



# Feedlot Permitting in Minnesota

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## Feedlot permitting and regulation can occur on several levels in Minnesota

- Federal
- State
- Watershed
- County/City
- Township



# Feedlot Permitting in Minnesota

**Federal/State/Watershed permitting is specific to environmental factors.**

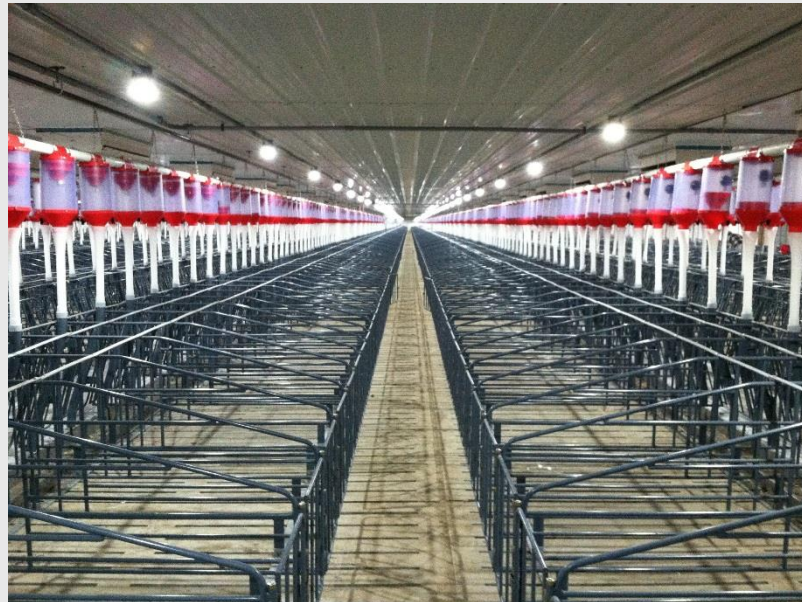
- Setbacks from water for both feedlot structure and land application of manure

**County/City/Township permitting is focused more on zoning issues because the state and federal government leave zoning to local governments.**

- Setbacks from residences, places of worship, city boundaries, etc.
- Road issues

## **Concentrated Animal Feeding Operation (CAFO):**

- The CAFO definition by the Environmental Protection Agency is divided into three categories based on number of animals in a confined area for more than 45 days: Large, Medium and Small. An feedlot defined as a CAFO must be permitted through the EPA or designated regulatory authority.



## Large CAFO's include:

- 1,000 or more cattle, cow/calf pairs, veal calves
- 700 or more dairy cattle
- 2,500 swine over 55 lbs
- 10,000 swine under 55 lbs or sheep/lambs
- 500 or more horses
- 55,000 or more turkey's
- 30,000 or more laying hens or broilers using a liquid manure system
- 125,000 or more chickens other than laying hens using dry/solid manure system
- 82,000 laying hens using dry/solid manure system



**Medium CAFO's** have smaller thresholds and are only defined as such if the feedlot has a pipe or manmade ditch carrying manure to surface water or the animals come into contact with surface water where they are confined.

**Small CAFO's** have the smallest thresholds and must be designated by the permitting authority as a significant contributor of pollutants.

**Animal Unit (AU):** a unit of measure used to compare differences in the production of animals manure that employs as a standard the amount for manure produced on a regular basis. It is basically the average weight of the animal divided by 1,000lbs.

**Examples:**

One beef cow = 1 AU

One dairy cow over 1,400lbs = 1.4 AU

On dairy cow averaging 1,000 lbs = 1 AU

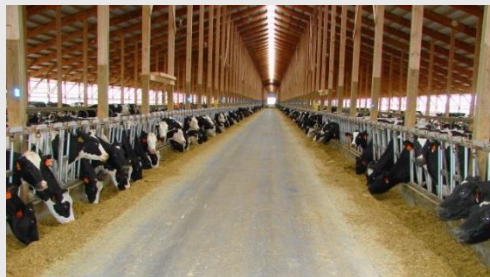
One slaughter steer = 1 AU

One feeder steer/replacement heifers = .7 AU

One calf = .2 AU

Cow/Calf Pair = 1.2 AU

One sheep = .1 AU



One pig over 300lbs = .4 AU

One pig over 55lbs and under 300lbs = .3 AU

One pig under 55lbs = .05 AU

One turkey over 5lbs = .018 AU

One turkey under 5lbs = .005 AU

One chicken over 5lbs = .005 AU

One chicken under 5lbs = .003 AU

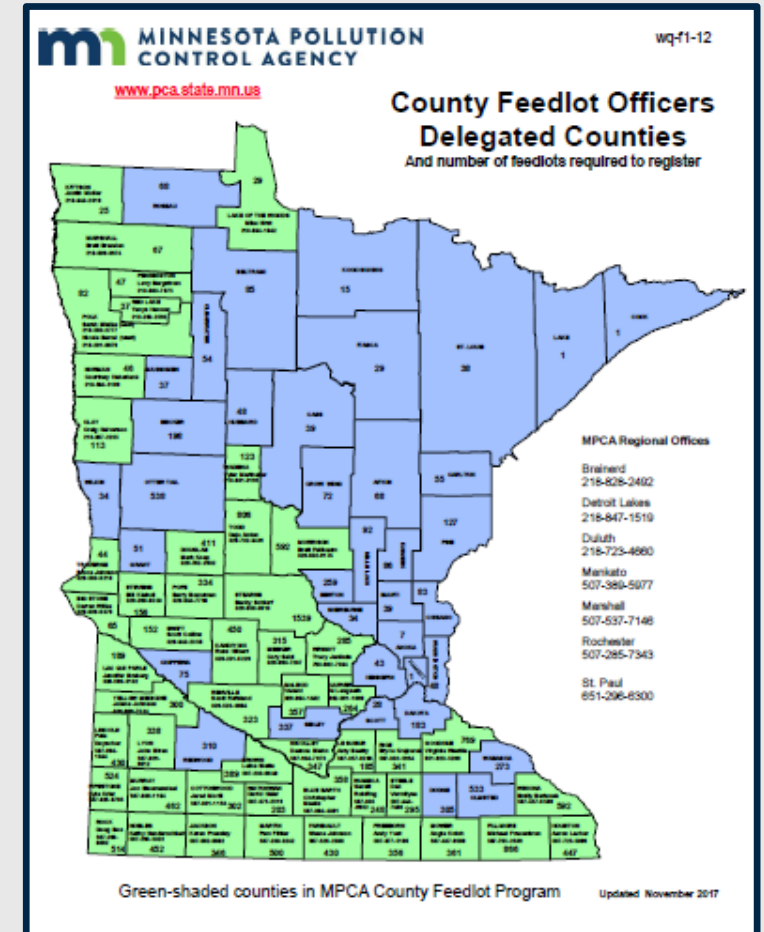


## Feedlot Registration:

The state of Minnesota requires all feedlots over 10 AU in shoreland and 50 AU outside of shoreland to be registered with the state. This registration includes the owner, address, location, description and number and type of animals on site. **THIS IS NOT A PERMIT.**

## County Feedlot Officer (CFO):

Just as the EPA has delegated permitting authority to the MPCA for issuing federal permits, the state of Minnesota created a Delegated County Feedlot Program which allows counties to participate in formal agreements with the state to be the local regulatory authority for all permitting for feedlots not meeting federal thresholds. Delegated counties are not allowed to administer or regulate CAFO sites with NPDES or SDS permits. Counties receive funding from the state to hire a full or part time feedlot officer. Funding is based on the number of registered feedlots in each county. Currently there are 50 delegated counties.



# Federal Permitting in the State of Minnesota

The State of Minnesota (Minnesota Pollution Control Agency/MPCA) has been granted authority by the EPA to issue environmental permits to feedlots requiring one on their behalf.

## National Pollutant Discharge Elimination System Permit (NPDES):

Required for all feedlots that meet or exceed the Large CAFO definition and for Medium and Small CAFO's that have been designated as such. Feedlots that do not discharge to waters of the state or US are not required to apply for this permit regardless of size.

### Two permit types:

- **General:** These permits are good for five years and cover all feedlots that may discharge. It is used for feedlots that using generally accepted facilities and processes in their day to day activities. General NPDES permit holders are required to submit annual reports to the MPCA.
- **Individual:** These permits are good for one year and are used for feedlots that may be using a new technology or process that is new or for feedlots that may have discharge issues. Once a new technology or practice is deemed reliable or a discharge issue is corrected, the feedlot may apply for a General Permit.



# What is required of a NPDES Feedlot permit

- Map of feedlot site with address and legal description
- Descriptions and dimensions of all livestock barns, holding areas, open lots, manure storage areas, feed storage areas.
- Proximity to sensitive features like lakes, creeks, rivers, ditches, wetlands, wells, tile inlets, etc.
- Number of animal units and animals numbers on site.
- Well testing prior to construction/Groundwater monitoring plan (if required by permitting authority)
- Storm water Pollution Prevention Plan if construction will disturb more than 1 acre
- Operation and Maintenance plan (inspect and record to determine everything is in working order)
- Air Emission plan: explains the methods and practices of reducing air emissions from the feedlot, manure storage and manure application, measures that will be taken if emissions would happen to exceed the state ambient hydrogen sulfide standard, complaint response protocol, etc.

# What is required of a NPDES Feedlot permit

- **Emergency Response Plan:** includes the description of procedures to contain, minimize and manage an unauthorized discharge, provide notification to proper authorities and mitigate any adverse effects.
- **Animal Mortality Plan:** describes how deceased livestock will be disposed of and the procedures that must be followed to prevent disease spread and discharges (composting, rendering, incineration, etc)
- **Nutrient/Manure Management Plan:** a detailed plan that outlines what fields will be used for manure application, nutrient levels in the soil of those fields, maps showing sensitive features and setbacks in each field, how manure will be stored, when and how manure will be applied and incorporated, crop rotations, nutrient test results from manure, emergency manure application areas and more.
- **Engineered designs of all manure storage**
- **Notice to all residents and property owners** at least 20 days prior to issuance of permit that are within 5,000 feet of the proposal of a new feedlot equal to or greater than 500 AU or an existing feedlot expanding by equal to or greater than 500 AU (can be mailed to each person or put in the local paper as a notice).



# State of Minnesota Feedlot Permits

- **State Disposal System Permit (SDS):** Same application as NPDES, however feedlots that do not discharge can apply for this permit. The permit is good for 10 years and no discharge is allowed under any circumstance. It also does not give assurance that discharge related to land application of manure qualifies for the agricultural storm water exemption afforded under federal rule.
- **Construction Short Form Permit (CSF):** This a feedlot permit for all new or expanding feedlots or manure storage areas with equal to or greater than 300 AU or capable of holding equal to or greater than 300AU worth of manure. This permit is good for two years while construction is taking place.
  - i. Requires a manure management plan
  - ii. Engineered design plans for manure storage or runoff control
- **Interim Permit (IP):** This permit is for any sized feedlot not meeting large CAFO thresholds that has a environmental issue. The permit is good for two years while corrections are being made.
  - i. Requires a detailed plan of what corrective measures will take place
  - ii. Manure management plan
  - iii. Engineered design plans for any manure storage or runoff control measures

# County and Township Permits relating to Feedlots

- **Conditional Use Permit (CUP):** allows for a use to be specifically allowed in a zoning district as long as certain standards are met. Basically, a CUP allows for a use already allowed in a zoning district, however it offers the local government to look at the project closer and require certain conditions be met. This permit is good for as long as the conditions are met on the property regardless if owner changes.
- **Interim Use Permit (IUP):** An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
- **Land Use or Building Permit:** This is the actual permitting of the structures on the property. Typically a map is drawn of the property and proposed additions or proposed new buildings and structures are drawn in with setback distances drawn in to ensure that all zoning setbacks are being followed. Septic systems, wells and sensitive features are often required as well.
- **Building Code:** Agricultural buildings are exempt from building code in Minnesota.
- **Variance:** A variance is different from a CUP because, with a permit, the owner is allowed to put his property to use in a way that the ordinance expressly permits. A variance allows the owner to use property in a way that is otherwise forbidden by an ordinance.

# Environmental Review in Minnesota

- This review process is a standardized public process designed to disclose information about the potential negative environmental effects of a proposed development and ways to avoid or minimize them before the project is permitted and built.
- The environmental review process operates according to the rules of the Environmental Quality Board (EQB) but is carried out by a local government unit or a state agency.
- An **Environmental Assessment Worksheet (EAW)** is mandatory for the construction of a new feedlot with a capacity of 1,000 or more Animal Units (AU), or the expansion of an existing feedlot by 1,000 or more AU.
- The mandatory threshold drops to 500 AU in sensitive areas.
- The environmental review process occurs before or simultaneously with the permitting process.
- No permits can be issued or final approvals granted by any unit of government until the environmental review process has been completed.

# Environmental Review in Minnesota

- The **Responsible Government Unit (RGU)** is responsible for preparation and review of environmental documents. For feedlot projects, the Minnesota Pollution Control Agency (MPCA) is the RGU unless a Delegated County will issue the feedlot permit, in which case the county is the RGU.
- Feedlots under the 1000/500 AU threshold may be exempt if they meet certain standards.
- If a project is not required to go through the environmental review process and is also not exempt, citizens can file a **petition** with the EQB and request the preparation of an EAW. A petition must contain the signatures of at least 100 people and meet the criteria found in the EQB rules. These criteria require the petitioner to present a case based on environmental factors, for why a project should have an EAW prepared.
- If the RGU feels more information is needed or other issues addresses, then an **Environmental Impact Statement** could be required.

# Permit Fees

- Application fee for General NPDES/SDS Permit: \$620
- Application fee for Individual NPDES/SDS Permit: \$1,860
- Annual fee for General NPDES/SDS Permit: \$345
- Annual fee for Individual NPDES/SDS Permit: \$1,230
- Environmental Review fee by MPCA: \$4,650
- Construction Short Form Permit: No cost from MPCA, counties vary
- Interim Permit: No cost from MPCA, counties vary
- Conditional/Interim Use Permits: vary by jurisdiction
- Land Use/Building Permits: vary by jurisdiction
- Feedlot Registration: No cost from MPCA, counties vary



# Feedlot Permitting in Minnesota

- Minnesota is known for stringent feedlot permitting requirements both in regards to zoning and environmental restrictions.
- Minnesota is somewhat unique in the fact that we have multiple units of government (down to township level) that may require permits for a feedlot.
- Feedlot owners often find permitting in Minnesota a higher risk than other states because of the various levels of permitting (incurred costs to permit on many levels, just to have one level deny)
- Minnesota is also unique because we have an environmental review process where no permits, even conditionally upon a complete environmental review, can be granted.
- Minnesota has some of the highest costs associated with feedlot permitting compared to other states.



# Thank you!

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