|  |  |
| --- | --- |
| MPCA-New mn Logo for Forms with address | NPDES and SDS feedlot permit  application review checklist  Feedlot Program  Doc Type: Application Review |

## Instructions: This document will assist you in reviewing an application for a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) Permit (except minor modifications). This checklist does not address every blank/checkbox on the application form but rather focuses on the critical information to help you determine: 1) if the facility can be permitted, 2) if an EAW is required, and 3) if more information is required. Even though a particular item may not be directly addressed on this checklist, the information should still be present on the application form if it is applicable to the facility/applicant.

## General information

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Facility name: | |  | | | Registration number: |  |
| Owner/Operator: | | |  | | TEMPO AI: |  |
| Project Engineer: | | | |  | Reviewed by: |  |
| Consultant: |  | | | | Date (mm/dd/yyyy): |  |

**Make sure that the permit application and all supporting materials have been date stamped.**

## Application completeness

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Application technically incomplete | | | Date: |  | | | |
| Due date for additional submittals: | |  | | | **or** | | Date application returned: | |  |
| Application technically complete | | | Date: |  | | | |
| MMP review complete | Engineering review complete | | | | | Application review complete | | | | |

**Public Notice (if required)**

|  |  |  |  |
| --- | --- | --- | --- |
| Start date: |  | End date (earliest date for permit issuance): |  |

*Note: first time issuance of Individual Permit requires Notice of Intent sent to Minn. Newspaper Association*

If comments are received, you must respond and a summary of comments and replies must be placed into Tempo.

**Tempo work**

|  |
| --- |
| Entries into WAL complete |
| Applicable permitting documents imported to Tempo |
| Permit issuance to typing |

## Section I. Permit type and reason for application Section complete

General NPDES  General SDS  Individual NPDES  Individual SDS

*Verify that applicant actually qualifies for desired permit –* ***existing sites need a site inspection prior to permit issuance***

Permit Issuance *(No existing NPDES/SDS Permit Coverage or Issuance of New General Permit)*

Permit Modification *(Changes to sites with an existing NPDES/SDS Permit)*

Reissuance of an existing Individual Permit *(no changes to the facility)*

## Section II. Owner’s name(s) and address(es) Section complete

Are the names and addresses of all owners identified?  Yes  No

*(All partners of a LLP, LLLP, or LP must be listed)*

**Common issues:** Missing name, contact information, or addresses

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section III. Facility name, site address, and contact person Section complete

Is the facility contact information listed?  Yes  No

**Common issues:** Missing name, contact information, or addresses or incorrect legal name

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section IV. Facility location Section complete

Is all facility location Information correctly identified?  Yes  No

**Common issues:** Incorrect Township, Range, or Section information

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section V. Sensitive features Section complete

1. Is any part of the facility within 1,000 feet of any type of surface waters or tile intake?  Yes  No

If yes– verify no pollution hazard exists.

1. Is any part of the facility within 300 feet of a river/stream?  Yes  No

If yes– verify no pollution hazard exists.

1. Is any part of the facility within the 100 year floodplain?  Yes  No

If yes – No construction or expansion allowed in the floodplain.  
*(unless less than 300 animal units [AU] and correcting a pollution hazard with a liquid manure storage area [LMSA])*

1. Is any part of the facility within designated shoreland?  Yes  No

If yes

* **New** feedlot or manure storage area facilities cannot be constructed
* **Existing** feedlot or manure storage area facilities may expand when the following apply:

The facility will have a total capacity of less than 1,000 AU and

The expanded components are no closer to the ordinary high water level.

1. Is any part of the facility within 1,000 feet of any type of karst feature?  Yes  No

If yes– verify no pollution hazard exists.

* The volume of the liquid manure storage area is limited to 250,000 gallons when four or more sinkholes are present within 1,000 feet of the proposed LMSA.
* Animal holding areas and manure storage areas cannot be constructed or expanded within 300 feet of a sinkhole.

1. Is any part of the facility within 1,000 feet of a community water supply well, a well serving a public or private school   
   (excluding home school locations), or a vulnerable well serving as a licensed child care center?  Yes  No

If yes – A new animal feedlot or manure storage area cannot be constructed within 1,000 feet of the well unless all of the following conditions are met:

Minnesota Department of Health (MDH) has an approved Drinking Water Supply Management Area (DWSMA)

The feedlot or manure storage area is not within the DWSMA

The feedlot or manure storage area is not within 200 feet of the well

Note: There are restrictions for other types of wells that are addressed in other sections of this checklist or within the well isolation table at the end of this checklist.

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section VI. Environmental Review Section complete or no construction/expansion Environmental Assessment Worksheet (EAW)

## required – application incomplete

Animal unit (AU) summary

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Existing AU: |  | Proposed AU increase: |  | Final AU: |  |

1. **Construction/Expansion by 1,000 AU or more**

Including any expansions at this facility within the last three years, does the cumulative   
AU increase equal 1,000 or more?  Yes  No

If yes – environmental review is required.

1. **Sensitive areas**

Is any part of the facility located within any of the following sensitive areas?  Yes  No

a delineated floodplain

designated shoreland

1,000 feet of a karst feature

a vulnerable DWSMA

a federal, state, or local wild and scenic river district

the Minnesota River Project Riverbend area or the Mississippi Headwaters area

If yes – Including any expansions at this facility within the last three years, does the cumulative   
AU increase equal 500 or more?  Yes  No

If yes – environmental review is required

1. **Phased actions**

Does the proposer have ownership in another livestock operation, within the same geographic area  
(as a rule of thumb - six miles), that has constructed or expanded within the last three years?  Yes  No

If yes - the project may be considered a phased action

Including any expansions within the last three years at these sites, does the cumulative total of AU increase   
equal 1,000 or more (500 if in a sensitive area)?  Yes  No

If yes – this is likely a phased action and environmental review is likely required, contact EAW staff in St. Paul to make a final determination if the proposal is indeed a phased action.

1. **Exemptions from Environmental Review**

The following sites are exempt from environmental review (unless part of a phased action):

* Sites that are less than 1,000 AU and not in a sensitive area provided a public meeting is held for citizen input.
* Sites that are less than 300 AU (less than 50 AU in sensitive areas).

More information is found on the Minnesota Pollution Control Agency (MPCA) website at: <https://www.pca.state.mn.us/quick-links/feedlot-environmental-review>.

When an EAW is required, the permit application is considered incomplete until the environmental review process is complete.

Environmental review (ER) process information (when required)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Reason for review:  Mandatory  Petition  Discretionary | | | | | |
| Assigned ER staff: |  | Phone: | |  | |
| EAW notice date: |  |
| *(policy is to run EAW and permit notices concurrently)* | | | | | | | | |
| EAW Findings of Fact complete date: | | |  | | EIS required | |
| EIS Findings of Fact complete date: | | |  | |
| *Indicate below any pertinent info from review of this section:* | | | | | | | | | | |
|  | | | | | | | | | | |

## Section VII. Animal numbers and AU calculation Section complete

1. Does the head count in column three match current registration? (blank for new sites)  Yes  No
2. Does column five represent the total number of animals after expansion? (existing plus expansion)  Yes  No
3. Are AUs in columns four and six calculated correctly? (including current and final totals)  Yes  No

The facility must be permitted based on capacity of the animal holding areas. Below are some common stocking densities taken from industry or university resources and MPCA historical permitting data. If stocking densities differ greatly from these typical numbers, more information may be needed to verify physical capacity of the facility.

|  |  |
| --- | --- |
| **Animal types** | **Typical stocking densities for confinement barns** |
| Mature dairy cows | 80 square feet (sq. ft.) per head |
| Dairy young stock | 50 sq. ft. per head (heifer) – 30 sq. ft. per head (calves) |
| Beef slaughter steers | 50 sq. ft. per head (monsoslope) - 30 sq. ft. per head (slatted barn) |
| Swine - finishing | 8 sq. ft. per head (finishing) – 4 sq. ft. per head (nursery) |
| Chickens - broilers | 0.5 sq. ft. per head (broilers) – 0.38 sq. ft. per head (layers) |
| Turkeys - mature | 3.5 sq. ft. per head (toms) – 2.5 sq. ft. per head (hens) |

*It is also helpful to ask for floor plans for free-stall barns and swine gestation/farrowing barns and then count the stalls/crates.*

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section VIII. Animal holding areas Section complete

1. Are all animal holding areas identified as proposed, approved, existing, modifying, or eliminating?  Yes  No
2. Do the proposed/modified animal holding areas comply with the well setbacks in table 2a below?  Yes  No

Note: For existing components – the applicability of the well code (Minn. R. ch. 4725), is complicated due to historical changes therefore questions should be discussed with MDH. (More information is on the MDH website at <http://www.health.state.mn.us/divs/eh/wells/index.html>.)

*Table 2a – Well Isolation distances for animal holding areas*

|  |  |
| --- | --- |
| **Feedlot component** | **Isolation Distance** |
| Animal feedlot | 100 ft. |
| Animal holding area (not considered a feedlot) | 50 ft.\* |

\**Isolation distance must be doubled when the well has less than 50 ft. of watertight casing where the casing does not penetrate a   
confining layer or multiple layers of confining materials with an aggregate thickness of 10 ft. or more.*

1. Are the dimensions listed for each animal holding area? (listing surface area is okay for irregular shapes)  Yes  No
2. Are animal holding area floor types listed?  Yes  No
3. Do the total number of animals match the final animal numbers from Section VII?  Yes  No
4. Are there open lots without runoff controls?  Yes  No  N/A

*(You should assess the adequacy of any existing runoff controls)*

If Yes – an Individual Permit is required; the permit must include a schedule to require:

Construction of a roof to eliminate runoff

Construction of a LMSA to contain the runoff

Construction of a Vegetative Infiltration Basin (VIB) to contain the runoff.   
*(A VIB will require continued coverage under an Individual Permit)*

Closure of the open lots

1. Is at least one current and one potential odor control strategy identified for each animal holding area?  Yes  No

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section IX. Manure handling, feed storage, and dead animals Section complete

1. Are all manure storage, feed storage, and dead animal storage areas   
   identified as proposed, approved, existing, modifying, or eliminating?  Yes  No
2. Do the proposed/modified manure storage, feed storage and dead animal  
   storage areas comply with the well setbacks in table 2b below?  Yes  No

Note: For existing components – the applicability of the well code (Minn. R. ch. 4725), is complicated due to historical changes therefore questions should be discussed with MDH. (More information is on the MDH website at <http://www.health.state.mn.us/divs/eh/wells/index.html>.)

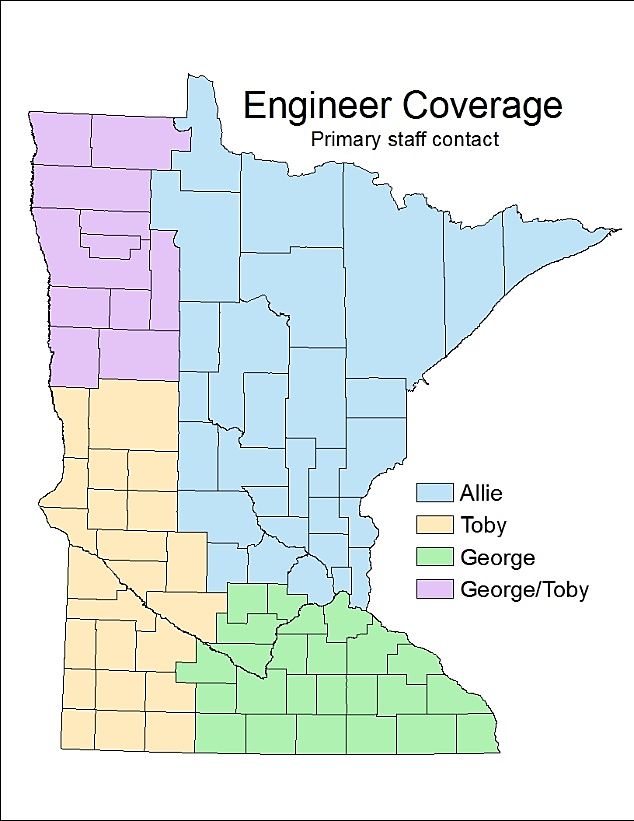
*Table 2b – Well Isolation distances for* manure storage, feed storage and dead animal storage areas

|  |  |  |
| --- | --- | --- |
| **Feedlot component** | **Isolation distance** | |
| LMSA (including Settling Basin, Stacking Slab, or Wedge Pit) | Unpermitted/Non-certified  (any liner type) | 300 ft.\* |
| Earthen liner | 150 ft.\* |
| Concrete, synthetic, or composite liner | 100 ft.\* |
| Manure stockpiles | 100 ft. | |
| Feed Storage Areas, Dead Animal Treatment Areas,  Filter Strip/Vegetative Treatment Area, or  Waste Pipelines /”Dirty Water” Diversions. | 50 ft.\* | |
| **Other**: Any feature designed to pipe, convey, relocate, scrape, or otherwise move, collect, process, store or treat manure, manure contaminated runoff, milk house waste, silage leachate, or other feedlot related wastes. | 50 ft.\* | |

\*Isolation distance must be doubled when the well has less than 50 ft. of watertight casing where the casing does not penetrate a   
confining layer or multiple layers of confining materials with an aggregate thickness of 10 ft. or more.

1. Are the dimensions listed for each manure storage, feed storage and dead animal storage area?  Yes  No  
   (listing surface area is okay for irregular shapes)

Liquid manure storage areas (LMSA) subsection  Complete or N/A

1. For new or modified LMSAs, are plans and specs included?  Yes  No

If no – Application is incomplete, unless plans and specs will be a required submittal in an Individual Permit

If yes – Forward plans to engineer for review (see coverage map)

1. Are any existing LMSAs unpermitted or noncertified?  Yes  No  
   *(see 7020.0300 subp.25 for guidance on what is unpermitted/non-certified)*

If yes – An Individual Permit is required, it must include a schedule to require:

Closure of the LMSA if;

* the facility has 1,000 or more AU, or
* the LMSA was installed after October 23, 2000.

Approval to operate in accordance with Minn.R.Ch. 7020.2110

*(Submitting required info prior to permit issuance can   
eliminate the need for an Individual Permit)*

Note: A facility may have a “small” LMSA that was not considered a LMSA initially but has been in existence for many years   
*(i.e., collection manhole with pump, sand lane, settling basin)*.   
In some of these situations, the structure may be allowed to continue operation. Work with your supervisor and engineer to discuss each specific situation.

Manure stockpiles subsection  Complete or N/A

1. Is runoff from permanent stockpile adequately controlled or contained?  Yes  No

If no – an Individual Permit is required, the permit must include a schedule to require:

Construction of a roof to eliminate runoff.

Construction of a LMSA to contain the runoff.

Construction of a VIB to contain the runoff.  
*(A VIB may require continued coverage under an Individual Permit)*

Closure of the permanent stockpile

*(Closure requires an Individual Permit to ensure that the stockpile is eliminated within an appropriate timeframe, unless it is completed prior to permit issuance)*

Dead animal areas subsection  Complete or N/A

1. Does the dead animal area create a pollution hazard (i.e., runoff/seepage)?  Yes  No

If yes - An Individual Permit is required, the Individual Permit must include a schedule to implement or construct adequate controls for pollution hazard created by the animal mortality area, unless it can be corrected prior to permit issuance.

Refer to Minn.R.ch. 1721 for MN Board of Animal Health for requirements for mortality management procedures

Other process wastewater subsection  Complete or N/A  
(i.e., Milk house waste, egg wash water, truck wash water, and feed storage runoff)

1. Are sources of process wastewater, including all feedpad runoff, adequately contained?  Yes  No

If no - An Individual Permit is required. The Individual Permit must include a schedule to implement or construct adequate controls for process wastewater.

Note: Elimination of a feed storage area without runoff controls requires an Individual Permit to ensure that the feed storage area is eliminated within an appropriate timeframe, unless it is completed prior to permit issuance.

Sweet corn silage subsection  Complete or N/A

If the facility stores 1,000 tons of sweet corn silage at any one time

* Runoff must be directed to a LMSA (no VIB’s allowed)
* If runoff controls are not currently in place, an Individual Permit is required

|  |
| --- |
| *Indicate below any pertinent info from review of this section (Manure handling, feed storage, and dead animals):* |
|  |

## Section X. Changes to Groundwater Monitoring Plan Section complete or N/A

If monitoring is required and a change is requested, technical analysis and justification must be provided by a qualified professional. The changes must be approved by the MPCA.

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section XI. Non-delegated county public meeting minutes Section complete or N/A

A county which has not accepted delegation of the feedlot program must hold a public meeting prior to issuance of a permit by the MPCA for a feedlot with a capacity of 300 or more AU.

Were a copy of these meeting minutes included with application?  Yes  No

If no – application can be considered complete but a copy of the meeting minutes must be provided prior to permit issuance.

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section XII. Notice to residents and owners within 5,000 feet Section complete or N/A

## Is this a new site proposing 500+ AU or an existing site that will have a capacity of 500+ AU after expansion? Yes No

If “Yes”, this “Good Neighbor” notice is required. It must include all of the following:

Owner/Facility name  Location (¼, Section, Township, County)  Total AU  
 Type of livestock  Type of animal holding areas  Type of manure storage areas

Did the application include one of the notice verification methods identified below?  Yes  No

Affidavit of publication from newspaper

List of all parties with certified mail report of delivery or attempted delivery

Notarized List of all parties visited indicating in detail what was discussed

List of all parties visited in person with date and their signature

If no – the application can be considered complete if it includes a copy of the content of the notification and the date the notification will occur. Verification of completion of this notice must be received prior to permit issuance.

The permit cannot be issued until **20 business days** after the date the notification occurred.

|  |
| --- |
| *Indicate below any pertinent info from review of this section:* |
|  |

## Section XIII. Certifications and signature Section complete

The application must be signed and dated by one of the following:

* For a corporation, a principal executive officer of at least the level of vice president
* For a partnership, a general partner
* For a sole proprietorship, the proprietor

## Required enclosures Section complete

These are always required (except for minor modifications):

*(The following links can be found on the MPCA Feedlot website at* [*https:\\www.pca.state.mn.us\feedlots*](https://www.pca.state.mn.us/feedlots)*)*

A site sketch/aerial photograph that shows all existing and proposed components, all tile intakes, all wells and all sensitive features within 1,000 feet of the facility.  
(Component ID’s must match sections VIII & IX)

A Manure/Nutrient Management Plan (MMP)

When **all** manure is transferred to another entity for utilization, complete a MMP using the form:

[*MMP requirements when ownership of manure is transferred*](http://www.pca.state.mn.us/sites/default/files/wq-f8-12.doc).

When **any** portion of manure is applied to land owned, rented, or leased by the applicant(s), or applied to other land where nutrient application decisions are made by the applicant(s), complete a MMP using the spreadsheet form:

[*MPCA Manure Management Planner*](https://www.pca.state.mn.us/sites/default/files/wq-f6-12.xlsm)*.*

*Notes: The MMP requirements when ownership of manure is transferred form is incorporated into the spreadsheet to account for instances when only some of the manure is transferred.*

*A hand-entry version of the* [*MPCA Manure Management Planner*](https://www.pca.state.mn.us/sites/default/files/wq-f6-12a.pdf)*.*

(Use the MMP checklist for review – available at: <https://www.pca.state.mn.us/search?query=wq-f8-14b>

An Emergency Response Plan for response to manure spills and catastrophic animal mortality events. The plan must be completed using the MPCA’s form*.*

**When a LMSA is proposed or will be modified/expanded:**

Plans and specifications for construction, modification, or expansion of any LMSA.  
(Forward plans to engineer for review)

**If construction will disturb 50+ acres:**

A copy of the Stormwater Pollution Prevention Plan (SWPPP)

(Forward SWPPP to engineer for review)

## Useful resources

**Well isolation table**

The table below summarizes the well isolation distances required by Minn. R. 4725.4450 and/or Minn. R. ch. 7020 (whichever is most restrictive) for construction/expansion of **new feedlot components**. The isolation distances for existing wells and feedlot components is complicated due to the historical changes in the well code (Minn. R. ch. 4725), therefore questions regarding the well code’s applicability to existing components should be discussed with MDH. (MDH website at <http://www.health.state.mn.us/divs/eh/wells/index.html>)

|  |  |  |
| --- | --- | --- |
| **Feedlot component (with rule cites)** | **Isolation Distance** | |
| LMSA  *Minn. R. 4725.4450, subp.1 A(6)*  *Minn. R. 4725.4450, subp.1 B(6)*  *Minn. R. 4725.4450, subp.1 C(5)* | Unpermitted/Non-certified  (any liner type) | 300 ft.\* |
| Earthen Liner | 150 ft.\* |
| Concrete, Synthetic, or Composite Liner | 100 ft.\* |
| Settling Basin, Stacking Slab, or Wedge Pit | Follow the isolation distances for LMSA | |
| Manure stockpiles  *Minn. R. 7020.2005, subp.1* | 100 ft. | |
| Animal feedlot  *Minn. R. 7020.2005, subp.1* | 100 ft. | |
| Animal or poultry building (not considered a feedlot)  Potential examples: horse riding arena, cattle handling facilities, milking parlor  *Minn. R. 4725.4450, subp.1 E(4)* | 50 ft.\* | |
| Feeding or Watering Area within a Pasture  *Minn. R. 4725.4450, subp.1 E(3)* | 50 ft.\* | |
| Feed Storage Areas, Dead Animal Treatment Areas,  Filter Strip/Vegetative Treatment Area, or  Waste Pipelines /”Dirty Water” Diversions.  *Minn. R. 4725.4450, subp.1 E(11)* | 50 ft.\* | |
| **Other**: Any feature designed to pipe, convey, relocate, scrape, or otherwise move, collect, process, store or treat manure, manure contaminated runoff, milk house waste, silage leachate, or other feedlot-related wastes.  *Minn. R. 4725.4450, subp.1 E(11)* | 50 ft.\* | |

\*Minn. R. 4725.4450, subp.2 requires the isolation distance to double when the well is considered sensitive which is defined as a water-supply well with less than 50 ft. of watertight casing where the casing does not penetrate a confining layer or multiple layers of confining materials with an aggregate thickness of 10 ft. or more.

**For more information**

* Minn. R. ch. 7020 (Revisor) on the Office of the Revisor of Statutes website at <https://www.revisor.mn.gov/rules/?id=7020>
* Construction stormwater factsheet on the MPCA website at <https://www.pca.state.mn.us/sites/default/files/wq-f6-75.pdf>
* Truck wash permitting flow chart on the MPCA website at <https://www.pca.state.mn.us/sites/default/files/wq-f5-17.pdf>
* Environmental review on the MPCA website at <https://www.pca.state.mn.us/quick-links/feedlot-environmental-review>
* Public Waters Inventory (PWI) maps on the Minnesota Department of Natural Resources (DNR) website at <https://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html>
* DNR Water Appropriations Program on the DNR website at <https://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html>
* MDH county well index on the MDH website at <https://apps.health.state.mn.us/cwi/>
* DWSMA and wellhead protection on the Minnesota Department of Agriculture website at <http://www.mda.state.mn.us/protecting/waterprotection/waterprotectionmapping>
* Carcass disposal on the Minnesota Board of Animal Health website at <https://www.bah.state.mn.us/carcass-disposal/>
* MPCA Multiple Site Determination Policy on the MPCA website at <https://www.pca.state.mn.us/sites/default/files/wq-f6-63.pdf>

## Feedlot construction or expansion checklist (optional)

|  |  |  |
| --- | --- | --- |
|  | **Notification date** | **Date inspected** |
| **Start of construction** |  |  |
| **Concrete pour** |  |  |
| **Backfill** |  |  |

|  |  |  |
| --- | --- | --- |
| Construction report submitted | Date report received: |  |

TEMPO updated with all construction details and submittals.