

Guidelines for determining whether manure ownership is transferred

When a livestock or producer sells or otherwise provides manure to other cropland farmers for use as a source of nutrients, that manure is often considered to have changed ownership. This transfer of ownership affects who is required to develop and maintain nutrient plans and records, in accordance with Minn. Rules ch. 7020.2225 and federal regulations 40CFR parts 122 and 412.

The table below summarizes the nutrient planning and record-keeping responsibilities when ownership of manure is transferred. Manure management planning is conducted prior to manure application and record keeping is done after manure application. X* indicates parts of the manure management plan not typically required as part of a permit application when manure ownership is transferred.

	Feedlot owner	Cropland manager who receives the manure (Recipient)
Manure Management Plan		
Manure storage/handling	X	
Manure nutrient testing practices	X	
Manure amounts generated	X	
Method and timing of application	X – where known	X*
Field acreage/locations	Sometimes needed (see permit application)	X*
Field specific nutrient management	Must provide state requirements to recipient	X*
Sensitive areas management	Must provide state requirements to recipient	X*
Record Keeping		
Transfer dates and amounts	X	
Manure nutrient test results	X – must provide to recipient	X
Who receives manure	X	
Stockpiling practices	X – received from stockpile owner	X – stockpile owner
Field locations/acreage for manure	X – received from applicator	X
Application rates	X – received from applicator	X
Application dates and methods		X
Soil test results		X
N and P applied		X

Is my manure considered to be transferred?

Manure ownership is not considered to be transferred (i.e. feedlot owner/operator retains ownership) for situations where the answer is “yes” to either of the following questions.

1. ☐Yes ☐No Is manure from the feedlot facility applied onto land that is owned, leased, or rented by the feedlot owner/operator.
2. ☐Yes ☐No For manure application sites not owned, leased, or rented by the feedlot owner/operator; have you as the feedlot owner/operator or employees working under your direction been given control of the field and nutrient planning decisions, including planning for manure application rates, timing and methods?

For situations where you answer “Yes” to either question, manure ownership is NOT transferred, and you should see the MPCA guidelines “Manure Management Plan Requirements and checklist” which describe requirements when manure ownership is not transferred. If you answered “No” to both questions, then you are transferring ownership of your manure and you may use MPCA guidelines “Manure Management Plan Requirements when Ownership of Manure is Transferred.” Both guidelines can be found at www.pca.state.mn.us/hot/feedlot-management.html

Sometimes it can be difficult to determine who has control of the manure and nutrient planning and implementation decisions. Landowners often have other experts assisting them, including commercial applicators, crop consultants and others. In most cases, we assume that the *cropland* owner retains control of farming and nutrient management decisions, even when others are providing assistance. We have provided some examples below where ownership of manure is and is not considered to be transferred (for purposes of MMP and record-keeping responsibilities).

Examples where ownership of manure is NOT transferred:

- Manure is applied by a commercial applicator to land that is leased by the feedlot operator.
- The feedlot owner/operator or person acting as an employee of the feedlot facility applies manure onto land that is held under an access agreement with the feedlot operator. Additionally, the land owner does not have a nutrient management plan and the feedlot employee is responsible for making final decisions about the application rates, locations, and methods.
- A commercial applicator applies manure to land that is owned by a neighboring crop farmer, but the feedlot owner is ultimately responsible for the planning of manure application rates, locations and methods.
- The feedlot owner or employee is a commercial applicator who applies manure to a neighbor’s field through a recorded easement that gives the feedlot owner authority to apply manure to certain fields when determined necessary by the feedlot owner.

Examples where ownership of manure is transferred

- A commercial applicator applies manure to land that is owned by a neighbor to the feedlot, and the neighbor is responsible for nutrient planning decisions regarding the rate and method of application.
- Manure is sold to an independent manure broker who arranges access agreements to spread the manure at a rate and method directed by the receiving land owner.
- Manure is sold to an employee of the feedlot facility who is not part owner, and that employee applies it on his own land in accordance with the employees own crop nutrient management plan.
- An employee of the feedlot facility, who is a commercial applicator, applies the manure onto land that is held under an access agreement by the feedlot operator. However, the application rate, location, timing and methods of application are clearly directed by the cropland manager who receives the manure.
- The feedlot owner or employee draft a manure management plan for a neighbor or access agreement holder, and the neighbor or access agreement holder retains responsibility for final planning decisions for those fields.
- The feedlot owner or employee is a commercial applicator who applies manure to a neighbor’s field (not rented by the feedlot owner) in accordance with the neighbor’s field specific nutrient management plan.