



Disposal of Livestock Carcasses and Farm Structures Resulting from a Disaster

Program Management Decision
Effective February 4, 2011

Background

Disasters strike Minnesota farmlands every year, creating unique solid waste handling and disposal issues. The Minnesota Pollution Control Agency has developed a hierarchy of preferred disposal methods to best conform to Minn. R. ch. 7035. Considerations are made with regard to the type of damage (i.e., flood, fire, or tornado), materials needing disposal (livestock carcasses, structural debris) and methods of separation and transport. Constraints for disposal site locations are listed to ensure minimal impact to the surroundings and groundwater.



Minnesota Pollution Control Agency

PROGRAM MANAGEMENT DECISION MEMO

Issue: Disposal of Livestock Carcasses and Debris from Damaged Farm Structures Resulting from a Disaster

Effective Date: February 4, 2011

DECISION

Notwithstanding any otherwise applicable requirements of Minn. R. ch. 7035, any agricultural producer may dispose on-site under the conditions specified in this Program Management Decision (PMD) of livestock carcasses and damaged farm structures resulting from a disaster caused by natural or other causes outside of the producer's control. Animal disease is not considered a disaster for the purposes of this PMD. Disaster-caused disposals not conforming to the conditions in this PMD are subject to all applicable requirements of Minn. R. ch. 7035 and all other applicable requirements. Disaster-caused disposals are not considered waste normally generated by a person's household or farming operations eligible for any other exemptions from normal solid waste disposal prohibitions and requirements.

Compliance with this PMD does not release any party from any other liability associated with discharges or releases from the disposal, including monitoring necessitated by evidence of release from the disposal.

Carcass Disposal by Burial On-site

1. Composting and rendering on or off-site, as well as standard disposal off-site at a permitted landfill or solid waste management facility must be considered first and then determined to be not viable due to health, safety, or environmental considerations.
2. Unless unfeasible due to health, safety, or environmental considerations, every reasonable effort must be made to separate livestock carcasses from all other waste prior to burial. The considerations must be documented by the land owner.
3. Carcass burial locations must be located at least:
 - 5 feet above the seasonal high groundwater level measured from the excavation bottom
 - 50 feet from any property line boundary
 - 50 feet from any tile drainage line
 - 150 feet from any water supply well
 - 300 feet from any stream or river
 - 300 feet from any wetland,
 - 1000 feet from any pond or lake

And cannot be located within any property containing karst features, including sinkholes, disappearing streams, or caves

4. After burial, the site must be covered by at least three feet of soil, with at least the top foot capable of sustaining vegetative growth.
5. For at least 20 years after burial, the site must be inspected at least semiannually for settlement and erosion. Any settling or erosion identified by inspection must be repaired immediately. The inspections must be documented by the landowner.

Debris From Damaged Farm Structures Disposal by Burial On-site

1. For the purposes of this PMD, debris from damaged farm structures includes portions of the structure, both still standing and separated, ash resulting from fire disaster, and the appurtenances of the structure unless excluded below.
2. Unless unfeasible due to health, safety, or environmental considerations, all hazardous and prohibited materials specified by Minn. R. 7035.0805, subp. 5 must be removed from the debris and appropriately managed. The considerations must be documented. If such materials cannot be removed, then the debris that contains the hazardous and prohibitive materials must be segregated from the debris and then must be managed at a facility that is permitted to accept the contaminated waste.
3. Unless also unfeasible due to health, safety, or environmental considerations, an inspection of the debris for Regulated Asbestos-Containing Material (RACM) by an asbestos inspector certified by the Minnesota Department of Health (MDH) must be performed and all RACM removed and appropriately managed by an asbestos abatement contractor licensed by the MDH. If the inspection reveals no RACM in the debris, or if RACM is found and all is first appropriately removed and managed, then the debris may be managed as demolition debris under **non-emergency situations** solid waste requirements or buried on-site as below. If the required inspection and/or removal cannot be performed, then either:
 - If no materials suspected as RACM are observed by the asbestos inspector in the visible debris, and the agricultural producer has no knowledge that the structure might contain RACM, then all the debris may be managed as demolition debris under solid waste requirements or buried on-site as outline below in numbers 4-7.
 - If any suspected RACM is observed by the asbestos inspector in the visible debris, or is suspected as present based on the producer's knowledge of the structure, then the suspect debris must be tested or assumed to be RACM and appropriately removed and managed. The remaining debris may then be managed as demolition debris under normal solid waste requirements or buried on-site as below. If the suspect debris cannot be separated from other debris, then all the debris must be assumed to be RACM and removed and then must be managed at a facility that is permitted to accept this type of waste.
4. Unless unfeasible due to health, safety, or environmental considerations, the landowner must ensure that every reasonable effort must be made to separate livestock carcasses, feed, bedding, and that any other putrescible waste must be separated from the debris prior to burial on-site.
5. Debris burial locations must not be located within:
 - any property containing karst features, including sinkholes, disappearing streams, or caves
 - a wetland
 - a 100-year floodplain
 - 5 feet of the seasonal high groundwater level measured from the excavation bottom
 - 50 feet from any property line boundary
 - 300 feet from any stream or river
 - 1000 feet from any pond or lake
6. After burial, the site must be covered by at least two feet of soil, with at least the top foot capable of sustaining vegetative growth.

7. For at least 20 years after burial, the site must be inspected at least semiannually for settlement and erosion. Any settling or erosion identified by inspection must be repaired immediately. The inspections must be documented.
8. A deed notification form must be filled out and filed with the County within 30 days after the permit by rule has been closed (see attachment titled "Site Closure Form for Permit-By-Rule (PBR) Demolition Debris Disposal Facility).
9. Submit a completed site closure form for the PBR demolition facility to the MPCA within 30 days after the site has been closed (see attachment titled "Land Disposal Site Closure Record).

This decision will be reviewed as determined necessary by the Commissioner.

BACKGROUND

Disaster-created animal carcasses and debris at agricultural production sites can create human and animal health and public safety risks requiring more expedited management than otherwise-applicable solid waste requirements may allow. In addition, the volume of waste which may be caused by a disaster at a single time is likely in considerable excess of the amount normally expected generated by a household or single farm operation over an extended time, and therefore would be considered as not reasonably managed either off-site through normal solid waste methods or on-site using any exemptions normally available to farm operations.

RATIONALE

Burial on-site of debris meeting the criteria described in this PMD, under the constraints specified in this PMD, is not expected to create substantial environmental or human health risk and will allow carcass and debris management in a timely and cost-effective manner to appropriately safeguard human and animal health and alleviate any immediate public health or safety risks caused by the disaster.

APPROVAL I have reviewed this Program Management Decision and I concur:

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| <p>Signed: <u>Steve Lee</u></p> <p>Date: <u>1-31-11</u></p> <p>Steve Lee, Manager Voluntary Investigative Cleanup and Emergency Response Section</p> | <p>Signed: <u>Gary Pulford</u></p> <p>Date: <u>January 25, 2011</u></p> <p>Gary Pulford, Manager Policy, Local Government Assistance, and Solid Waste Section</p> |
| <p>Signed: <u>Lisa Thorvig</u></p> <p>Date: <u>February 4, 2011</u></p> <p>Lisa Thorvig, Director Municipal Division</p> | <p>Signed: <u>Kathy Sather</u></p> <p>Date: <u>February 1, 2011</u></p> <p>Kathy Sather, Director Remediation Division</p> |