



Minnesota
Pollution
Control
Agency

Feedlot
Program

Feedlot Rule
Summary

300 to 999 Animal Units: Operation and Management

February 2001

Contents

Registration
Permits
Pollution problems
Pastures
Land Application
Process wastewater
Stockpiles

See fact sheet,
**300 to 999 Animal Units:
Construction and
Expansion** for information
about EAWs, siting and
other issues.

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.
- A feedlot that is defined as a Concentrated Animal Feeding Operation (CAFO) in accordance with federal regulations must meet federal requirements.

Registration

Registration is required by January 1, 2002 and 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.

Permits

The following permits are required for facilities with 300 to 999 animal units:

- Interim permit (with a maximum term of 24 months) is required if there is a pollution hazard at the facility.
- Interim permit if manure is to be applied on steeply sloping soils (>6%) near waters, land within drinking water supply management areas where the aquifer is vulnerable, or land with extremely high phosphorus levels (e.g. 150 ppm bray-P1 or 120 ppm Olsen on land away from waters).
- Construction Short Form permit is required for all construction or expansion activities;
- National Pollutant Discharge Elimination System (NPDES) permit is required if the site is defined as a CAFO in accordance with Federal regulations; and
- State Disposal System (SDS) permit is required if technical standards are not being met or an Environmental Review Worksheet (EAW) identifies specific permit conditions that are needed to address facility construction or operation.

Delegated counties can issue Interim and Construction Short Form permits. MPCA issues all permits in non-delegated counties and all NPDES and SDS permits. State permit fees apply only to NPDES permits.





Permit Fees

Individual NPDES or SDS permits:

- \$85 application fee
- \$1,240 annual fee

There are no fees for SDS permits for feedlots with less than 1,000 animal units. NPDES and SDS permits have a five-year maximum term.

There are no state fees for Construction Short Form and Interim permits.

Pollution Hazards

If a feedlot of 300 to 999 animal units does not meet the discharge standards or is otherwise classified to be a pollution hazard by an inspection, then the owner must apply for and obtain a permit. Most often an Interim permit will be issued and will require the owner to fix the hazards within 24 months. In some cases, an SDS or NPDES permit may be required by the MPCA.

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 300 to 499 animal units cannot be required to spend more than \$10,000 to fix the pollution hazards.

Trigger levels for surface-water pollution hazards 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 facility owner must complete one of the following options for unpermitted or non-certified liquid manure storage areas:

- Reconstruct the storage area in accordance with current standards;
- Close the storage area;
- Show original plans and specifications from a design engineer and a construction report verifying that all applicable rules and regulations were met;

- If plans were prepared by the Natural Resources Conservation Service (NRCS), then submit certification from the local NRCS office; or
- Complete a water balance test that demonstrates compliance with seepage limits
- Complete a soils investigation that demonstrates compliance with construction standards

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 with less than 1,000 animal units 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 annually for the first three years and at least once every four years thereafter. More frequent testing is required when management changes are expected to result in varying manure nutrient content.

Soil Testing: Soil phosphorus testing is required at least once every four years on fields receiving manure applications.

Manure Management Plans: Manure management plans must be completed when submitting a permit application. Manure management plans are also required after January 1, 2005, where manure is not



being applied by either a commercial animal waste technician or certified private manure applicator.

Record Keeping: Records must be kept at the feedlot facility of manure nutrient test results, field locations, rates of application, dates, available nutrients from manure and fertilizer, and soil test results.

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 Buffers:** If a permanent vegetated buffer extends 100 feet from lakes and streams and 50 feet from the 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 wastewater. 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. An NPDES/SDS or Construction Short Form permit is required for construction of a permanent site. By October 1, 2001, the owner must install, if necessary, a liquid manure storage area to contain manure-contaminated runoff.

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.