



Minnesota  
Pollution  
Control  
Agency

# Completing an NPDES/SDS Feedlot Permit Application

Enter Water Quality/Feedlots #3.06 • Revised June 2010

**T**hese instructions will assist you in preparing a permit application for an animal feedlot or manure storage area which requires a National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) permit. Any owner(s) of an animal feedlot or manure storage area must apply for a NPDES/SDS permit if one of the following conditions applies:

- The feedlot meets the definition of a Large Concentrated Animal Feeding Operation (CAFO) as defined in Federal Regulations (40 CFR § 122.23 (b)(4)); or
- The feedlot is capable of holding 1,000 or more animal units (AU) (as defined under Minn. R. 7020.0300, subp. 5) or the manure storage area is capable of storing the manure generated by 1,000 AU or more.

If you are not sure whether your feedlot meets either of the above thresholds, please contact the Minnesota Pollution Control Agency (MPCA) staff at the office for your area (phone numbers at left).

To help ensure a prompt review and issuance of your NPDES/SDS permit, please take the time to fill out the application form completely and accurately. An incomplete permit application may be returned to the owner. Additional information about the permit application process and requirements may be found on the feedlot program pages of the MPCA Web site at

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

## I. Owner's Name(s) And Address(es)

List the names and addresses of all owners of the facility. Minn. R. Ch. 7020 defines "owner" as all persons having possession, control, or title to the feedlot facility. The owner may, for example, be listed as an individual person or persons, a corporation, partnership, or cooperative. The addresses and phone numbers of the *owners* should be listed under the headings for mailing addresses and phone numbers. If there are more than two owners of the facility, please attach additional sheets to the application that include the requested information for all of the additional owners.

## II. Facility Name, Address

List the legal name, mailing address, and business phone number for the facility. This will be the primary mailing address and phone number for official correspondence, unless otherwise noted in the permit application. Owners do not need to complete this section if the legal name is the same as listed in Section I.

## III. Facility Contact Person

List the person who should be contacted to assist in answering MPCA staff questions pertaining to the feedlot or permit application. *Please include an e-mail address if available to allow for electronic notification when possible.*

### 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

#### IV. Preferred Mailing Address

Check the appropriate boxes to identify the specific addresses for mailing fee invoices, the actual permit, reports, and other correspondence.

#### V. Facility Location

Permits are issued for a specific facility or site location so it is important to have correct location information listed. If you do not know this information for your existing or proposed facility, you can find it in a soil survey manual, county map, or by calling your local zoning office or Soil and Water Conservation Service office.

#### VI. Reason for Application and Previous Permit Information

If your feedlot has a MPCA feedlot registration number, please list it in the space provided for **Item A**. **Item B** requests the reasons for applying for a feedlot permit. Check all boxes that apply to your facility.

- **Box 1** should be checked if you are required to apply for an NPDES/SDS permit (General or Individual) and are applying for **the first time**.
- **Box 2** is for sites that have previously been issued a NPDES or SDS permit and the permit is about to expire. NPDES and SDS permits typically have a five-year permit term and must be renewed to continue operation of the facility in compliance with state and federal rules.
- **Box 3:** If you have an existing NPDES or SDS permit that has not expired and you are proposing modifications to your facility, check the box for Line 3 along with the other boxes that describe the type and extent of the modifications you are proposing.
- **Box 4** is intended for proposed facilities to be located where no feedlot operation currently exists or has existed in the past.
- **Box 5** is for proposed new manure storage areas.
- **Box 6** should be checked if you will be restocking a feedlot and/or reusing a manure storage area that has not been used for five (5) years or more.
- **Box 7** should be checked if there will be an increase in the number of animals at an existing feedlot beyond what was permitted at the facility in the past or that were held at an unpermitted facility in the past. Box 7 should be checked when additional

capacity in barns, open lots, or other holding areas is proposed.

- **Box 8** should be checked when there is proposed modification or expansion in the manure storage capacity at the site. If you check the box for Line 8, you may also need to submit plans and specifications for the project as required in Section XI. of the permit application.
- **Box 9:** For proposed changes not described in 4 to 8, describe the other reason(s) for application in Box 9.

#### VII. Environmental Review

This section will help determine if environmental review is required for a new or expansion project.

Environmental review is required for new animal feedlots over 1,000 animal units and expansions of existing feedlots by 1,000 animal units or more.

#### VIII. Site Sketch

On this page draw a site sketch that includes all applicable details requested in the permit application. The sketch does not need to be to scale, but it does need to provide enough detail and information to give a clear picture of the facility. You must also include an aerial photograph of the facility, with the location of the facility clearly indicated, showing the area within 1,000 feet of the entire feedlot.

#### IX. Soils, Location, Surface Water and Ground Water Features

The soils and sensitive areas information is required only if the facility is applying for a new permit or is constructing or expanding. The soils information required in **Item A** is available in the soils survey manual for your county or by conducting a site-specific soils investigation for construction of a liquid manure storage structure. The first question asks for the soil type(s) or texture(s) at the facility. If more than one type is present list all types. For example the soil type may be Clarion, Wauke, Webster, etc., as listed in the soil survey manual, while the texture could be described as clay loam, silty clay, or silty sandy, etc.

The second question asks for the depth to the seasonal high water table or saturated soils. This is not the depth to the regional water table, but rather the depth at which seasonal saturation in the soils is identified by soil coloration or mottling.

**Item B** requires that the location of the facility relative to certain sensitive areas be identified. This information is required for review staff to evaluate the facility's compliance with prohibited areas and setbacks required in Minn. R. Ch. 7020. This information is also used to determine the need for an EAW when the feedlot is new or expanding. If any of the existing or proposed animal confinement or manure storage areas are located in any of the sensitive areas listed, answer "yes" to the question. Most of this information is available at your county zoning office or at the MPCA regional office in your area. If your facility has pasture areas, do not consider these areas as part of the facility for these questions. Pastures are exempt from the setback requirements in Minn. R. Ch. 7020.

**Item C** asks for information about nearby wells. For assistance with **Questions 1 and 2**, contact your MPCA regional office or county zoning office. For **Questions 3 and 3** list the approximate distance from a well to the closest building and manure storage area. Also list the specific structure or area number that you listed in Section VI.

**Item D** asks for the presence of surface tile intakes within 1,000 feet of the buildings or manure storage areas. This information is also required for the sketch in Section VIII.

## **X. Animal Numbers, Animal Unit Calculation**

For each existing animal type at the facility, list the maximum number of animals held at any given time in **Column 3**. Next, for each animal type at the facility, multiply the animal numbers listed in **Column 3** by the animal unit factor provided in **Column 2**. Place the resulting number into **Column 4**. If no expansion is proposed, go to the bottom of the page and enter Existing AU Total at the bottom of **Column 4**. Continue on to Section XI.

If expanding your facility, list the maximum number of each animal type to be held at any given time at the facility after any changes in operation in **Column 5**. For example, if an existing site has 300 mature dairy cows over 1,000 pounds and is proposing to expand by 200 cows, the owner would list 300 in **Column 3** and 500 in **Column 5**.

Next, for each proposed animal type at the facility, multiply the animal numbers listed in **Column 5** by the animal unit factor provided in **Column 2** and place the

resulting number in **Column 6**. Finally, for the proposed maximum animal unit capacity, add the numbers in **Column 6** and enter the sum in the Final AU Total box at the bottom of the table.

If you have animal types that are not specifically listed in **Rows A to J** in the table (elk, buffalo, emu, ostrich, etc.), list those animal types in **Row K**. Attach an additional sheet of paper with the appropriate information if you have more than two other animal types. As shown in the table, the animal unit factor for these animal types is the average weight of the animal in pounds divided by 1,000 pounds. For example, for an 800 pound animal, 0.8 would be entered into **Column 2** for that animal type.

AU values listed in Column 2 are from Minn. R. 7020.0300, subp. 5. The values listed in Column 6 are used to determine the need for an Environmental Assessment Worksheet (EAW) under Environmental Quality Board Rules Chapter 4410 (if constructing or expanding). Counties and other local units of government may have different animal unit values that apply to feedlot operations.

Federal regulations for CAFOs under 40 CFR 122 do NOT evaluate animal *units*, and instead use only animal *numbers* (Column 5) to determine whether a feedlot is a large CAFO. Minnesota requires NPDES permits for both Large CAFOs determined by EPA's animal number thresholds (Column 5) and any other feedlot with a total animal *unit* capacity of 1,000 AU or more (bottom of column 6).

## **XI. Buildings and Lots, Manure Handling, Feed, and Dead Animal Storage Areas**

This section requires certain information about the areas used to confine animals, handle manure, and store feed and dead animals at your facility. For each of the barns, lots, manure handling, feed, and dead animal storage areas, list the information in a single column. For example, if you have one total confinement barn and an outside manure storage basin, these would be listed as structure or area #1 and #2, respectively. Another example: if you have three total confinement barns, each with a slatted floor and under-barn manure storage pit, these should be listed as structures #1, #2, and #3 (do not list the under-barn pits as separate structures or areas). Enough space is provided for seven structures. If you have more than seven, please attach additional sheets as needed.

**Item A** simply asks if the barn, lot, or storage area is new or existing. Next, use the five options in **Item B** to describe the types of confinement or pasture areas that are associated with that animal holding area and also give an approximate dimension of the area. For example, the total confinement barns mentioned in the second example above might be 40-foot x 200-foot barns. If you have a barn or lot from which the animals have access to pasture, list the approximate number of pasture acres instead of pasture dimensions in feet. Under **Item C** for each structure or area number, check the box that best describes the animal holding area floor type.

**Item D** requires the dimensions of the manure and milkhouse waste or other liquid storage areas. If the liquid storage area is not described properly by dimensions in length x width x depth in feet, a circular tank for instance, enter the diameter and depth and note that it is a circular tank. Similarly, if the storage area is odd-shaped or better described in another way, enter that description in the box listed other. **Item E** requires the same type of information for solid manure, feed and dead animal storage areas. Finally, **Item F** requires you to list the maximum number of animals that may be housed in each structure or area. The number should be the same total as listed in Column 3 if no expansion or 5 if expanding (Maximum Number of Animals) on page two of the permit application. For example, for the three 40-foot x 200-foot total confinement barns listed in the example above, each would house a maximum of 1,000 head of swine between 55 and 200 pounds. The number 1,000 would be entered in each of the Columns #1, #2, and #3 of Item F and the maximum animal numbers listed on page 2 of the application would be 3,000.

## XII. Manure Management

**Item A** pertains to manure, litter, and/or process wastewater that is transferred by the feedlot owner to another party and the owner does not control manure rates or timing of application. Answer the questions in **Question 1** to determine if you have transferred manure ownership. If you answer “No” to both questions 1.a and 1.b, you transfer ownership of some or all of your manure and you are therefore required to complete **Question 2**.

When ownership of manure is transferred, the feedlot owner’s manure management plan (MMP) does not need to include the field-specific nutrient management planning information. See the MPCA guidelines

“Manure Management Plan Requirements for Transferred Manure Ownership” found at your regional MPCA office or at [www.pca.state.mn.us/hot/feedlot-management.html](http://www.pca.state.mn.us/hot/feedlot-management.html).

**Item B** is for non-transferred manure and asks for the number of acres for spreading manure that are owned, rented, or otherwise under control of the feedlot owner/operator. You are also required to complete and submit a detailed MMP. The acres listed in **Question 1** should correspond to the acres in the detailed MMP. See the MPCA guidelines “Manure Management Plan Requirements and Checklist” found at your regional MPCA office or at [www.pca.state.mn.us/hot/feedlot-management.html](http://www.pca.state.mn.us/hot/feedlot-management.html).

**Item C** is required by federal regulations for feedlot owners that intend to use setbacks that are less than 100 feet of non-grassed area or less than 35 feet of grassed buffer. The specific sensitive area management and setbacks that you will be using must be described in your MMP. If you are NOT applying manure within 300 feet of any lakes, streams, intermittent streams, wetlands, open tile intakes, drainage ditches without protective berms, or other waters of the United States, then you do not need to complete part C.

If you are using the 25-foot setback alternative allowed under Minn. R. Ch. 7020.2225, then you must either agree to the three conditions (a., b., and c.) in the permit application, or otherwise attach detailed documentation showing how your setbacks provide equal or greater protection than a 100-foot non-manured setback.

You may choose to use any other combination of setbacks and manure/soil management, provided that you attach detailed justification showing how research conducted at a Land Grant College substantiates your claims that your alternative setback provides equal or greater protection compared to a 100-foot non-manured setback.

## XIII. Required Notifications

Minn. R. 7020.2000, subp. 5, requires the owner to notify the county, township, and city (if applicable) authorities that a feedlot or manure storage area will be constructed or expanded. The notification to the local governments is to include the information included under **Item A**.



**Item B** includes the information about feedlots with 500 or more animal units that must be provided to residents and property owners within 5,000 feet of the feedlot when constructing a new feedlot or expanding an existing facility, as required under Minn. Stat. §117.07, subd. 7a(a). **Subitem 2** asks for the information that documents that the notice was done. This documentation would include a copy of the newspaper notice, letter with the mailing list, or conditional use permit notice.

**Item C** asks for information about any public meeting for facilities new or expanding facilities under 1,000 animal units.

#### **XIV. Certification of Eligibility for a General NPDES/SDS Permit**

Answer the five questions to determine whether or not the facility is eligible for a general permit. Any “yes” response may require application for an individual permit.

#### **Section XV. Required Enclosures**

This section of the permit application identifies the items that must be enclosed with the permit application. If these required items are not enclosed, the permit application is incomplete and will not be processed until complete.

A permit application fee (payable to the **MPCA**) is required under **Item A**. The fee is \$620 for a general permit, \$1,860 for an individual permit, or \$620 for re-issuance of an individual permit. **Items B** are the Site Sketch and Aerial photograph. **Item C** is the manure management plan. **Items D, E, F, and G** refer to the plans that you are required to attach to any permit application for a NPDES/SDS permit. These include Air Emission, Emergency Response, Animal Mortality, and Operation and Maintenance Plans, respectively. Forms and guidance for completing these plans are available at the MPCA Web site listed on page one, or by contacting your regional office listed on page one.

Please note that you are not required to use the forms provided by the MPCA. You may use an alternative forms for submitting the required information. However the alternative forms must, at a minimum, include the information contained in the MPCA forms.

**Items I, J and K** are for plans that are required for certain construction activities. The plans and specifications prepared by a design engineer listed under

**Item H** are to be submitted when you are proposing to construct or expand a liquid manure storage area, such as an earthen-lined basin or concrete pit. A Stormwater Pollution Prevention Plan is to be included under **Item I** if any construction activities will disturb one or more acres of land. **Item J** is the groundwater monitoring plan if required. **Item K** refers to any notifications required under Section XII.

#### **XVI. Applicant’s Agreement and Certification**

The application must be signed and dated by at least one of the owners listed in Section I or the application will be returned.

#### **Before Submitting Your Application**

Now that you have completed the permit application, please review each section to see that all questions have been answered and all required enclosures are included.

#### **Public Notice Requirement**

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.

#### **For More Information**

For more information call your area office listed on the first page of this fact sheet and ask for a member of the feedlot staff.