

# Feedlot Permit Modifications

## Including ownership or name changes

A modification is a change to a facility component or operational practice described, required, or authorized by a permit, including an expansion. Most modifications require a feedlot permit modification. There are two categories of permit modifications, major and minor. In general, a change to a permitted facility that includes an increase in the animal holding or manure storage capacity is a major modification. Minor modifications are those changes that do not result in an actual or potential increase of emissions from the facility. A change to the ownership or name of a facility also requires a permit modification.

## Examples of major and minor modifications

The vast majority of facility modifications apply to National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) permits; however, Construction Short Form (CSF) and Interim permits can also be modified. Table 1 below specifies whether commonly requested changes are considered major or minor permit modifications. This list is not exhaustive and does not account for site specific circumstances that may necessitate a listed minor permit modification being more appropriately considered a major permit modification, or vice-versa. If you have a question whether or not a modification of a permit is necessary or whether a proposal would be considered a major or minor modification, consult your regional Minnesota Pollution Control Agency (MPCA) feedlot program staff before proceeding.

**Table 1: Common major and minor permit modifications**

	Major or minor mod?
<b>Changes in animal types or animal holding areas</b>	
Change in animal species (ie. dairy to beef or poultry to swine)	Major
Change in animal type with increase in animal units (ie. toms to hens)	Major
Change in animal type with no increase in animal units (ie. hens to toms)	Minor
Adding an animal holding area where none has existed	Major
Increase animal holding capacity of an existing animal holding area (ie. building remodel)	Major
Roofing an existing open lot <b>with</b> an increase in AU capacity	Major
Roofing an existing open lot <b>without</b> an increase in AU capacity	Minor
<b>Changes to manure handling or storage areas</b>	
Construction or expansion of a <b>liquid</b> manure storage area (pit, basin, sand lane, wedge pit, etc.)	Major
Construction or expansion of a <b>solid</b> manure storage area (stockpile, stacking slab, etc.)	Major
Installation of manure solids and/or sand separation equipment (without a new manure storage area)	Minor
<b>Change in name or ownership</b>	
Change in name or ownership of a feedlot that also includes any other changes to the operation	Major
Change in name or ownership of a feedlot <b>without</b> any other changes to the operation	Minor
<b>Facility operational changes (only applicable to NPDES or SDS permits)</b>	
Construction of a new or expansion (increased footprint) of an existing feed storage area	Major
Installation of an infiltration area for feed storage area runoff	Major
Addition of a field to the Manure Management Plan (MMP)*	Minor
Change to the methodology portion of the MMP*	Minor

\* This change must be public noticed for 30 days if the facility has coverage under a NPDES or SDS permit.

## Changes that are not modifications

A change to a facility component or operational practice that is not described, required, or authorized by a permit is not a modification. Below are some examples:

Reconstruction of facilities following disaster (fire, storm, etc.) with no increase in size of structure(s), animal numbers or units, or manure handling/storage practices (ie. replace what was destroyed).

- Construction or expansion of an animal mortality processing/storage area.
- Decreasing capacity of an existing animal holding area.
- Routine maintenance of animal holding areas without an increase in capacity.
- Routine maintenance of manure storage areas consistent with approved design plans and specifications\*.
- Repair/replacement of manure transfer pipes\*.
- Changes to feeding or milking schedules or animal diets.
- Change in bedding materials or equipment used to clean the facility so long as consistent with approved design plans and specifications.
- Changes to lands used as pasture.
- Changes to facility components not involved directly in animal or manure management such as an office or machine shed.
- Construction or expansion of a covered commodity storage area (dry feedstocks).
- Changes to the type of crop or manure application rate if consistent with the methodology portion of the manure management plan and reflected in required records (NPDES and SDS permits only).

*\*Contact MPCA staff to determine if oversight by a Professional Engineer is required.*

When a change to a facility component or operational practice is not a modification, the change can be made at anytime without notification to the MPCA. If you have any question as to whether or not a change requires modification of your permit, please contact your regional MPCA staff to discuss the specifics prior to making the change.

## Change of ownership or change of name

A facility with current, non-expired<sup>b</sup> permit coverage is required to inform the MPCA of any changes to ownership or name of the permitted facility so that the permit can be modified to reflect the change. Notification of ownership changes of facilities with NPDES or SDS permit coverage is necessary to properly transfer permit coverage to the new owner.

Change of ownership applies to more situations than the typical sale of a facility from one group to another. Change of ownership also includes instances when the corporate structure is being changed; such as, transition from a limited liability partnership to a limited liability corporation, or any other combinations of corporate structure changes.

Another common instance of change of ownership occurs when the present owner's child becomes a part of the ownership of the facility. This is a change in ownership and requires permit modification.

Ownership changes may also result in a modification to the facility by either a change to a facility component, such as a building remodel or a change in operational practice, such as an addition of a field to a manure management plan. When an ownership change includes a facility modification, follow the guidance provided above to determine if either a minor or major permit modification is also required.

<sup>b</sup> "Non-expired" includes instances where the permittee has made a timely application for continued permit coverage but has yet to receive notice of new permit coverage. In these situations, the facility must operate under the expired

## Permit modification application forms

An application must be submitted to obtain approval of all types of modifications. Standardized forms must be used and are found on the MPCA website <https://www.pca.state.mn.us/feedlots>. The permittee must also pay applicable permit fees and submit any documents incorporated into the permit where the content of the document must be changed to accurately reflect the modified facility. The MPCA may also request additional information as necessary to characterize the modification requested.

### NPDES and SDS permit forms

- For major modifications: [NPDES and SDS permit application form](#) (same as original application)
  - There is an area on the form to indicate that the application is for a major modification
- For minor modifications: [Minor modification of a NPDES or SDS permit form](#)

**Note:** When an ownership or name change occurs at the same time as a major or minor modification. The [facility ownership or name change form](#) should accompany the major or minor application form.

### CSF and Interim permit forms

- For major and minor modifications: [Interim and CSF permit application form](#) (same as original application)
  - There is an area on the form to indicate that the application is for a modification

**Note:** When an ownership or name change occurs at the same time as a major or minor modification. The [facility ownership or name change form](#) should accompany the major or minor application form.

### Form for change of ownership or name only

If the modification consists of a change in name or ownership of a feedlot **without any other changes** to the operation, only the [facility ownership or name change form](#) is required. The same change of ownership or name form should be used for all types of feedlot permits.

When another major or minor modification will happen at the same time as the change of ownership or name, the [facility ownership or name change form](#) should accompany the applicable major or minor modification application form as identified above.

## Approval of permit modifications

When a permit is modified, public notification may be required for NPDES and SDS permits. In general, a minor modification does not require public notification, whereas major modifications require a 30-day public notice, which is completed by the MPCA.

Please be aware that the permittee may also be required to provide additional public notification to residents and property owners within 5,000 feet of a feedlot when construction or expansion is proposed as part of the permit modification. For more details regarding this notification process including the required content and acceptable notice methods, please consult the [Permit Notification Requirements](#) fact sheet.

Final approval of either a major or minor modification request is complete upon receipt of a modified permit, or permit coverage letter for general permits, from the MPCA. The permittee is not authorized to implement the desired modification until receiving approval from the MPCA.

## For more information

For more information about the feedlot program in Minnesota, please visit the MPCA website at <http://www.pca.state.mn.us/feedlots>.