300 animal



units, unless the feedlot is required to obtain an Interim, NPDES or SDS permit.

Record Keeping: For feedlots having 101 to 299 animal units, records must be kept of manure nutrient test results, and all information needed to take credit for nitrogen that becomes available to the crops during the current and future years from the manure additions. More detailed records are needed when applying manure in drinking-water supply management areas where the aquifer is designated vulnerable.

Special Protection Areas: Additional protective measures are required for application of manure in special protection areas, including land within 300 feet of lakes, streams, intermittent streams (excluding grassed waterways), public waters wetlands (e.g. over 10 acres) and drainage ditches without protective berms. Winter application is prohibited in these areas. Other requirements vary depending on whether there is a permanent vegetated buffer along the water or waterway, as follows:

- **Vegetated buffer:** If a permanent vegetated buffer extends 100 feet from lakes and streams and 50 feet from other waters, and no manure is applied to these buffers, then there are no other land application restrictions in these special protection areas.
- **No vegetated buffer:** In special protection areas without the 50- to 100-foot-wide vegetated buffer, the producer must maintain a 25-foot setback, incorporate the manure within 24 hours, and apply in ways that do not result in long-term soil phosphorus accumulation where phosphorus levels are already sufficient for crop growth.

Manure must be incorporated within 24 hours if applied within 300 feet of an open tile intake (this does not apply to solid manure until October 1, 2005). Manure must also be incorporated within 24 hours when applied within 300 feet on the upslope side of a sinkhole. A 50 foot setback is required for all sinkholes, wells, mines, and quarries.

Process Wastewater and Milkhouse Wastes

All regulations in Chapter 7020 governing the storage, transportation, disposal, and utilization of

manure also apply to milkhouse wastes and other process wastewaters. They are defined as waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

Stockpiling

Stockpile runoff cannot discharge to waters of the state. Specific location, design, construction, operation and maintenance requirements apply based on the type of stockpile -- short-term or permanent.

- **Short-term:** By October 1, 2001, manure can only be stockpiled for up to one year of the date when the stockpile was initially established. A vegetative cover must be established for at least one full growing season prior to reuse.
- **Permanent:** Manure is stockpiled in the same location for more than one year or the same site is used year after year. By October 1, 2001, the owner must install, if necessary, a liquid manure storage area to contain manure-contaminated runoff.

Closure

An operator has one year to remove and land apply all manure. Then, as soon as practical, vegetation must be grown on the area for five years to reduce soil-N. The operator must send a certified letter to MPCA or delegated county within 60 days after closure stating that the feedlot has closed.

For More Information

For more information about the revised feedlot rule or to download a copy of the revised rule, log onto the MPCA website at:

<http://www.pca.state.mn.us/hot/feedlot-rules.html>.

Or, for information call your area office listed on the first page of this fact sheet and ask for the feedlot officer, or call the Feedlot Service Center toll-free at (877) 333-3508.