

NPDES and SDS permits for multi-site feedlot operations

When two or more feedlots under common ownership are located near one another they may be required to obtain either a National Pollutant Discharge Elimination System (NPDES) permit or a State Disposal System (SDS) permit even if they are registered with the Minnesota Pollution Control Agency (MPCA) as separate facilities.

Applicability

Federal regulations state that two or more feedlots under common ownership are considered to be a single feedlot for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for disposal of wastes (40 CFR 122.23 (b)(2)). The MPCA commonly refers to this situation as a multi-site operation.

While this is a federal regulation applicable to the NPDES permit program, MPCA policy is to use this same criteria to determine the need for SDS permit coverage as well. It is important to note that this is only used to determine the need for a NPDES or SDS permit and does not affect other aspects of Minnesota Rule 7020 implementation.



The MPCA considers two or more animal feedlots to be one multi-site operation when:

- The sites have common ownership and
- One of the following conditions apply:
 - Any portion of the animal feedlots are located within $\frac{1}{4}$ mile of each other.
 - The animal feedlots share a liquid or solid manure storage area.

Common ownership

Common ownership exists when at least one person or entity is the full or partial owner of two or more animal feedlots. This includes instances where a single person owns one site but is a partner in a group that owns a second site. This also includes instances where a husband owns one site and his wife owns the other.

Distance between feedlots

Distance between animal feedlots is measured from the closest feedlot component (barn, manure storage area, etc.) of one site to the closest component of the other site (see examples on page 3 for illustration).

Shared manure storage

Feedlots that transport solid or liquid manure from one feedlot site to storage structures at another feedlot site are considered to share a manure storage area.

Sharing a liquid or solid manure storage area does **NOT** include:

- Two or more animal feedlots including the same fields in a manure management plan.
- Manure transfer to a third party who collects from numerous feedlots then manages the manure as a separate entity.
- Manure/litter transfer to another site to be used as bedding material.
(i.e. litter from a turkey brood barn transported with the birds to a finishing barn)

Permit coverage

The MPCA multi-site policy is only used to determine if NPDES or SDS permit coverage is needed. When multiple feedlot sites are determined to be part of a multi-site operation, the combined animal holding capacity of all sites is used to determine if a NPDES or SDS permit is required (examples are included on page 3).

- A NPDES permit may be required if the combined animal holding capacity meets or exceeds any one of the federal large confined animal feeding operation (CAFO) thresholds.
- A SDS permit is required if the combined animal holding capacity is 1,000 or more animal units (AU). A facility may choose to obtain an NPDES permit in lieu of the SDS permit.

Table: Common large CAFO and 1,000 animal unit thresholds

Animal Type	Large CAFO Threshold (Head count)	1,000 Animal Units ^a (Head count)
Mature Dairy Cows	700	715
Beef Cattle (steers) ^b	1,000	1,000
Heifer or Background Feeder ^b	1,000	1,429
Swine – Finishing	2,500	3,334
Broiler Chickens >5 lb.	125,000	200,000
Turkeys >5 lb.	55,000	55,556

^aThe AU numbers from multiple animal types are counted in aggregate to determine the multi-site total AU.

^bAll cattle, other than mature dairy cows, are counted in aggregate for the large CAFO threshold.

More information about NPDES and SDS permits is found in the fact sheet [NPDES and SDS permits for feedlots](#).

Obtaining NPDES or SDS permit coverage

For **each** feedlot considered to be part of a multi-site operation, the owner must complete the following:

- Obtain permit coverage, including payment of applicable application fees, for each feedlot. See the MPCA fact sheet [Applying for a feedlot permit](#) for more information on the application process.
- By March 1 of each year submit an annual report for each feedlot.
- Pay the annual permit fee for each feedlot.
- Maintain registration for each feedlot.

The MPCA uses registration data to determine how many permits a multi-site operation must obtain. If a multi-site operation consists of three registered feedlots, it must obtain three permits, one for each registered feedlot.

Permit modification

When a modification is proposed for one, or more, of the feedlots determined to be a part of a multi-site operation, the permittee is only required to submit the appropriate permit application and application fee for the feedlot that is being modified.

Getting help or more information

The formal multi-site policy can be viewed on the MPCA website at:

<https://www.pca.state.mn.us/sites/default/files/wq-f6-63.pdf>.

Further questions about the multi-site policy can be directed to MPCA feedlot staff. Contact information can be found on the MPCA website at: <https://www.pca.state.mn.us/water/mpca-feedlot-staff-contacts>

For more information about the feedlot program, visit the feedlot program homepage at:

www.pca.state.mn.us/feedlots

Examples

Use the diagram to the right as reference for all examples.

Example 1.

	Feedlot A	Feedlot B
Owner:	John Doe	John Doe
Capacity:	2,400 finishing swine (720 AU)	2,400 finishing swine (720 AU)

- This is a multi-site operation. There is common ownership and the sites are within ¼ mile.
- A SDS (or NPDES) permit is required because the combined capacity exceeds 1,000 AU. A NPDES permit may be required as the combined number of animals exceeds a large CAFO threshold.
- The owner is required to obtain two permits, one for each feedlot.

Example 2.

	Feedlot A	Feedlot B
Owner:	John Doe	Doe Bros LLP (John Doe is a partner)
Capacity:	2,400 finishing swine (720 AU)	2,400 finishing swine (720 AU)

- This is a multi-site operation. There is common ownership, since John is a partner in Doe Bros LLP, and the sites are within ¼ mile.
- A SDS (or NPDES) permit is required because the combined capacity exceeds 1,000 AU. A NPDES permit may be required as the combined number of animals exceeds a large CAFO threshold.
- Each owner is required to obtain a permit, one for each feedlot.

Example 3.

	Feedlot A	Feedlot B
Owner:	John Doe	Jane Doe (Jane is John's wife)
Capacity:	2,400 finishing swine (720 AU)	4,800 nursery swine (240 AU)

- This is a multi-site operation. There is common ownership, since John and Jane are married, and the sites are within ¼ mile.
- No permit is required because the combined capacity does not exceed 1,000 AU or a large CAFO threshold.

Example 4. Assume the feedlots are ½ mile apart

	Feedlot A*	Feedlot B
Owner:	John Doe	John Doe
Capacity:	2,400 finishing swine (720 AU)	2,400 finishing swine (720 AU)

*Manure is pumped from shallow pits at Feedlot A to deep pits at Feedlot B for storage

- This is a multi-site operation. There is common ownership and, although the feedlots are more than ¼ mile apart, the feedlots share manure storage at Feedlot B.
- A SDS (or NPDES) permit is required because the combined capacity exceeds 1,000 AU. A NPDES permit may be required as the combined number of animals exceeds a large CAFO threshold.
- The owner is required to obtain two permits, one for each feedlot.

