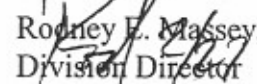


DATE: February 27, 2001

TO: MPCA Feedlot Lateral Team
Delegated County Feedlot Pollution Control
OfficersFROM:  Rodney E. Massey, P.E.
Division Director

PHONE: 651-296-7202

SUBJECT: Policy Clarification: Interim Permits for Feedlots Under 10/50 AU Thresholds

Policy Statement

Minn. Rule 7020.0405, subpart 1, item C, requires an owner to apply for an interim permit under the specific conditions listed. This section of the rule establishes an upper animal unit (AU) limit of 999 AU on interim permits (see 7020.0405, subpart 1, items A and B). However, no lower limit is established in the rule. The lower limits described below are established in Minnesota Statutes. This policy statement establishes the intent of the permitting requirements for feedlots having less than 50 AU and those having 10 animal units or less in shoreland areas. The lower AU limits listed below will apply to the revised feedlot rule permit requirements section and are also consistent with the registration program thresholds.

Minn. Statute, Section 166.07, subd. 7(g) states that a feedlot permit is not required for the following feedlot operations:

1. facilities that have a capacity of 10 or less animal units; and
2. facilities that have more than 10 but less than 50 animal units that are not in shoreland.

Background

The revised feedlot rules became effective on October 23, 2000. Since that date, the MPCA, Minnesota Extension Service, many delegated counties have been providing a substantial amount of information, training and outreach activities for those involved in or regulated by the rules. Over the course of these education and training efforts, the revised rule had been misinterpreted to allow MPCA or delegated counties to issue an interim permit for any sized facility under 1000 AU. The MPCA intends through this policy statement to establish consistency with statutory requirements.

The primary concern with not having the authority to issue an interim permit to a smaller feedlot is that MPCA staff and county feedlot officers will not have the simplest tool to address pollution hazards at these smaller feedlots. Several other tools are available, such as informal and formal enforcement documents, although these are often very time consuming and much less efficient, especially for the smaller operations. The critical point to establish with the feedlot owner, absent a permit, is that the rule technical standards in 7020.2000 to 7020.2225 apply to all persons, not just those required to obtain a permit.