STATE OF MINNESOTA
Minnesota Pollution Control Agency
FACT SHEET
for the
2021 GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
ANIMAL FEEDLOT PERMIT
Permit Number MNG440000

I. INTRODUCTION

The Minnesota Pollution Control Agency (MPCA) proposes to issue a General National Pollutant Discharge Elimination System (NPDES) Permit for the construction, expansion, modification, or operation of animal feedlots in Minnesota. A NPDES permit is required for any animal feedlot facility that currently has capacity, or is proposing to have capacity, that meets or exceeds any one of the federal large confined animal feeding operation (CAFO) thresholds and discharges to waters of the United States. Additionally, animal feedlots that are required to obtain a State Disposal System (SDS) permit may choose to obtain an NPDES permit in lieu of the SDS permit.

This fact sheet has been developed to document the basis for the limitations and conditions of Permit Number MNG440000 (2021 General NPDES Animal Feedlot Permit) in accordance with Minn. R. 7001.0100, subp. 3.

II. AVAILABILITY OF PERMIT

A. A paper copy of the 2021 General NPDES Animal Feedlot Permit may be obtained by:
   1. Visiting the MPCA website: www.pca.state.mn.us/water/2021-npdes-general-permit; or
   2. Submitting a request to the contact address provided in the public notice document.

B. The 2021 General NPDES Animal Feedlot Permit is also available for review at the following MPCA offices during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.

   - St. Paul Office, 520 Lafayette Road North, St. Paul, Minnesota 55155
   - Brainerd Office, 7678 College Road, Suite 105, Baxter, Minnesota 56425
   - Detroit Lakes Office, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501
   - Mankato Office, 12 Civic Center Plaza, Suite 2165, Mankato, Minnesota 56001
   - Marshall Office, 504 Fairgrounds Road, Suite 200, Marshall, Minnesota 56258
   - Rochester Office, 18 Wood Lake Drive Southeast, Rochester, Minnesota 55904

III. BACKGROUND

The 2021 General NPDES Animal Feedlot Permit contains both state and federal requirements for the construction, operation, and maintenance of animal feedlots in Minnesota. Coverage under the Permit will fulfill the requirements of 40 CFR § 123.23(d) and Minn. R. 7020.0405, subp. 1.A for CAFOs to obtain coverage under an NPDES permit. Coverage under the Permit will also fulfill the requirements of Minn. R. 7020.0405, subp. 1. B. (1) for feedlots capable of holding 1,000 animal units (AU) or more, or the manure produced by 1,000 AU or more to obtain SDS permit coverage.
IV. CRITERIA FOR COVERAGE UNDER THE GENERAL NPDES PERMIT

There are two types of NPDES Permits, Individual and General. A General NPDES permit provides coverage to facilities that have substantially similar operations. An Individual NPDES Permit is unique to each facility and includes special conditions to address specific issues.

Coverage under the 2021 General NPDES Animal Feedlot Permit will not be granted to those facilities that require an Individual NPDES permit under federal law or when any of the following apply:

A. a schedule of compliance is required to address a pollution hazard;
B. special conditions are required as the result of environmental review;
C. a new technology for construction or operation which is not addressed by the Permit is proposed;
D. removal of bedrock is proposed to comply with site restrictions under Minn. R. 7020.2100;
E. feed for animals will be brokered or sold at the facility;
F. the facility, including the feed storage area, does not meet the design standards of Minn. R. ch. 7020 and the Permit;
G. the MPCA determines that the facility operations would be more appropriately controlled by an Individual permit;
H. the owner is proposing to land apply manure in a manner that is not consistent with the requirements of the Permit;
I. the owner is proposing to use a vegetative infiltration basin to control runoff from an open lot or manure storage area; or
J. the MPCA determines that discharges from a facility or the land application areas under the Permitee’s control have the potential to cause or contribute to non-attainment of applicable water quality standards.

V. TYPE OF DISCHARGES CONTROLLED BY THE GENERAL NPDES PERMIT

The 2021 General NPDES Animal Feedlot Permit prohibits the discharge of pollutants to waters of the State from the production area\(^1\) and land application areas except as allowed by the applicable effluent limitations (more discussion of the effluent limitations is found in part VII of this document). The Permit also prohibits discharges directly to groundwater from the production area.

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1 “Production Area” means that part of the animal feeding operation that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, calf huts/hutches, milking centers, egg washing or egg processing areas, areas used for the storage and disposal/treatment of mortalities, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under-house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, feed silos, and silage bunkers. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated stormwater.
VI. PERMIT COVERAGE AND PUBLIC COMMENT PROCESS

A. Application for Coverage

To obtain coverage under the 2021 General NPDES Animal Feedlot Permit, the owner of a feedlot must submit a permit application to the MPCA for review and approval. The application must be completed using the MPCA standardized application process and forms and include all required plans, including a manure management plan (MMP). The MMP must be completed using the MPCA MMP spreadsheet. Application forms can be found on the MPCA's website at: www.pca.state.mn.us/feedlots.

B. Public Comment on Applications for Coverage

Applications for coverage under the 2021 General NPDES Animal Feedlot Permit are open for public review except for any information determined to be not public under the Minnesota Government Data Practices Act (Minn. R. 7000.1300). The MPCA will public notice its intent to provide coverage under the 2021 General NPDES Animal Feedlot Permit. The public notice will be posted for at least 30 days on the MPCA website www.pca.state.mn.us/public-notice. The public may submit comments by following the procedure identified in the public notice document. Public comments will be considered by the MPCA in the formulation of the final determinations concerning the permit application.

VII. BASIS FOR GENERAL NPDES PERMIT REQUIREMENTS

The 2021 General NPDES Animal Feedlot Permit is based on requirements of Minn. Stat. chs. 115 and 116, and Minn. R. chs. 7001, 7009, 7020, 7053, 7060, and 7090 as well as the requirements of Title 40 of the Code of Federal Regulations. The Permit contains protections for surface waters, groundwater, and air quality.

Feedlots must meet construction, operational, and maintenance requirements for the production area and land application activities. The following items outline key requirements of the 2021 General NPDES Animal Feedlot Permit.

A. Facility Operation

Parts 1 and 2 of the 2021 General NPDES Animal Feedlot Permit require operation of the facility in accordance with the approved application materials unless it obtains approval for a modification of permit coverage. The term application materials includes all information submitted by the applicant for coverage under the permit and relied upon by the MPCA to make a decision on the request for permit coverage. This includes but is not limited to the application form, MMP, plans and specifications for facility components, emergency response plan, and required monitoring plans as approved by the MPCA. The requirements for modifications of the MMP are found in part 11 of the Permit.

B. Facility Construction

Parts 4 through 8 of the 2021 General NPDES Animal Feedlot Permit include the requirements for construction of facility components. Any construction activity must comply with the most current MPCA Construction Stormwater General Permit requirements, which is incorporated into the 2021 General NPDES Animal Feedlot Permit. The Permit also has specific construction requirements for liquid manure storage areas (LMSA), permanent manure stockpiles, poultry
barn floors, and feed storage area pads and runoff controls. Not all applicable technical standards are specifically included in the permit because this information is provided within Minn. R. ch. 7020. The conditions listed in the permit are in addition to or clarify the requirements of Minn. R. ch. 7020. Site-specific construction plans and specifications submitted as part of the application materials will be reviewed to ensure compliance with applicable technical standards.

C. **Land Application**

Part 10 of the Permit contains requirements for instances when manure is transferred to a third party for land application. Most of the land application requirements within the Permit apply when manure is not transferred. This does not mean however that manure that is transferred to a third party is un-regulated. Transferred manure must still meet the land application requirements of Minn. R. ch. 7020. The Permit does require the permittee to provide the manure recipient with a document that summarizes the land application requirements of Minn. R. ch. 7020. The Permit also prohibits transfer of manure to a recipient that will apply the manure in the winter when such application would be prohibited if the manure ownership was not transferred.

Parts 11 through 15 of the Permit contain the requirements for land application of manure to fields that are controlled by the permittee, or in other words, non-transferred manure. Generally, land application of manure is required to be done in a manner to assure maximum utilization of the nutrients by agricultural crops and minimize movement of pollutants to surface water or groundwater. The Permit accomplishes this primarily via the implementation of setbacks to water features and application of the nutrients in the manure at agronomic rates. The Permit does prohibit discharge to waters of the State during the land application process.

The Permit prohibits land application of liquid manure during the winter and solid manure during the months of February and March. This will limit the potential for runoff from fields transporting manure to surface water features. The Permit also requires best management practices (BMPs) to limit the potential leaching of nitrates to groundwater. These are implemented based on the time of the year that manure is applied and include BMPs such as cover crops and delaying application until cooler soil temperature time periods.

D. **Facility Operation and Maintenance**

Parts 16 through 19 of the 2021 General NPDES Animal Feedlot Permit contains conditions pertaining to the overall operation and maintenance of the facility and its manure storage areas and feed storage areas. At a minimum, the production area must be designed, constructed, operated, and maintained to contain all manure, process wastewater, contaminated runoff, and direct precipitation from a 25-year, 24-hour storm event.

The Permit also includes an exemption from the ambient air quality standards during manure removal activities and provisions for facility monitoring (e.g. groundwater monitoring), when required by the MPCA.
E. **Required Inspections**

Parts 20 through 22 of the 2021 General NPDES Animal Feedlot Permit contain the schedule for the feedlot owner to complete routine inspections of the production area to assess conformance to the Permit. The Permit also identifies the schedule to correct any deficiencies found as result of the inspections.

F. **Closure**

Part 23 of the 2021 General NPDES Animal Feedlot Permit provides the requirements for the permanent closure of all or part of the feedlot. These requirements address the removal of manure and manure contaminate material and notification to the MPCA.

G. **Recordkeeping and Reporting Requirements**

Part 24 of the 2021 General NPDES Animal Feedlot Permit requires records of facility maintenance, required facility inspections, ambient air quality exemption requests, facility monitoring, and land application activities to be kept at the feedlot for a minimum of six years.

Part 25 of the 2021 General NPDES Animal Feedlot Permit requires the submittal of an annual report of facility activities to the MPCA by March 1st of each year. The Permit requires the use of the MPCA standardized annual report form which identifies the necessary information required for a complete annual report. The form is available at: [www.pca.state.mn.us/water/npdes-and-sds-permits](http://www.pca.state.mn.us/water/npdes-and-sds-permits).

H. **Effluent Limitations**

The discharge limitations covered in Part 26 of the 2021 General NPDES Animal Feedlot Permit are based on 40 CFR § 122, 40 CFR § 412, and Minn. R. ch. 7020. Discharges covered by the permit include discharges containing manure, litter, process wastewater and/or manure-contaminated runoff from the production area and land application sites.

For swine, poultry, or veal calf facilities that began construction after December 4, 2008, and are subject to a new source performance standard in 40 CFR pt. 412, the Permit prohibits discharge of pollutants from the production area to waters of the State.

For all other facilities, the Permit prohibits discharge of pollutants from the production area to waters of the State except when precipitation causes a discharge from the production area that is in compliance with the Permit. Most notably, this includes Part 16 of the Permit that, at a minimum, requires the production area to be designed, constructed, operated, and maintained to contain all manure, process wastewater, contaminated runoff, and direct precipitation from a 25-year, 24-hour storm event. In other words, a discharge is only authorized from the production area when it is the direct result of precipitation from a 25-year, 24-hour storm event.

Discharges from the land application sites are also restricted by Part 26 of the 2021 General NPDES Animal Feedlot Permit. Discharge from land application area is prohibited unless the discharge is an agricultural stormwater discharge, which is a precipitation-related discharge from manure application areas where manure has been applied in accordance with the approved MMP.
I. **Discharges, Spills, and Overflows**

Part 27 of the 2021 General NPDES Animal Feedlot Permit requires immediate reporting to the Minnesota Duty Officer any discharge, spill, or overflow, including those authorized by the Permit. When a discharge, spill, or overflow occurs, whether authorized by the Permit or not, the Permittee must take all actions necessary to minimize the amount released, recover the material released, and mitigate impacts to waters of the State.

VIII. **PRELIMINARY DETERMINATION**

The MPCA Commissioner’s determination that the 2021 General NPDES Animal Feedlot Permit should be issued is preliminary.

IX. **PROCEDURES FOR REACHING A FINAL DECISION ON GENERAL NPDES PERMIT**

The procedures for public participation in the MPCA’s consideration of permit issuance are included in the public notice document.