

Policy Committee Meeting Agenda

Clean Water Council

July 26, 2024

9:30 a.m. – 12:00 p.m.

[WebEx Only](#)

2024 Policy Committee: John Barten, Rich Biske (Chair), Gail Cederberg, Kelly Gribauval-Hite, Peter Schwagerl, and Marcie Weinandt

9:30 Regular Business

- Introductions
- Approve today's agenda
- Approve minutes of previous meeting(s)
- Chair update
- Staff update

9:45 Overview and Comments on MPCA's [Draft Feedlot Permit](#) Revisions

10:15 Update on EPA [Climate Smart Food Systems](#) Grant to MPCA

- Brad Jordahl Redlin, MAWQCP, MDA

10:30 BREAK

10:45 More Details on Possible Extension of CREP Agreement & Prevailing Wage Legislation

- Justin Hanson, BWSR
- Sharon Doucette, BWSR

11:15 Review of Latest Draft of Groundwater Protection Policy Statement

11:45 Public Comment

12:00 Adjourn

Next Meetings Options:

- Water storage pilot completion
- **New Report:** Minnesota's Vanishing Natural Shorelines: A Loss that Contributes to Degraded Lake Quality + lake water quality issues in general

Policy Committee Meeting Summary
Clean Water Council (Council)
June 28, 2024, 9:30 a.m. to 12:00 p.m.

Committee Members present: John Barten, Rich Biske (Chair), Kelly Gribauval-Hite, Peter Schwagerl, Marcie Weinandt.

Members absent: Gail Cederberg

Others Present: Glenn Skuta (MPCA), Randy Hukriede (MPCA), Margaret Wagner (MDA), Jeff Berg (MDA), Tannie Eshenaur (MDH), Frieda VonQualen (MDH), Annie Felix Gerth (BWSR), Justin Hanson (BWSR), Jen Kader (Met Council), Jim Stark (LCC Subcommittee on Minnesota Water Policy), Carly Griffith (MCEA), Larry Baker (UMN Water Council), and Debra Topping (Fond du Lac Reservation/RISE Coalition)

To watch the WebEx video recording of this meeting, please go to <https://www.pca.state.mn.us/clean-water-council/policy-ad-hoc-committee>, or contact [Brianna Frisch](#).

Regular Business

- Introductions
- Approval of the June 28, 2024, meeting agenda, and May 17, 2024, meeting summary, motion by John Barten, seconded by Marcie Weinandt. Motion carries.

Updates

Marcie Weinandt: I attended MN Watersheds tour including metro Clean Water Fund (CWF) including: Allianz Field, Maplewood Mall, and Highland Bridge.

Tannie Eshenaur: We completed public meetings in southeast MN on our response to the EPA petition.

Jeff Berg: MDA commissioner and the Governor toured flood damage in southern MN.

Justin Hanson: Soil and Water Conservation Districts (SWCDs), Local Governmental Unit (LGU) staff, landowners, and producers are working on flooding in the southern part of the state.

Chair Updates (Rich Biske)

- The restoration work in the wetlands is on hold until we get a little dryer.

Staff Update (Paul Gardner) (Webex 00:12:03)

- Annie Knight had a healthy baby girl.
- A contractor (Background Stories) will help create content in support of our communications plan.
- BWSR released a draft non-point priority funding plan. A comment period is open.
- The interagency coordination team met yesterday regarding timetables on funding recommendations and will meet prior to the next Full Council meeting. They are going to try and get their requests into the council for the \$307 million dollars for the next biennium.
- There has been discussion of having an additional full-time employee (FTE) on the Clean Water Council (CWC).
- In response to Council input, we are accepting public comment at both July and August next council meetings.

Questions/Comments

- Marcie Weinandt: On the Communication Plan there is a fine line between communicating and advocating for the Council's work. Can we have clarity soon about where that line is. *Answer:* I don't think the Council is advocating for renewal. The Communication Plan is the CWC way of telling a story and others can interpret it how they want. We are responsible to describe outcomes for the dollars spent. Outputs will include a story map that explains the water management framework, and fact sheets for drinking water, groundwater, and surface water. There might be a focus on major topics such as the nitrate response and/or protection in the upper Mississippi. The Legacy webpage needs to be reworked in plain language.
- Marcie Weinandt: I was on a watershed tour were golfers and people who show up at malls, county lakes, etc. don't know benefits from the CWF.

- John Barten: Paul summed it up well, I think the line between advocating and educating is broad, and I think there's a lot of room to do things. As Marcie indicated, folks see the Clean Water Legacy signs and they don't really recognize what it is, and I think it is appropriate for us to help folks understand.
- Paul Gardner: The state statute says that the CWC shall develop strategies for explaining the outcomes of the CWF and the agencies carry out the strategies. We are required to provide that accountability. I would say a "call to action" is probably where the line is between advocacy and lobbying.
- Glenn Skuta: I don't think we should underestimate the power of the logo, but instead enhance the message to the viewer of educating what that logo is.

Follow-up on Feedlot Inspection Discussion (Glenn Skuta/Randy Hukriede, MPCA)/(Webex 00:30:16)

The feedlot program includes 24 people. The staff do a variety of activities (regulatory and non-regulatory), compliance assistance, technical assistance, feedlot inspections, and help with manure management planning. Feedlot staff oversee the county programs, work with the County Feedlot Officers (CFO) that focus on the non-permitted smaller facilities in 50 counties around the state. There are a little over 1,000 permittees around the state that are the MPCA's responsibility. There are 37 counties with delegated authority. MPCA addresses non-permitted feedlots in non-delegated counties.

A lot of our work is complaint driven, but we have planned and scheduled inspections. EPA sets expectations for how many inspections we perform, what type of inspections, and where. They are more focused on the larger permitted sites in the Federal National Pollutant Discharge Elimination System (NPDES). We have agreed on inspections that are more risk and environmentally based than simply just size based. An example of a low-risk facility would be a hog barn that is underground or under a roof that has no manure exposure to the environment and has a concrete lined underground manure storage. For calendar year 2023 the counties inspected approximately 11% of feedlots in the 50 delegated counties. The MPCA inspected approximately 7% of the feedlots under their jurisdiction and the overall percentage came out at about 10%. That is between 1,700 and 1,800 inspections conducted between the state and the county out of about 17,000 sites that are required to be registered.

Questions/Comments

- John Barten: Several feedlots discharged during recent flooding. We assess their impact and how the agency and the producers resolve them? *Answer:* As of yesterday afternoon, we had 17 reports of overflows from manure storage. These are facilities where overflow is directed on a field, not a waterbody. This is highly diluted. We got reports from operators about two weeks ago. They were told to berm around the storage to contain it before it discharges to water. We have also received over a hundred wastewater treatment plant (WWTP) discharge reports where they've had to bypass, so it's not only a manure storage issue. Out of the 17 that reported overflows we don't know how many people haven't reported. There were many that were able to start applying fertilizer earlier in the spring before planting so that storage would be empty.
- Tannie Eshenaur: Are there additional protections for storing manure and manure lagoons in a place like southeast MN? A story shared at a meeting is that a manure storage was compromised and a neighboring private well ended up being compromised. Geology is especially challenging and a discharge onto the land surface could compromise nearby private wells. *Answer:* Yes, there are tougher standards for manure storage in southeast MN where there's karst. I will share a factsheet about the design standards specifically when dealing with area of karst and shallower depth to bedrock.
- Rich Biske: Counties received some increased funding for inspections. Does the inspection rate of 11% reflect that? *Answer:* Probably prior to these new funds or right about the time that funds came in. Counties file annual reports and we can see the impact. Minnesota Association of County Feedlot Officers (MACFO) would possibly have some actual numbers.
- Rich Biske: Does the risk assessment include landscape context or proximity of surface waters or groundwater vulnerability in addition to feedlot construction. *Answer:* There's a set of criteria as part of the Total Maximum Daily Load (TMDL) reports that could point to potential feedlot issues and that helped focus on certain watersheds. Environmental justice geographic areas were another area.
- Marcie Weinandt: What is the range of animal units (AU) at sites? We don't regulate to one chicken but it's almost down to zero and the largest feedlots is 12,000-14,000 AU. *Answer:* We don't know the average or median sized facility, and we don't have a number like that, but that is the range.

- Paul Gardner: Are 100 WWTPs having to bypass treatment because they still have combined sewer overflow issues that Minneapolis and St. Paul no longer have? *Answer:* That could be in some situations. Inflow and infiltration can leak rainwater into sewer pipes and vice versa. Clean groundwater gets into the pipes and is added to sewage and causes overflow to the wastewater treatment plants.
- John Barten: Are there 17,000 registered sites, and any level of livestock triggers the registration process? *Answer:* There are two thresholds: any feedlot that is located in a shoreland area that has 10 AUs or more, and the other is 50 AUs or more if they're outside of a shoreland area.
- John Barten: How many AU units in the state fall below that threshold? *Answer:* I don't have a good number on that, but MDA would have it. We are not required to get registrations from those sites.
- John Barten: Of the approximately 1,700 inspections that are done statewide between MPCA and the counties for the higher risk facilities, what is the compliance rate? *Answer:* We're trying to pull that together right now to separate permitted versus non-permitted sites, compliance rates, and what would be considered major versus minor non-compliance. Hopefully, I will have that information soon. MPCA uses the risk-based approach, but I am unsure how the counties do it.
- John Barten: In your opinion, what would be an adequate number of inspections to accurately characterize the compliance rate among these 17,000 registered sites statewide. *Answer:* I couldn't even answer what that would be and that's why we've gone to more of the risk-based approach to really focus the more limited resources that we have on a higher priority.
- Kelly Gribauval-Hite: In Pine County the feedlot inspector is from Brainerd and there was a feedlot that had 900 dairy cattle. They were not inspected because they were under the AU threshold, but they didn't have an up-to-date manure management plan (MMP). They had an issue with storage space and they're right by one of the lakes. Two feet of snow fell, and they spread their manure on the snow, the snow melted, and the manure went into a nearby wetland into the drainage ditch down to the Snake River. The inspector from Brainerd came out and said they've always turned their records in. They weren't doing the right thing and it's hard to find those feedlots that are complicated. *Answer:* It hard for us to get out in a timely manner to 37 counties around the state where there's issues going on. I'm trying to get some additional resources for the program. We've brought on online registration, online permitting, and we're upgrading the management tool that saves time to bring technical assistance as well as inspections and complaint response.
- Rich Biske: Do delegated counties have their own inspection priorities and records, and does the MPCA review those records? It is a multistep process. We do an initial approval of their workplans or their delegation agreements. There is an annual review to see if they accomplished their goals. There is an extensive training program for new CFOs including face to face meetings and recorded sessions.
- Glenn Skuta: MPCA is not looking for CWFs since there are fewer funds available and the Legacy Amendment expires in 2034. The MPCA put the Federal NPDES permit and the State Disposal System (SDS) permit on public notice until August 9, 2024. Later this year we will be initiating the actual rule making for the feedlot rules that have not been changed in about two decades.

Outline for a Groundwater Protection Policy Statement (Webex 01:19:42)

The draft groundwater protection policy statement focused on the EPA petition and other initiative put forward by agencies.

Questions/Comments

- John Barten: Possibly add a line item to indicate that the state would develop a model ordinance similar to the county to require well test disclosure at time of property transfer.
- Peter Schwagerl: Is it appropriate to have the technical assistance for fertilizer management, financial support or regulation of feedlots and land application on a policy statement? Are we advocating for state policies to implement that technical assistance? *Answer:* It goes back to the opening statement to ensure private well users have safe sufficient equitable access to drinking water. Possibly change part of the statement to adequate technical and financial assistance for fertilizer management?
- Margaret Wagner: Perhaps a transition in the beginning of the statement to focus on nitrogen management.
- Rich Biske: Let's discuss the title of the policy statement: "Private Well Policy Statement" or "Groundwater Protection Policy Statement."
- Frieda Von Qualen: MDH is really focused on the well inventory. We could clarify the policy portion up front to note that it could be state or local. Maybe we should reference the MN well code.

- Glenn Skuta: Another focus should be bacteria.
- Tannie Eshenaur: We really need to support these five contaminants due to the arsenic issue.
- Paul Gardner: Do we want pesticides mentioned here, along with the top five since we do so much testing and analysis? *Answer from Margaret Wagner:* At the MDA we often think about nitrates and pesticides together because those pathways are similar. There is a difference in the regulation and impairment process, but I don't know how much we want to get into regarding the private well initiative.
- Rich Biske: I think there is value in trying to address as much as we can and to learn from the different actions.
- Tannie Eshenaur: Our actions can address multiple contaminants, including PFAS.
- Paul Gardner: We have another drinking water protection statement; we also have a PFAS policy statement and I will figure out how all these fit together and bring up recommendations for the next meeting.

Input to BWSR on Possible Extension of Conservation Reserve Enhancement Program (CREP) Agreement

(Justin Hanson, BWSR) (*Webex - 01:46:45*)

BWSR is working on an extension and expansion of the current CREP agreement. The CREP program is a partnership between USDA Farm program, Conservation Reserve programs, and Reinvest in MN program. We use Best Management Practices (BMPs), Filter Strip (CP21) Wetland Restoration projects, Floodplain Restoration projects, and Wellhead Protection areas. The original CREP program was limited to southwest, south central, and north central MN. It didn't have much for programs in the southeast area of MN. There are some Conservation Reserve program practices that we can tap into like the State Acres for Wildlife Enhancement (CP38) program that is designed for habitat enhancements and has a great deal of utility on the land for groundwater and drinking water protections. Water storage can be useful in knocking down our peak flows, and the MN River Valley has some opportunity to be a little more expansive. We are looking to expand the program and target the southeast and northwest part of the state and extending the program to 2026 and beyond for implementing the program.

Questions/Comments

- Rich Biske: What is the timeframe for input? *Answer:* Between now and the end of the calendar year.
- Rich Biske: Is the CP38 water storage practice standards the device in which you use to expand deployment within northwest and southeast or are there other scoring criteria that BWSR uses to drive those higher scored projects within those geographies? *Answer:* That hasn't been worked out yet, but I can see where the priority maybe given to some of those areas that have not been as inclusive as southeast MN. U.S. Department of Agriculture (USDA) has strict requirements for buffer strips and wetland restorations for floodplain areas and that has been impacting the ability for BWSR to work in the southeast specifically.
- Rich Biske: If you were to adjust the scoring criteria or even an acreage cap to maybe target some of those vulnerable areas in southeast MN, does that go into the amendment request at Farm Service Agency (FSA), or is that after the amendment with USDA? *Answer:* My guess is that they are going to want to know the following: how you are going to use those acres, what is your plan, and what are the criteria. We need to tell them what they need to hear. The CP38 program to us will look more like a groundwater/drinking water program but like a habitat program to the USDA due to the Farm Bill requirements.
- John Barten: The current CREP program is 37,000 acres of the 60,000-target goal. Do you have applications for those? You had suggested that you're targeting about 10,000 acres in the southeast. How many additional years does this give you to hit 60,000 acres and the additional 10,000 acres? *Answer:* We have not identified those acres yet and the 10,000 is a very arbitrary number. I could come back at a September meeting.
- Tannie Eshenaur: This is an exciting development, and I would like to talk about how MDH could be of assistance on near surface sensitivity and concentrations of private wells.
- Rich Biske: Are additional state funds required for a match, and if so, how much? *Answer:* I haven't seen the specific number. Land values have been going up. I will have to follow-up with you.

Public Comment (*Webex 02:11:50*)

- Debra Topping: I saw that you are looking to have more indigenous people on the council, and I think that the Reservations would have no problem doing that. Has anyone checked out the clean water standards in Fond du Lac Reservation, and are they up to MN standards? I heard that you have some water monitoring funds, and we have a group of volunteer scientists on the reservation that has been watching the destruction by the corporation that has been poisoning our food and water. *Answer:* We are looking for input on our recommendation process for long-term. We do have a tribal representative from Shakopee. All but one of the

agencies receiving dollars from the CWF are required to engage in tribal consultation. The MPCA does collaborate with several tribal governments on monitoring lakes and streams. The CWC collaborates with the tribal government on projects including monitoring, but I don't know if Fond du Lac Reservations is part of that. I am unsure of water standards but if you would email me that information, that would be great.

- Glenn Skuta: Regarding water monitoring, the MPCA enters watersheds on our ten-year cycle, and we notify tribes that have indicated interest in the given watershed. We partner and possibly fund the monitoring work and help to develop protection and restoration strategies for the waters of the watershed. I send my notifications to our tribal contacts Nancy Schuldt and Rich Gitar for the Fond du Lac Reservation.
- Debra Topping: My biggest concern is at the head of the Mississippi River, has anyone seen what's going on at the MSR1 Enbridge crossing? I have a video if anyone would like to see it and I would like to know what is the council doing about this? *Answer:* We have not discussed or acted on Enbridge itself. Since 85% of our impaired waters are from non-point sources, we tend to focus more on those because the large point source pollutions risks are usually taken care through permit processes.
- Debra Topping: I have pictures and I have no problem sharing them.
- Paul Gardner: I will put my email in the chat, and you can send them to me.

Adjournment (*Webex 02:22:13*)

STATE OF MINNESOTA
Minnesota Pollution Control Agency
FACT SHEET
for the
2026 GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
ANIMAL FEEDLOT PERMIT
Permit Number MNG440000

1. 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. An 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 the 2026 General NPDES Animal Feedlot Permit MNG440000 (Permit) in accordance with Minn. R. 7001.0100, subp. 3.

2. AVAILABILITY OF PERMIT

A paper copy of the Permit may be obtained by:

- Visiting the MPCA website: <https://www.pca.state.mn.us/business-with-us/npdes-and-sds-feedlot-permits>; or
- Submitting a request to the contact address provided in the public notice document.

3. BACKGROUND

The 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 C.F.R. § 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.

4. 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 2026 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 schedule of compliance is required to address a pollution hazard;
- special conditions are required as the result of environmental review;

- a new technology for construction or operation which is not addressed by the Permit is proposed;
- removal of bedrock is proposed to comply with site restrictions under Minn. R. 7020.2100;
- feed for animals will be brokered or sold at the facility;
- the facility, including the feed storage area, does not meet the design standards of Minn. R. ch. 7020, and the Permit;
- the MPCA determines that the facility operations would be more appropriately controlled by an individual permit;
- the owner is proposing to land apply manure in a manner that is not consistent with the requirements of the Permit;
- the owner is proposing to use a vegetative infiltration basin to control runoff from an open lot or manure storage area;
- the MPCA determines that discharges from a facility or the land application areas under the Permittee's control have the potential to cause or contribute to non-attainment of applicable water quality standards;
- an anaerobic digester at the facility processes a mixture of organic materials (including manure) that is less than 90% (by volume) manure, process wastewater, or manure contaminated runoff regulated by Minn. R. ch. 7020; or,
- the facility is located within Indian Country, as defined by federal law.

5. TYPE OF DISCHARGES CONTROLLED BY THE GENERAL NPDES PERMIT

The Permit prohibits the discharge of pollutants to waters of the State from the production area and land application areas except as allowed by the applicable effluent limitations (more discussion of the effluent limitations is found in part 7 of this document). The Permit also prohibits discharges directly to groundwater from the production area.

The 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, milkrooms, milking centers, 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, silage bunkers, and bedding materials. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated stormwater. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

6. PERMIT COVERAGE AND PUBLIC COMMENT PROCESS

A. Application for Coverage

To obtain coverage under the 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 online application process and forms and include all required plans, including a manure management plan (MMP). The MMP must be completed using MPCA's online Nutrient Management Tool. The Nutrient Management Tool includes the necessary information to satisfy applicable manure management planning and record keeping rules and Permit requirements, including the requirements to satisfy the "narrative approach" identified in federal regulations.

Access to the online application and Nutrient Management Tool can be found on the MPCAs website at: <https://www.pca.state.mn.us/business-with-us/npdes-and-sds-feedlot-permits>.

Note: Development of the Nutrient Management Tool is nearing completion. It is not currently available to applicants but will be made available before permit applications are accepted for the Permit. Initially access to the tool will be limited to registered feedlots but future plans include providing access to others.

B. Public Comment on Applications for Coverage

Applications for coverage under the 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 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.

7. BASIS FOR GENERAL NPDES PERMIT REQUIREMENTS

The 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 Permit.

A. Permit Coverage, Modifications, and Submittals

Parts 1 and 2 of the 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 include 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 10 of the Permit.

B. Facility Construction

Parts 4 through 7 of the Permit include the requirements for construction of facility components. Any construction activity must comply with the most current MPCA Construction Stormwater General Permit since it is incorporated into the General NPDES Animal Feedlot Permit. The Permit also has specific construction requirements for liquid manure storage areas (LMSAs), permanent manure stockpiles, 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 to clarify the requirements of Minn. R. ch. 7020. Other guidance documents available on the MPCA feedlot program website summarize the technical standards. 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 9 of the Permit identifies the requirements the Permittee must comply with when manure ownership is transferred to another entity (manure recipient). In general, the Permittee is responsible for the manure until the manure recipient takes physical control of the manure. The Permit also prohibits transfer of manure to a recipient that will apply the manure in the winter when such application is prohibited to land owned or controlled by the Permittee.

Part 10 of the Permit specifies that the MMP must include the requirements of parts 11 through 15 of the Permit (more discussion of these requirements below). To aid the Permittee, the Nutrient Management Tool includes these requirements automatically as part of the MMP. In accordance with Minn. R. 7020.2225, subp. 1(D)(1), any person receiving manure must comply with the MMP developed

as part of the permitting process. The end result is that all manure generated at the facility will be land applied under the requirements of the Permit, including when manure is applied by a manure recipient.

To help manure recipients understand the requirements within the MMP of the Permittee, the Permittee is required to provide a “*Manure Transfer Tracking Form*” generated by the Nutrient Management Tool to the recipient at the time of transfer. This document provides the recipient with the requirements of the Permittee’s MMP that the recipient must follow.

Parts 11 through 15 of the Permit contain the requirements for land application of 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 (Part 15) and application of the nutrients in the manure at agronomic rates (Parts 11 and 12) but also provides enhanced requirements for specific times of the year (Part 13) to minimize the potential for impacts.

The Permit has additional requirements for vulnerable groundwater areas across the state of Minnesota (Part 13). A vulnerable groundwater area is where nitrate can move easily through soil and into groundwater which includes areas with underlying karst susceptible bedrock, coarse textured soils, shallow depth to bedrock, and highly vulnerable drinking water supply management areas. A map of vulnerable groundwater areas in Minnesota is available at: www.pca.state.mn.us/feedlots. The vulnerable groundwater area map closely aligns with the Minnesota Department of Agriculture Fall Fertilizer Restriction map. This provides less confusion for farming operations that utilize both manure and commercial fertilizer and is logical given that nitrate, whether from manure or commercial fertilizer, behaves similarly in the environment.

Part 13 of the Permit requires certain best management practices (BMPs) based on the anticipated effectiveness given the typical weather and soil conditions associated with a specific time of year. Below is a summary of requirements based upon the date of land application, which also apply to manure recipients.

- **June, July, August, and September**

- One of the following nitrogen BMPs are required:
 - application to a growing perennial or row crop, or
 - cover crop planted prior to or within 14 days of application.

- **October 1 through October 14**

- Unless the requirements for vulnerable groundwater areas apply one of the following nitrogen BMPs are required:
 - soil temperature below 50°F at start of application,
 - cover crop or growing crop as required for June to September,
 - nitrification inhibitor, or
 - split application.

- **October and November in vulnerable groundwater areas**

- Beginning January 1, 2028, one of the following nitrogen BMPs are required:
 - application to a growing perennial or row crop,
 - cover crop planted prior to or within 14 days of application, or
 - perennials crops are included in the rotation at least two years during any five year period and the soil temperature is below 50°F at the start of application.

- **December, January, and February**

- No liquid manure application to frozen or snow-covered fields.
- Solid manure application to frozen or snow-covered fields allowed if all of the following apply:
 - field is approved in MMP,

- manure is not applied to vulnerable groundwater areas,
 - 300 ft setback to waters/tile intakes,
 - some runoff storage in tillage furrows,
 - slope is 6% or less (2% or less in February),
 - under 50% chance of ¼ inch or more rainfall within 24 hours of application (24 hours increases to 5 days for application in February), and
 - If two or more inches of snow, temperature must be below 40°F for 24 hours after application (24 hours increases to five days for application in February).
- **March**
 - No liquid or solid manure application to frozen or snow-covered fields.

Part 14 of the Permit includes the requirement for visual inspections of land application sites. Inspections are required to look for signs of discharge from the field during the application, at the end of each workday, and after a ½ inch or greater rainfall event within 14 days of the application, unless the manure is injected or incorporated. Inspections must take place at all downgradient field boundaries and other potential discharge locations such as, water features, tile intakes, and ditches. If a discharge is observed, it must be reported to the Minnesota State Duty Officer and the MPCA. The responsible party must take all actions necessary to minimize the discharge, to recover the material released, and to mitigate impacts to waters of the State as specified by part 27 of the Permit. Manure recipients are also required to comply with these requirements.

D. Facility Operation and Maintenance

Parts 16 through 19 of the 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 Permittee is required to visually monitor levels in liquid manure storage areas and notify the MPCA whenever the level encroaches in the freeboard of the structure, which is a minimum of one foot. The MPCA then works with the Permittee to return the levels back to a normal operating condition as quickly as possible.

The Permit also includes an exemption from the ambient air quality standards during manure removal activities as allowed in Minn. R. ch. 7020.

E. Required Inspections

Parts 20 through 22 of the 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 Permit provides the requirements for the permanent closure of all or part of the feedlot. These requirements address the removal of manure and manure contaminated material and notification to the MPCA.

G. Recordkeeping and Reporting Requirements

Part 24 of the 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 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 online Annual Report service. The service is currently under development but is anticipated to be available by the time the first annual report required by the Permit is due. The online Annual Report will contain all the necessary information

to satisfy applicable record keeping rules and Permit requirements, including the requirements to satisfy the annual reporting requirements identified in federal regulations. In the event of a delay in the availability of the online service, the Permittee is authorized to continue use of the current paper annual report form available at: www.pca.state.mn.us/water/npdes-and-sds-permits.

H. Effluent Limitations

The discharge limitations covered in Part 26 of the Permit are based on 40 C.F.R. § 122, 40 C.F.R. § 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 C.F.R. 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 Permit. Discharge from land application areas 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 Permit requires immediate reporting to the Minnesota Duty Officer any discharge, spill, or overflow, including those authorized by the Permit. The report must contain information about any associated fish kill or impacts to drinking water supply management areas. 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.

Part 28 of the Permit requires monitoring of any discharge to waters of the State, including spills or overflows that reach water of the State. A spill or overflow that does not reach waters of the State is not subject to the requirement of Part 28. A sample of the discharge is required to assess its impact to water resources and compliance with state discharge standards. Sampling is required of authorized and unauthorized discharges. If the conditions are not safe for sampling or if the discharge has stopped as a result of the Permittee's immediate actions to stop the discharge, sampling is not required.

8. PRELIMINARY DETERMINATION

The MPCA Commissioner's determination that the Permit should be issued is preliminary.

9. PROCEDURES FOR REACHING A FINAL DECISION ON THE PERMIT

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

STATE OF MINNESOTA
Minnesota Pollution Control Agency
FACT SHEET
for the
2025 GENERAL STATE DISPOSAL SYSTEM (SDS)
ANIMAL FEEDLOT PERMIT
Permit Number MNG450000

1. INTRODUCTION

The Minnesota Pollution Control Agency (MPCA) proposes to issue a general State Disposal System (SDS) Permit for the construction, expansion, modification, or operation of animal feedlots in Minnesota. An SDS permit is required for any animal feedlot capable of holding 1,000 animal units (AU) or more, or the manure produced by 1,000 AU. Additionally, animal feedlots that are required to obtain an SDS permit may choose to obtain a National Pollutant Discharge Elimination System (NPDES) permit in lieu of the SDS permit.

This fact sheet has been developed to document the basis for the limitations and conditions of the 2025 General SDS Animal Feedlot Permit MNG450000 (Permit) in accordance with Minn. R. 7001.0100, subp. 3.

2. AVAILABILITY OF PERMIT

A paper copy of the Permit may be obtained by:

- visiting the MPCA website: <https://www.pca.state.mn.us/business-with-us/npdes-and-sds-feedlot-permits>; or
- submitting a request to the contact address provided in the public notice document.

3. BACKGROUND

The Permit contains state requirements for the construction, operation, and maintenance of animal feedlots in Minnesota. Coverage under the Permit will 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 to obtain coverage under an SDS permit. Coverage under this Permit does not fulfill the requirements of 40 C.F.R. § 123.23(d) and Minn. R. 7020.0405, subp. 1(A) for Concentrated Animal Feeding Operations (CAFOs) to obtain coverage under an NPDES permit.

4. CRITERIA FOR COVERAGE UNDER THE GENERAL SDS PERMIT

There are two types of SDS permits, individual and general. A general SDS permit provides coverage to facilities that have substantially similar operations. An individual SDS permit is unique to each facility and includes special conditions to address specific issues.

Coverage under the 2025 General SDS Animal Feedlot Permit will not be granted to those facilities that require an individual SDS permit under state law or when any of the following apply:

- a schedule of compliance is required to address a pollution hazard;
- special conditions are required as the result of environmental review;
- a new technology for construction or operation which is not addressed by the Permit is proposed;

- removal of bedrock is proposed to comply with site restrictions under Minn. R. 7020.2100;
- feed for animals will be brokered or sold at the facility;
- the facility, including the feed storage area, does not meet the design standards of Minn. R. ch. 7020 and the Permit;
- the MPCA determines that the facility operations would be more appropriately controlled by an individual Permit;
- the owner is proposing to land apply manure in a manner that is not consistent with the requirements of the Permit;
- the owner is proposing to use a vegetative infiltration basin to control runoff from an open lot or manure storage area;
- the MPCA determines that discharges from a facility or the land application areas under the Permittee's control have the potential to cause or contribute to non-attainment of applicable water quality standards; or
- an anaerobic digester at the facility processes a mixture of organic materials (including manure) that is less than 90% (by volume) manure, process wastewater, or manure contaminated runoff regulated by Minn. R. ch. 7020.

5. TYPE OF DISCHARGES CONTROLLED BY THE GENERAL SDS PERMIT

The Permit prohibits the discharge of pollutants to waters of the State from the production area and land application areas except as allowed by the applicable effluent limitations (more discussion of the effluent limitations is found in part 7 of this document). The Permit also prohibits discharges directly to groundwater from the production area.

The 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, milkrooms, milking centers, 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, silage bunkers, and bedding materials. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated stormwater. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

6. PERMIT COVERAGE AND PUBLIC COMMENT PROCESS

A. Application for Coverage

To obtain coverage under the 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 online application process and forms and include all required plans, including a manure management plan (MMP). The MMP must be completed using MPCA's online Nutrient Management Tool. The Nutrient Management Tool includes the necessary information to satisfy applicable manure management planning and record keeping rules and Permit requirements.

Access to the online application and Nutrient Management Tool can be found on the MPCAs website at: <https://www.pca.state.mn.us/business-with-us/npdes-and-sds-feedlot-permits>.

Note: Development of the Nutrient Management Tool is nearing completing. It is not currently available to applicants but will be made available before permit applications are accepted for the Permit. Initially access to the tool will be limited to registered feedlots but future plans include providing access to others.

B. Public Comment on Applications for Coverage

Applications for coverage under the 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 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.

7. **BASIS FOR GENERAL SDS PERMIT REQUIREMENTS**

The Permit is based on requirements of Minn. Stat. chs. 115 and 116, and Minn. R. chs. 7001, 7009, 7020, 7053, 7060, and 7090. 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 Permit.

A. Permit Coverage, Modifications, and Submittals

Parts 1 and 2 of the 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 include 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 10 of the Permit.

B. Facility Construction

Parts 4 through 7 of the Permit include the requirements for construction of facility components. Any construction activity that disturbs less than five acres must comply with the most current MPCA Construction Stormwater General Permit requirements, as authorized by Minn. R. 7090.2020. Any construction activity that disturbs five or more acres must apply for coverage under a construction stormwater permit.

The Permit also has specific construction requirements for liquid manure storage areas (LMSA), permanent manure stockpiles, 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 to clarify the requirements of Minn. R. ch. 7020. Other guidance documents available on the MPCA feedlot program website summarize the technical standards. 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 9 of the Permit identifies the requirements the Permittee must comply with when manure ownership is transferred to another entity (manure recipient). In general, the Permittee is responsible for the manure until the manure recipient takes physical control of the manure. The Permit also prohibits transfer of manure to a recipient that will apply the manure in the winter when such application is prohibited to land owned or controlled by the Permittee.

Part 10 of the Permit specifies that the MMP must include the requirements of parts 11 through 15 of the Permit (more discussion of these requirements below). To aid the Permittee, the Nutrient Management Tool includes these requirements automatically as part of the MMP. In accordance with Minn. R. 7020.2225, subp. 1(D)(1), any person receiving manure must comply with the MMP developed as part of the permitting process. The end result is that all manure generated at the facility will be land applied under the requirements of the Permit, including when manure is applied by a manure recipient.

To help manure recipients understand the requirements within the MMP of the Permittee, the Permittee is required to provide a “*Manure Transfer Tracking Form*” generated by the Nutrient Management Tool to the recipient at the time of transfer. This document provides the recipient with the requirements of the Permittee’s MMP that the recipient must follow.

Parts 11 through 15 of the Permit contain the requirements for land application of 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 (Part 15) and application of the nutrients in the manure at agronomic rates (Parts 11 and 12) but also provides enhanced requirements for specific times of the year (Part 13) to minimize the potential for impacts.

The Permit has additional requirements for vulnerable groundwater areas across the state of Minnesota (Part 13). A vulnerable groundwater area is where nitrate can move easily through soil and into groundwater which includes areas with underlying karst susceptible bedrock, coarse textured soils, shallow depth to bedrock, and highly vulnerable drinking water supply management areas. A map of vulnerable groundwater areas in Minnesota is available at: www.pca.state.mn.us/feedlots. The vulnerable groundwater area map closely aligns with the Minnesota Department of Agriculture Fall Fertilizer Restriction map. This provides less confusion for farming operations that utilize both manure and commercial fertilizer and is logical given that nitrate, whether from manure or commercial fertilizer, behaves similarly in the environment.

Part 13 of the Permit requires certain best management practices (BMPs) based on the anticipated effectiveness given the typical weather and soil conditions associated with a specific time of year. Below is a summary of requirements based upon the date of land application, which also apply to manure recipients.

- **June, July, August, and September**

- One of the following nitrogen BMPs are required:
 - application to a growing perennial or row crop, or
 - cover crop planted prior to or within 14 days of application.

- **October 1 through October 14**

- Unless the requirements for vulnerable groundwater areas apply one of the following nitrogen BMPs are required:
 - soil temperature below 50°F at start of application,
 - cover crop or growing crop as required for June to September,
 - nitrification inhibitor, or
 - split application.

- **October and November in vulnerable groundwater areas**

- Beginning January 1, 2028, one of the following nitrogen BMPs are required:
 - application to a growing perennial or row crop,
 - cover crop planted prior to or within 14 days of application, or
 - perennials crops are included in the rotation at least two years during any five-year period and the soil temperature is below 50°F at the start of application.

- **December, January, and February**

- No liquid manure application to frozen or snow-covered fields.
- Solid manure application to frozen or snow-covered fields allowed if all of the following apply:
 - field is approved in MMP,
 - manure is not applied to vulnerable groundwater areas,
 - 300 feet setback to waters/tile intakes,
 - some runoff storage in tillage furrows,

- slope is 6% or less (2% or less in February),
 - under 50% chance of ¼ inch or more rainfall within 24 hours of application (24 hours increases to five days for application in February), and
 - if two or more inches of snow, temperature must be below 40°F for 24 hours after application (24 hours increases to 5 days for application in February).
- **March**
 - No liquid or solid manure application to frozen or snow-covered fields.

Part 14 of the Permit includes the requirement for visual inspections of land application sites. Inspections are required to look for signs of discharge from the field during the application, at the end of each workday, and after a ½ inch or greater rainfall event within 14 days of the application, unless the manure is injected or incorporated. Inspections must take place at all downgradient field boundaries and other potential discharge locations such as, water features, tile intakes, and ditches. If a discharge is observed, it must be reported to the Minnesota State Duty Officer and the MPCA. The responsible party must take all actions necessary to minimize the discharge, to recover the material released, and to mitigate impacts to waters of the State as specified by part 27 of the Permit. Manure recipients are also required to comply with these requirements.

D. Facility Operation and Maintenance

Parts 16 through 19 of the 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 Permittee is required to visually monitor levels in liquid manure storage areas and notify the MPCA whenever the level encroaches in the freeboard of the structure, which is a minimum of one foot. The MPCA then works with the Permittee to return the levels back to a normal operating condition as quickly as possible.

The Permit also includes an exemption from the ambient air quality standards during manure removal activities as allowed in Minn. R. ch. 7020.

E. Required Inspections

Parts 20 through 22 of the 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 Permit provides the requirements for the permanent closure of all or part of the feedlot. These requirements address the removal of manure and manure contaminated material and notification to the MPCA.

G. Recordkeeping and Reporting Requirements

Part 24 of the 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 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 online Annual Report service. The service is currently under development but is anticipated to be available by the time the first annual report required by the Permit is due. The online Annual Report will contain all the necessary information to satisfy applicable record keeping rules and Permit requirements. In the event of a delay in the availability of the online service, the Permittee is authorized to continue use of the current paper annual report form available at: www.pca.state.mn.us/water/npdes-and-sds-permits.

H. Effluent Limitations

The discharge limitations covered in Part 26 of the Permit are based on 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.

As only an NPDES Permit can authorize a discharge to waters of the United States from a CAFO, the effluent limitation of the Permit includes one requirement for discharge to waters of the United States and another for discharge to waters of the State.

Waters of the United States - The Permit prohibits discharge of pollutants from the production area to waters of the United States.

Waters of the State - The Permit prohibits discharge of pollutants from the production area to waters of the State except when precipitation causes the discharge, and the facility is in compliance with the Permit and Minn. R. 2020.2003. In most situations, this means a discharge is authorized from the production area to waters of the State when it is the direct result of precipitation from a 25-year, 24-hour storm event.

Discharge from land application areas to either waters of the United States or waters of the State 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 Permit requires immediate reporting to the Minnesota Duty Officer any discharge, spill, or overflow, including those authorized by the Permit. The report must contain information about any associated fish kill or impacts to drinking water supply management areas. 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.

Part 28 of the Permit requires monitoring of any discharge to waters of the State, including spills or overflows that reach water of the state. A spill or overflow that does not reach waters of the State is not subject to the requirement of Part 28. A sample of the discharge is required to assess its impact to water resources and compliance with state discharge standards. Sampling is required of authorized and unauthorized discharges. If the conditions are not safe for sampling or if the discharge has stopped as a result of the Permittee's immediate actions to stop the discharge, sampling is not required.

8. PRELIMINARY DETERMINATION

The MPCA Commissioner's determination that the Permit should be issued is preliminary.

9. PROCEDURES FOR REACHING A FINAL DECISION ON THE PERMIT

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



Minnesota applies for federal funding to take transformative climate action

 ([/#twitter](#))  ([/#facebook](#))  ([/#linkedin](#))

On April 1, 2024, Minnesota state government submitted three grant proposals that build on strong momentum for climate action stemming from the launch of the **Climate Action Framework** ([/minnesotas-climate-action-framework](#)) and historic climate investments (<https://mn.gov/governor/newsroom/press-releases/?id=579538#:~:text=100%25%20Carbon-free%20Electricity%20by,create%20new%20clean%20energy%20jobs.>) from the 2023 legislative session.

make it easier for all Minnesotans to access home energy and efficiency incentives.

Minnesota Climate-Smart Food Systems

Request: \$200 million

Climate change threatens farming, local economies, food security, and Tribal food sovereignty. We can increase access to food and reduce waste in every corner of Minnesota's food system by transforming the way we grow, process, transport, store, prepare, and dispose of food. The Minnesota Climate-Smart Food Systems proposal will empower growers, makers, processors, partners, and local communities to build food systems that slash climate pollution while nourishing Minnesotans statewide. Key aspects of the proposal include:

- Supporting climate-smart farming practices by expanding Minnesota's successful **Agricultural Water Quality Certification** (<https://www.mda.state.mn.us/environment-sustainability/minnesota-agricultural-water-quality-certification-program>) and **Soil Health Financial Assistance** (<https://www.mda.state.mn.us/soil-health-grant>) programs.
- Accelerating the transition to cleaner refrigerants in small businesses, supermarkets, schools, hospitals, food banks, and corner stores.
- Electrifying the vehicles and equipment we use to use to grow and transport our food.
- Scaling up successful food waste prevention programs that keep valuable nutrients in circulation to feed people and livestock and prevent significant methane emissions.

Developing Regional Infrastructure for Vehicle Electrification (DRIVE) in the Midwest

Request: \$39 million

Transportation remains Minnesota's largest source of climate pollution. Electrifying medium- and heavy-duty trucks that transport goods across state lines will be critical to reducing greenhouse gas emissions from this sector. To do so, we will need strong collaboration between states to build a connected electric truck charging network.

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3852

(SENATE AUTHORS: MCEWEN)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11634	Introduction and first reading
		Referred to Labor
03/25/2024	12761a	Comm report: To pass as amended
	12882	Second reading
04/02/2024	13364a	Special Order: Amended
	13366	Third reading Passed
04/15/2024	13684	Returned from House with amendment
	13685	Senate not concur, conference committee of 3 requested
	13912	Senate conferees McEwen; Hauschild; Oumou Verbeten
04/18/2024	13939	House conferees Nelson, M; Berg; Myers
05/13/2024	16849c	Conference committee report, delete everything
	16900	Senate adopted CC report and repassed bill
	16900	Third reading
05/17/2024	17276	House adopted SCC report and repassed bill
		Presentment date 05/16/24
		Governor's action Approval 05/17/24
		Secretary of State Chapter 110 05/17/24
		Effective date Various dates

- 1.1 A bill for an act
- 1.2 relating to labor; making policy and technical changes to programs and provisions
- 1.3 relating to labor; modifying construction codes and licensing, labor standards,
- 1.4 occupational safety and health regulations, apprenticeship regulations, minimum
- 1.5 wage rates, and miscellaneous labor policy; modifying provisions related to the
- 1.6 Bureau of Mediation Services; amending Minnesota Statutes 2022, sections 13.79,
- 1.7 subdivision 1; 13.7905, by adding a subdivision; 177.23, by adding subdivisions;
- 1.8 177.24, subdivision 1, by adding a subdivision; 177.30; 178.011, subdivision 9;
- 1.9 178.012, subdivision 1; 178.035, subdivisions 2, 4, 6, 7; 178.036, subdivisions 3,
- 1.10 4, 5, 6, 7; 178.044, subdivision 3; 178.07, subdivisions 1, 3; 178.09, subdivision
- 1.11 2; 178.091, subdivisions 2, 4, by adding subdivisions; 178.10; 179.01, subdivisions
- 1.12 1, 9, 16; 179.06; 179.08; 179.11; 179.12; 179.254, subdivision 1; 179.256; 179.26;
- 1.13 179.27; 179.35, subdivision 1; 179.40; 179.43; 179A.02; 179A.03, subdivision
- 1.14 17; 179A.06, subdivisions 1, 2, 3; 179A.08, subdivision 2; 179A.10, subdivision
- 1.15 1; 179A.104, subdivision 1; 179A.12, subdivision 1; 179A.15; 179A.16,
- 1.16 subdivisions 1, 7; 179A.18, subdivisions 2, 3; 179A.19, subdivision 6; 179A.20,
- 1.17 subdivision 4; 179A.23; 181.941, subdivision 4; 181.943; 181.950, by adding a
- 1.18 subdivision; 181.951, subdivision 1; 181A.08; 181A.12, subdivision 1, by adding
- 1.19 subdivisions; 182.664, subdivisions 3, 5; 182.665; 182.666, subdivision 6; 182.667,
- 1.20 by adding a subdivision; 326.02, subdivision 5; 326B.0981, subdivisions 3, 4, 8;
- 1.21 326B.33, subdivisions 7, 21; 326B.36, subdivision 2; 326B.46, subdivision 6;
- 1.22 626.892, subdivision 12; Minnesota Statutes 2023 Supplement, sections 177.27,
- 1.23 subdivisions 2, 4, 7; 177.42, subdivision 2; 178.01; 181.212, subdivision 7; 181.213,
- 1.24 subdivision 1; 181.531, subdivision 3; 181.939, subdivision 2; 181.953, subdivisions
- 1.25 1, 3, by adding a subdivision; 182.6526, subdivision 1; 182.677, subdivisions 1,
- 1.26 2; 204B.19, subdivision 6; 326B.36, subdivision 7; proposing coding for new law
- 1.27 in Minnesota Statutes, chapters 178; 181; 182; repealing Minnesota Statutes 2022,
- 1.28 section 178.036, subdivision 10; Minnesota Rules, parts 5200.0080, subpart 7;
- 1.29 5200.0400; 5510.0310, subpart 13.

16.1 and the project owner every two weeks, a certified payroll report with respect to the wages
16.2 and benefits paid each employee during the preceding weeks specifying for each employee:
16.3 name; identifying number; prevailing wage master job classification; hours worked each
16.4 day; total hours; rate of pay; gross amount earned; each deduction for taxes; total deductions;
16.5 net pay for week; dollars contributed per hour for each benefit, including name and address
16.6 of administrator; benefit account number; and telephone number for health and welfare,
16.7 vacation or holiday, apprenticeship training, pension, and other benefit programs; ~~and~~

16.8 (7) earnings statements for each employee for each pay period as required by section
16.9 181.032, paragraphs (a) and (b); and

16.10 (8) other information the commissioner finds necessary and appropriate to enforce
16.11 sections 177.21 to 177.435. The records must be kept for three years in the premises where
16.12 an employee works except each employer subject to sections 177.41 to 177.44, and while
16.13 performing work on public works projects funded in whole or in part with state funds, the
16.14 records must be kept for three years after the contracting authority has made final payment
16.15 on the public works project.

16.16 (b) All records required to be kept under paragraph (a) must be readily available for
16.17 inspection by the commissioner upon demand. The records must be either kept at the place
16.18 where employees are working or kept in a manner that allows the employer to comply with
16.19 this paragraph within 72 hours.

16.20 (c) The commissioner may fine an employer up to \$1,000 for each failure to maintain
16.21 records as required by this section, and up to \$5,000 for each repeated failure. This penalty
16.22 is in addition to any penalties provided under section 177.32, subdivision 1. In determining
16.23 the amount of a civil penalty under this subdivision, the appropriateness of such penalty to
16.24 the size of the employer's business and the gravity of the violation shall be considered.

16.25 (d) If the records maintained by the employer do not provide sufficient information to
16.26 determine the exact amount of back wages due an employee, the commissioner may make
16.27 a determination of wages due based on available evidence.

16.28 Sec. 6. Minnesota Statutes 2023 Supplement, section 177.42, subdivision 2, is amended
16.29 to read:

16.30 Subd. 2. **Project.** "Project" means demolition, erection, construction, alteration,
16.31 improvement, restoration, remodeling, or repairing of a public building, structure, facility,
16.32 land, or other public work, which includes any work suitable for and intended for use by
16.33 the public, or for the public benefit, financed in whole or part by state funds. Project also

17.1 includes demolition, erection, construction, alteration, improvement, restoration, remodeling,
17.2 or repairing of a building, structure, facility, land, or public work when the acquisition of
17.3 property, predesign, design, or demolition is financed in whole or part by state funds.

17.4 Sec. 7. Minnesota Statutes 2023 Supplement, section 181.212, subdivision 7, is amended
17.5 to read:

17.6 Subd. 7. **Voting.** The affirmative vote of five board members is required for the board
17.7 to take any action, including actions necessary to establish minimum nursing home
17.8 employment standards under section 181.213. At least two of the five affirmative votes
17.9 must be cast by the commissioner members or the commissioner's appointees.

17.10 Sec. 8. Minnesota Statutes 2023 Supplement, section 181.213, subdivision 1, is amended
17.11 to read:

17.12 Subdivision 1. **Authority to establish minimum nursing home employment**
17.13 **standards.** (a) The board must adopt rules establishing minimum nursing home employment
17.14 standards that are reasonably necessary and appropriate to protect the health and welfare
17.15 of nursing home workers, to ensure that nursing home workers are properly trained about
17.16 and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy
17.17 the purposes of sections 181.211 to 181.217. Standards established by the board must include
17.18 standards on compensation for nursing home workers, and may include recommendations
17.19 under paragraph (c). The board may not adopt standards that are less protective of or
17.20 beneficial to nursing home workers as any other applicable statute or rule or any standard
17.21 previously established by the board unless there is a determination by the board under
17.22 subdivision 2 that existing standards exceed the operating payment rate and external fixed
17.23 costs payment rates included in the most recent budget and economic forecast completed
17.24 under section 16A.103. In establishing standards under this section, the board must establish
17.25 statewide standards, and may adopt standards that apply to specific nursing home occupations.

17.26 (b) The board must adopt rules establishing initial standards for wages for nursing home
17.27 workers no later than ~~August~~ November 1, 2024. The board may use the authority in section
17.28 14.389 to adopt rules under this paragraph. The board shall consult with the department in
17.29 the development of these standards prior to beginning the rule adoption process.

17.30 (c) To the extent that any minimum standards that the board finds are reasonably
17.31 necessary and appropriate to protect the health and welfare of nursing home workers fall
17.32 within the jurisdiction of chapter 182, the board shall not adopt rules establishing the
17.33 standards but shall instead recommend the occupational health and safety standards to the

Gardner, Paul (MPCA)

From: Jaschke, John (BWSR)
Sent: Thursday, June 20, 2024 11:27 AM
To: Jaschke, John (BWSR)
Cc: Place, Whitney - FSA, St Paul, MN; Doucette, Sharon (BWSR); VanThuyne, Dusty (He/Him/His) (BWSR); Roth, Kevin G (BWSR)
Subject: Conservation Reserve Enhancement Program (CREP) – Extension/Amendment Exploration

To: MN CREP Stakeholders

Fr: [John Jaschke](#), Executive Director, MN Board of Water and Soil Resources

Cc: [Whitney Place](#), State Executive Director, MN Farm Service Agency

RE: [MN Conservation Reserve Enhancement Program \(CREP\)](#) – Extension/Amendment Exploration

BWSR and FSA are preliminarily exploring an extension and/or amendment of the current MN CREP agreement.

Highlights of the current agreement are summarized as follows:

Acres: 60,000 (more than 37,000 already enrolled)
Area: 54 Counties in southern and western Minnesota
Practices: Grass Filter Strips (CP21)
Wetland Restoration, Non-Floodplain (CP23A)
Wetland Restoration, Floodplain (CP23)
Wellhead Protection Areas (CP2)
Expiration: September 30, 2026
Objectives: Target riparian areas and marginal agricultural land
Restore hydrology, increase infiltration and provide flood mitigation
Provide habitat for wildlife, non-game species and pollinators
Reduce nitrate loading in drinking water supplies

The modifications we are exploring for a possible amendment include an extension of time; a modification of geographic area; an increase in acres; and adding practices that are consistent with the CREP objectives including those from the USDA climate-smart listing.

An extension/amendment to the current agreement will require the Governor and USDA Deputy Administrator for Farm Programs approval.

We will be seeking specific feedback from partners on draft agreements. Feel free to share your perspectives on this idea with myself or my staff until a draft is available for review. More information on program outcomes and components is exemplified in these stories about a few of the places that were enrolled in the early stages of the effort to date.

[MN CREP Cottonwood SWCD 2022.pdf \(state.mn.us\)](#)

[Meeker County MN CREP 2023_1.pdf \(state.mn.us\)](#)

[MN CREP Millersburg Rice SWCD 121322_0.pdf \(state.mn.us\)](#)

[Lake Volney benefits from MN CREP sign-up \(state.mn.us\)](#)

[Grants support MN CREP implementation \(state.mn.us\)](#)

[Carver County habitat restored \(state.mn.us\)](#)



Proposed MN CREP Agreement Amendment

Clean Water Council Policy Committee 7/25/24

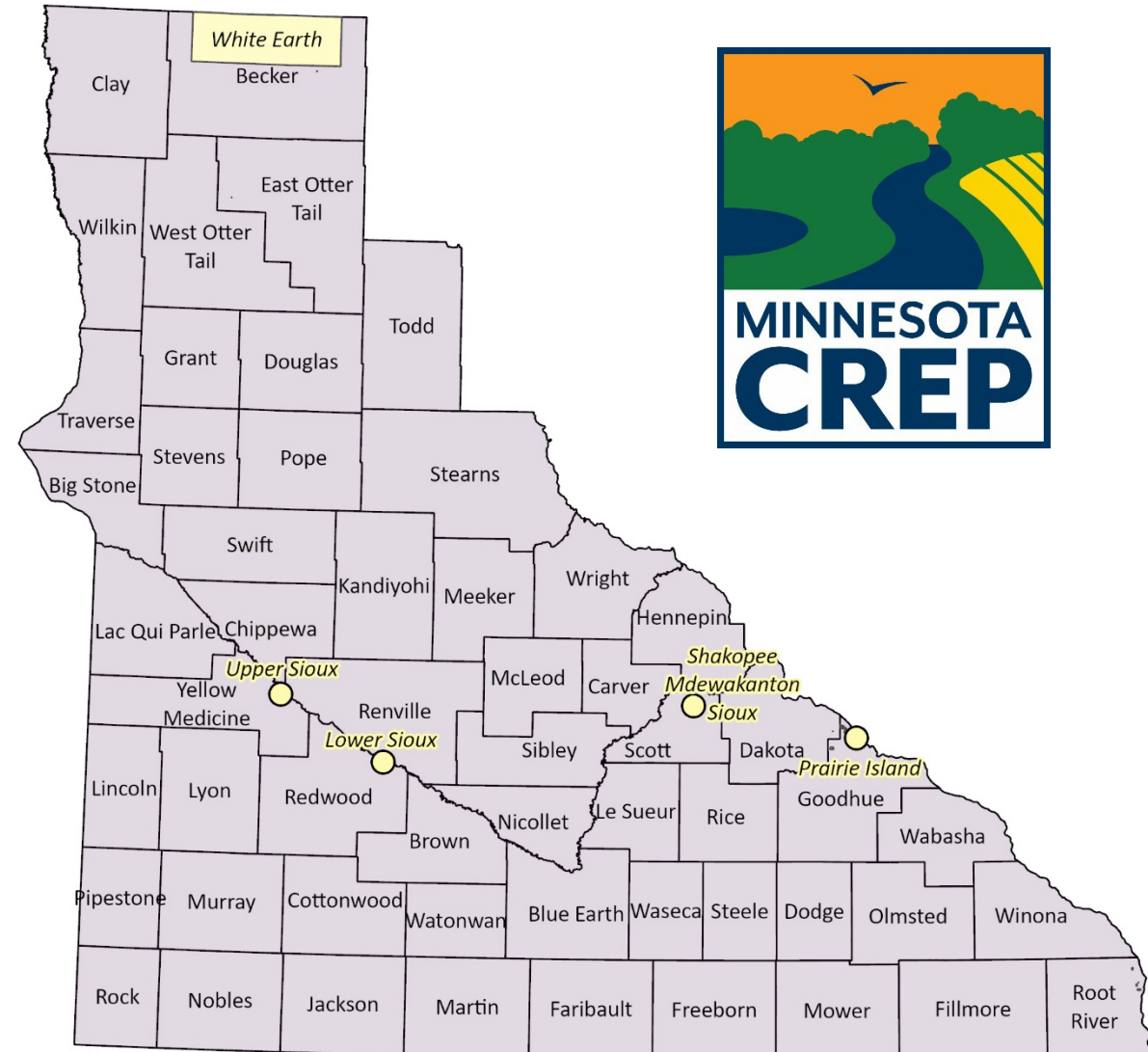
John Jaschke | Executive Director

Justin Hanson | Assistant Director

Sharon Doucette | Easement Section Manager



- Federal partnership with USDA – wetlands, buffers, wellhead
- Signed by Acting Secretary, USDA & MN Governor January 2017
- 54 county area
- 706 easements; 37,700 acres
- Agreement through 9/30/2026

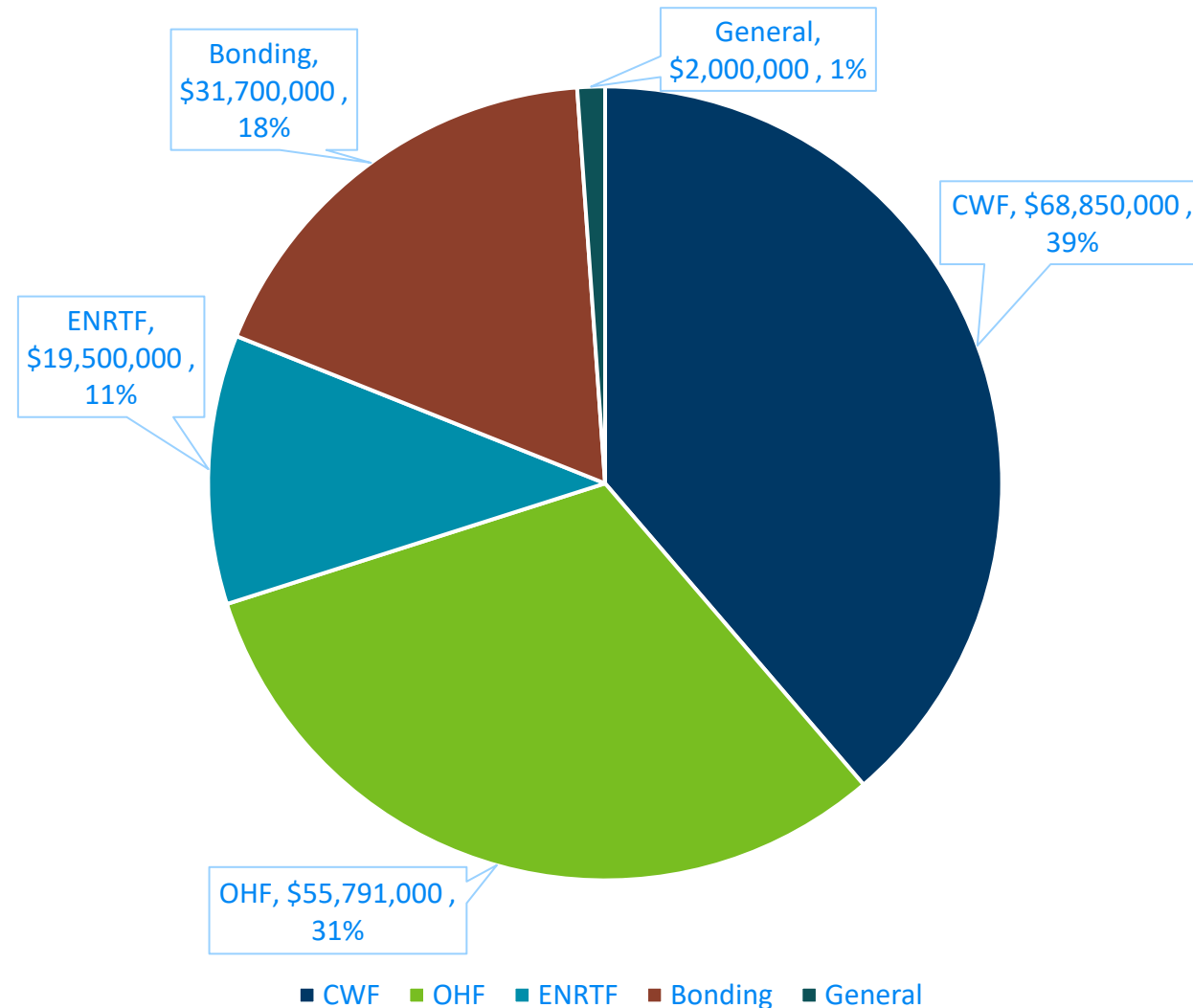


Otter Tail County MN CREP wetlands easement



Sibley County MN CREP easement

MN CREP Funding Breakdown



- CWF: \$68,850,000 (39%)
- OHF: \$55,791,000 (31%)
- Bonding: \$31,700,000 (18%)
- ENRTF: \$19,500,000 (11%)
- General: \$2,000,000 (1%)
- **Total: \$177,841,000**



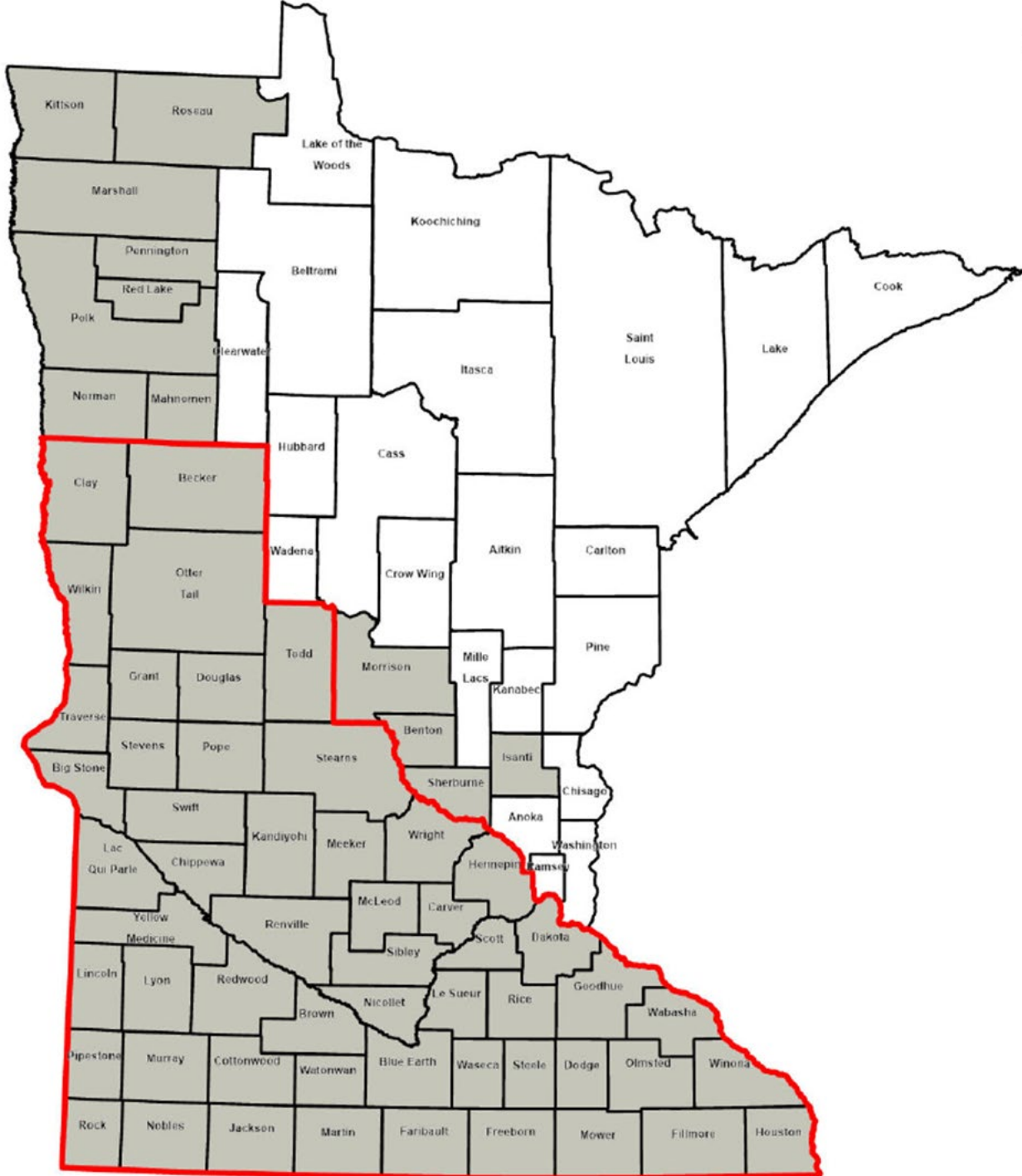
Proposed MN CREP Agreement Amendment



Current MN CREP Agreement	
Expiration	September 30, 2026
Acreage Cap	60,000
Practices	CP2 – Wellhead Protection Areas
	CP21 – Filter Strips
	CP23 – Wetland Restoration – Floodplain
	CP23A – Wetland Restoration Non-Floodplain
Geographic Area	54 counties

Proposed MN CREP Agreement Amendment	
Expiration	September 30, <u>2039</u>
Acreage Cap	<u>75,000</u>
Practices	CP2 – Wellhead Protection Areas
	CP21 – Filter Strips
	CP23 – Wetland Restoration – Floodplain
	CP23A – Wetland Restoration Non-Floodplain
	<u>CP25 – Rare and Declining Habitat</u>
Geographic Area	<u>66</u> counties

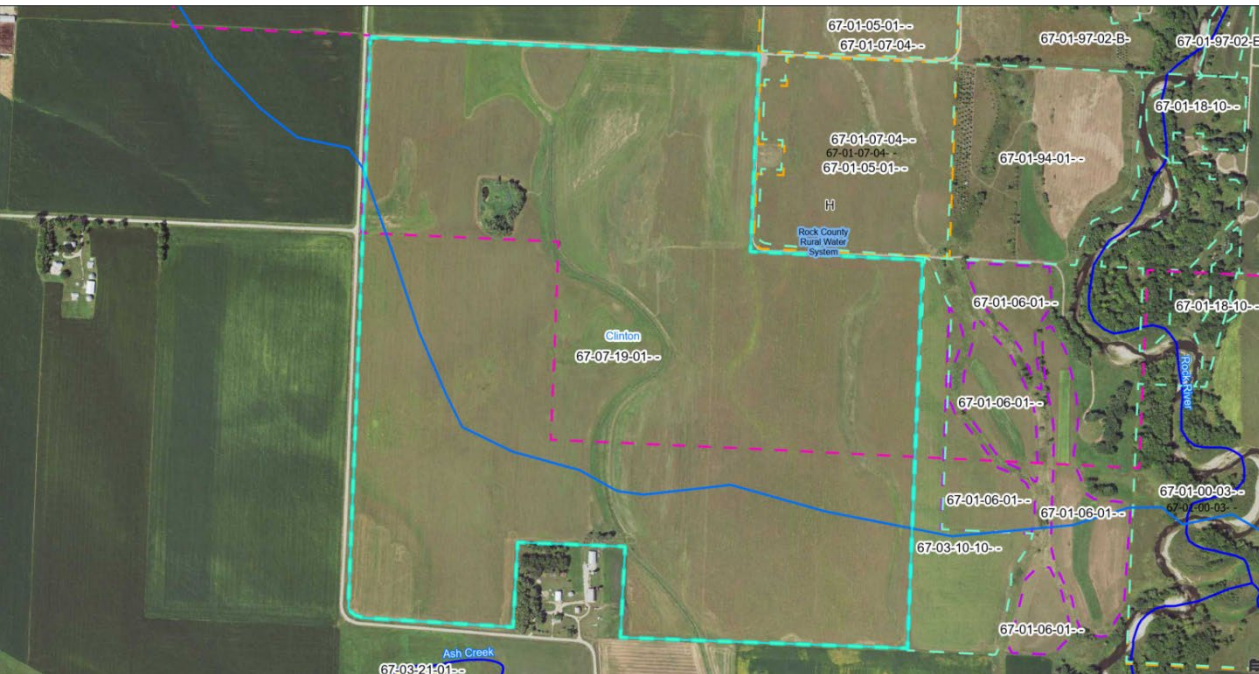
MN CREP Geographic Area



- Current: 54 counties within the red outlined area.
- Proposed Expansion: Add 12 counties.
 - At least 40% of the county mapped within the Prairie or Forest/Prairie Transition area of the LSOHC Ecological Sections.
 - At least 30% of the land in cropland production as of 2023.

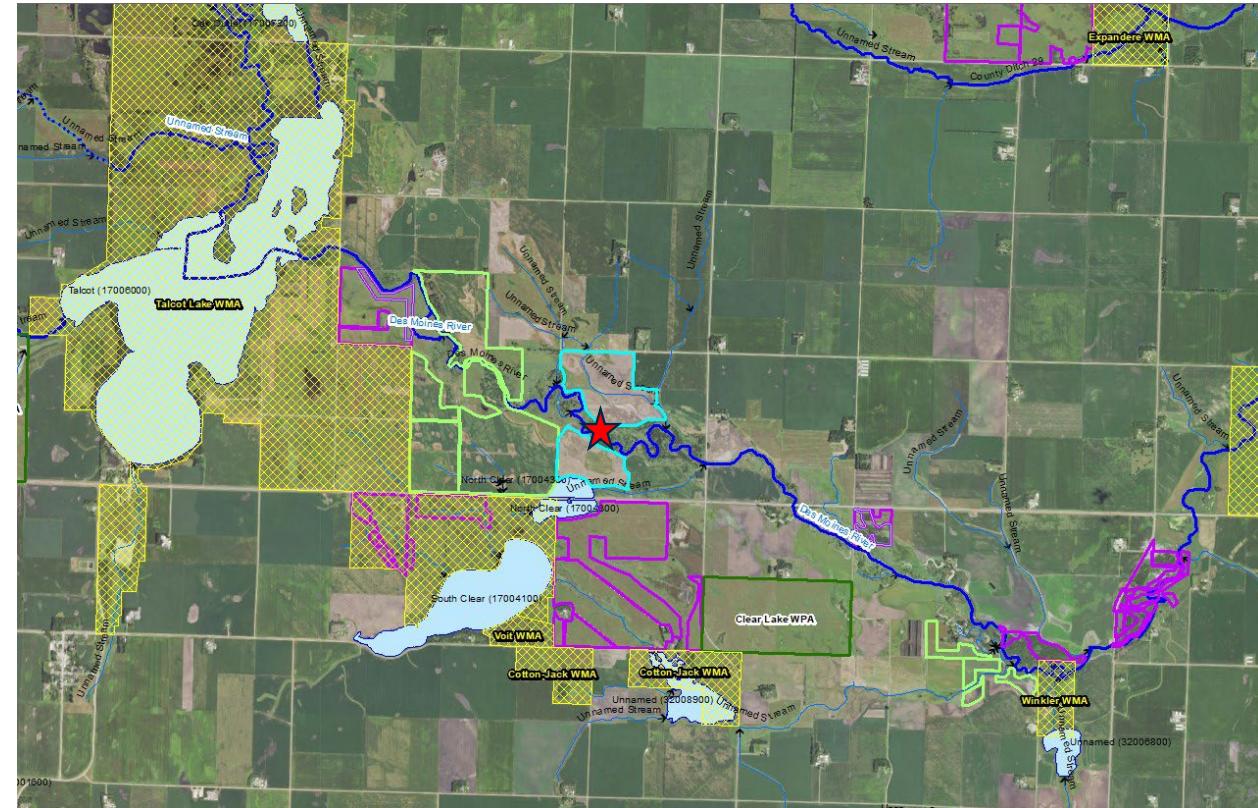
Easement 67-07-19-01 (Rock County)

- 294.26 acres
- Rock County Rural Water System
- High vulnerability Drinking Water Supply Management Area



Easement #17-05-20-01 (Cottonwood County)

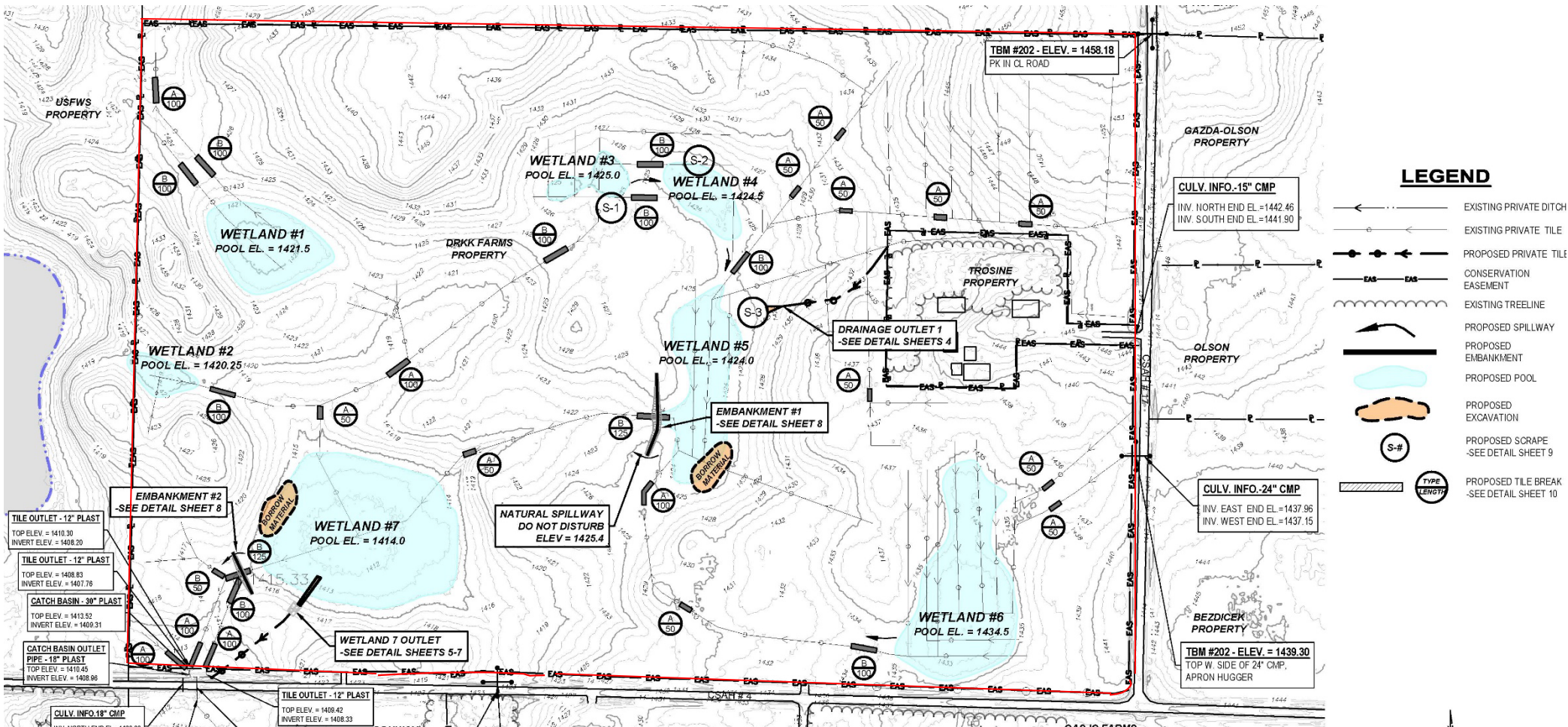
- 231 acres
- Valuable to the habitat complex
 - Within Prairie Plan Core Area
 - Within 100-year floodplain
 - Several drained wetlands
 - Existing drainage outlets to Des Moines River
 - Adjacent to existing and in-process RIM easements, Talcot Lake WMA
 - Increased connectivity
 - Threatened and endangered species nearby



Easement #32-11-19-01 (Jackson County)

- Largest CREP easement in Jackson County – 220 acres
- Valuable to the habitat complex
 - 6 drained and 1 partially drained wetlands
 - Wetland to upland ratio 1:1
 - Adjacent to Loon Lake and Loon Lake WPA
 - Increased connectivity
 - Several wetlands on adjacent parcels identified as habitat for threatened and endangered species







Minnesota USDA sign new

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2018 December Snapshots

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As MN CREP unrol

From left: Arlyn Gehrke, Rock County Land Management engineering technician, met with Howard, Greg and Leroy Van Wyhe of Van Wyhe Farms. The Van Wyhes anticipate the land they enrolled in the Minnesota Conservation Reserve Enhancement Program will expand their hunting opportunities in Rock County. Courtesy Photo



Meet buffer requiren Nine months in to the Program enrollment

MN CREP protects more than 12,000 acres at 15-month mark



The first Minnesota Conservation Reserve Enhancement Program (MN CREP) easements were recorded in February 2018 on the VanderLinden family's property in Redwood County. Buffers protect 1 mile of judicial ditch 32 (JD32), improving water quality and pollinator habitat. Photo Credits: BWSR

A state-federal program to permanently protect environmentally sensitive land in 54 Minnesota counties prompted robust



acres, which maximizes water quality and habitat benefits.

"It's a good opportunity to get a fair

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Grants support



Restored wetland abates flooding, aids wildlife

A Freeborn County wetland restoration on a MN CREP easement reduces pressure on the county ditch system while providing water storage and wildlife habitat. Partners include landowners, the Freeborn County SWCD, BWSR, the Turtle Creek Watershed District, FSA and NRCS.



HOLLANDALE — A wetland restoration on a Minnesota



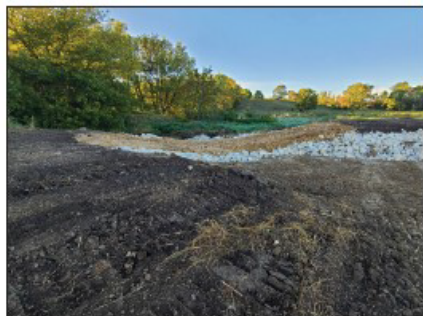
During heavy rains, floodwater from County Drainage Ditch 30 (CD 30) enters the wetland restoration's northwest corner, is stored within the site, and then is slowly released back into CD 30 through the

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Easement expands habitat, water storage

Rice County MN CREP enrollment restores wetland, preserves le



MN CREP: A voluntary program to permanently protect environmentally sensitive land, [MN CREP](#) taps federal and state funds.

MILLERSBURG — A 157-acre Minnesota Conservation Reserve Enhancement Program (MN CREP) enrollment in Rice County has restored a wetland and surrounding upland habitat, reduced the likelihood of downstream flooding, and established a father's legacy.

"That was a big deal to my dad, that he was leaving an inheritance to his family," said Sharla Fillhouer, one of three sisters who own 123 acres of the MN CREP site. A neighbor enrolled the rest. "The money was attractive in that we still feel

“ His heart was always back in the country, keeping his machine shed full of tractors running, and tinkering around in the machine shed. I think because we did this after he passed away, it's like a legacy to his daughters. ”

— Sharla Fillhouer

In Meeker County, outreach funds boost MN CREP awareness, sign-ups



OUTREACH FUNDS: BWSR awards MN CREP outreach and implementation

LITCHFIELD — When Minnesota Conservation Reserve Enhancement Program (MN CREP) outreach and implementation grants from the Minnesota Board of Water and Soil Resources (BWSR) channeled the Meeker Soil & Water Conservation District's (SWCD) resources, Josh Pommier saw an opportunity.

Pommier, a senior Farm Bill biologist with Pheasants Forever who works with Meeker County's SWCD and Natural Resources Conservation Service (NRCS) staff in the USDA Service Center, was already contacting landowners to discuss how voluntary conservation programs



water. That was the idea: to flood about a third of it for the ducks and the geese and the deer and the pheasants."

An avid hunter, Johnson, the CEO of Perennial Bank in Darwin, enrolled 140 acres in MN CREP, converting row crops

the reserve program?" Mark Johnson recalled asking during the conversation that followed. "It's the kind of ground they were looking for. There were low parts. It would hold

From left: Josh Pommier, a senior Farm Bill biologist with Pheasants Forever who is based in Meeker County, took a break with dogs Walter, left, and Ole before hitting the cattails in search of roosters.

Photo Credit: Josh Pommier, Pheasants Forever

Larry Sharpe, seen here exploring his land, was



Thank You!

[Subscribe: MN BWSR Snapshots](#)

Clean Water Council

SECOND DRAFT for Private Well Policy Statement

July 26, 2024

Policy Statement

The State of Minnesota should ensure that private well users have safe, sufficient, and equitable access to drinking water. Priority contaminants are nitrate, bacteria, arsenic, manganese, lead, and pesticides.

The Clean Water Fund combined with other funding sources (including fees), and appropriate policy should be used to support the following:

- a complete and up-to-date private well inventory
- providing information to well users to reduce their risk, including well testing
- supporting local and state capacity to manage testing, mapping, and education
- promoting adoption of county ordinances that require well testing and a disclosure of testing at the time a property is transferred, and developing of model ordinances
- mitigating wells when necessary (especially for low-income households)
- publishing aggregate and anonymized well data
- taking vulnerable lands out of production
- providing adequate technical and financial assistance for fertilizer and pesticide management, irrigation education, and manure storage and use
- providing financial support of regulation of feedlots and the land application of manure.