

DEPARTMENT: POLLUTION CONTROL AGENCY

STATE OF MINNESOTA
Office Memorandum

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TO: MPCA Feedlot Staff
Feedlot Section
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SUBJECT: Policy - Multiple Site Determination for NPDES and SDS Feedlot Permits (2021)

Purpose

This policy addresses how the Minnesota Pollution Control Agency (MPCA) will determine when two or more animal feedlots under common ownership are considered one multiple-site operation for purposes of administering the National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) permit requirements for a Concentrated Animal Feeding Operation (CAFO) and animal feedlots with 1,000 or more animal units. This policy replaces *Policy - Multiple Site Determination for NPDES and SDS Feedlot Permits* signed on June 22, 2017.

Policy

The MPCA considers two or more animal feedlots to be one multiple site operation when:

1. The animal feedlots have common ownership; and
2. One of the following conditions apply:
 - a. Any portion of the animal feedlots are located within $\frac{1}{4}$ mile of each other; or
 - b. The animal feedlots share a liquid or solid manure storage area.
 - 1) Sharing a liquid or solid manure storage area does **NOT** include:
 - Two or more animal feedlots including the same fields for land application of manure in a manure management plan.
 - Manure transfer to a third party who collects from numerous feedlots then manages the manure as a separate entity.
 - Manure/litter transfer to another site to be used as bedding material (e.g., litter from a turkey brood barn transported with the birds to a finishing barn).

To determine the need for a NPDES or SDS permit, the animal holding capacity of all animal feedlots of the multiple site operation will be combined.

When a NPDES or SDS permit is required for a multiple site operation, the owner is required to:

1. Maintain registration for each animal feedlot; and
2. Obtain NPDES or SDS permit coverage for each animal feedlot.

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Background

This policy replacement is necessary to address changes to the MPCA data management system and permit application process as well as address application fee disparities between multiple site operations and other permitted sites.

Necessary changes to the MPCA data management system and permit application process can no longer effectively accommodate the previous method of providing more than one animal feedlot coverage under a single permit. Each registered feedlot must have its own permit in order to be able to utilize the mandatory online feedlot permit application service.

Furthermore, the MPCA is making this policy update in order to make permit fees consistent with the amount of staff time it takes to process permit applications. Previously a multiple site permit could provide coverage to multiple feedlots while the owner only paid one application fee. The amount of staff time necessary to process that multiple site application was the same amount of time it would take to process the application should they have been separate permit applications with separate fees. This change in policy will eliminate the current fee disparity by requiring permit application fees that adequately reflects the staff time needed to process the applications.

Definitions

1. **“Animal Feedlot or Feedlot”** means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. (Minn. R. 7020.0300, subp. 3) For purposes of this policy, feedlot also refers to an Animal Feeding Operation (AFO) as defined in 40 CFR § 122.23 (b) (1).
2. **“Concentrated Animal Feeding Operation” (“CAFO”)** means an AFO that is defined as a Large CAFO by 40 CFR § 122.23 (b)(2), or that is designated as a Large CAFO in accordance with 40 CFR § 122.23 (c). Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for disposal of wastes.
[40 CFR § 122.23 (b)(2)]
3. **“Common Ownership”** exists when at least one person or entity is the full or partial owner of two or more animal feedlots.