



Permits for large feedlots: Frequently asked questions

What permits are available for large feedlots?

- **National Pollutant Discharge Elimination System (NPDES) permit** – A NPDES permit is issued for any feedlot that currently has the capacity, or is proposing to have the capacity, that meets or exceeds any one of the federal confined animal feeding operation (CAFO) thresholds.
- **State Disposal System (SDS) permit** – A State Disposal System (SDS) permit is required for any feedlot that currently has the capacity, or is proposing to have the capacity, for a total of 1,000 or more animal units (AU).



What is a large CAFO or 1,000 AU?

The Environmental Protection Agency (EPA) and Minnesota Pollution Control Agency (MPCA) use the terms CAFO and AU, respectively, to identify the animal capacity at which permit or other regulatory requirements apply. The table below provides both the large CAFO threshold as defined by the EPA and the number of animals that make up 1,000 AU as defined in Minnesota rule for common livestock and poultry types.

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

Animal type	Large CAFO threshold (Head count)	Animal unit factor (AU per head)	1,000 Animal units (Head count)
Mature dairy cows	700	1.4	715
Beef cattle (steers)	1,000	1.0	1,000
Heifer or background feeder	1,000	0.7	1,429
Swine-finishing	2,500	0.3	3,334
Broiler chickens >5 lb.	125,000	0.005	200,000
Turkeys >5 lb.	55,000	0.018	55,556

Who needs to apply for a permit?

NPDES Permit – A feedlot owner is required to apply for coverage under a NPDES permit to construct or operate a feedlot that will:

- Meet or exceed the large CAFO threshold
- Discharge to waters of the United State

A feedlot owner may also choose to apply for general NPDES permit coverage to take advantage of the benefits provided in federal law.

SDS Permit – A feedlot owner is required to apply for coverage under a SDS permit to construct or operate a feedlot that has the capacity to hold 1,000 or more animal units, or the manure generated by 1,000 or more animal units. A facility that is required to obtain an SDS permit may choose to obtain an NPDES permit in lieu of the SDS permit.

How does a general permit differ from an individual permit?

Both the NPDES and SDS permit are available as either a general permit or an individual permit.

- A general permit is a single permit document that provides coverage to multiple facilities. Feedlots are eligible for the general NPDES or SDS permit when they meet the eligibility criteria established in applicable general permit.
- An individual permit is used for facilities that need special permit conditions to construct or operate technologies that are not covered under the general permit, or to correct pollution hazards or past violations.

What are the MPCA procedures for processing a permit application?

The MPCA reviews all plans submitted as part of the application packet to determine if they meet state and federal statutes, laws, rules and regulations, and adequately protect the environment before granting coverage under an NPDES or SDS permit. The MPCA will inspect facilities to ensure compliance with all permit requirements, applicable rules and regulations, and the required plans. If compliance issues are discovered, the MPCA will require the facility to make corrections within a reasonable amount of time. The regulatory tools used to bring the facility into compliance will depend on the severity of the problem, the cooperation of the producer, and other factors.

Are there location restrictions for large feedlots?

New feedlots ***cannot*** be located:

- In shoreland.
- In a 100-year floodplain.
- Within 300 feet of a sinkhole.
- Within 100 feet of a private well. Note: various feedlot components (e.g. manure storage areas) also have restrictions on proximity to wells.
- Within 1,000 feet of a community water supply well or wells serving a school or licensed childcare center unless specific conditions are met.

Existing animal feedlots ***cannot*** expand:

- In shoreland to a capacity of 1,000 AU or more, or the manure produced by 1,000 AU or more.
- In a 100-year floodplain.

How do neighbors know when construction is proposed?

Owners who are proposing to construct a new feedlot, or expand an existing feedlot, that will have a capacity of 500 AU or more are required to notify:

- Neighbors within 5,000 feet of the feedlot site must be personally notified, sent a letter, or notified through publication in a local newspaper not less than 20 business days prior to the anticipated issuance date of the permit.
- The local zoning authority must be notified of all construction activities at least 30 days prior to construction.

What are the requirements for land application of manure?

Manure application rates are based on results of manure and soil testing, and must be limited so that the established plant-available nitrogen from all nitrogen sources does not exceed expected crop nitrogen needs. Soil phosphorus levels are also to be managed, particularly in areas near water bodies.

All feedlots with NPDES or SDS permit coverage are required to have a site specific manure management plan (MMP) and the owner must submit an annual report on the manure application practices for the previous year. Manure application requirements are specifically described in the NPDES and SDS permits.

Where manure is sold or given away for application by others onto land that is not under control of the feedlot owner or operator, some of the feedlot owner's requirements for MMPs and record-keeping are different.

Are there requirements for stockpiling of manure?

Stockpile runoff cannot discharge to waters of the state. Specific location, design, construction, operation and maintenance requirements apply based on the type of stockpile—short-term or permanent.

- Short-term: Manure can only be stockpiled for up to one year of the date when the stockpile was initially established. A vegetative cover must be established for at least one full growing season prior to reuse.
- Permanent: Manure is stockpiled in the same location more than one year or the same site is used year after year. A system to control precipitation-related runoff may be required to comply with applicable regulations. A permit or permit modification is necessary to establish a permanent stockpile site.

How are permit application requirements coordinated with Environmental Quality Board's Environmental Assessment Worksheet (EAW) requirements?

Owners proposing to construct a new site with 1,000 or more AU, or expanding an existing site by 1,000 or more AU within a three year period, are required to complete an EAW when applying for permit coverage. In sensitive areas (karst, shoreland, etc.) the threshold for mandatory environmental review is reduced to 500 AU.

A general NPDES or SDS permit can often be issued when an EAW is required. If conditions are agreed to that are more stringent than what is required by Minn. R. ch. 7020, and are not a component of the standard plans submitted and made enforceable by the general NPDES or SDS permit, an individual NPDES or SDS permit will be necessary.

How about the fees?

Application fee

A permit application fee must be submitted to the MPCA with the completed permit application.

- \$620 – for a general NPDES or SDS permit, or for the reissuance of an individual NPDES or SDS permit where no modifications to the facility are proposed.
- \$1,860 – for an individual NPDES or SDS permit (except reissuance as noted above).

Note: When environmental review is necessary, an additional fee of \$4,650 is required.

Annual fee

An annual fee is billed the next calendar year after a facility is granted coverage. Typically, the annual bills are sent in January of each year.

- \$345 – for a general NPDES or SDS permit.
- \$1,230 – for an individual NPDES or SDS permit.

More information

For more information about the MPCA Feedlot Program requirements, log onto the MPCA feedlot website at: <http://www.pca.state.mn.us/feedlots>.

The following factsheets provide more details on the topics discussed above and can be found along with several other factsheets on the Feedlot Program home page.

- NPDES and SDS permits for feedlots – Determining when a permit is required
- Feedlot construction setbacks from open water and wells
- Notification Requirements – Construction or Expansion Permit for Feedlots with 500 Animal Units or more
- Land Application of manure: Minimum state requirements
- Manure stockpiling technical guidelines
- When is environmental review required for feedlots?