



2.1 Subd. 7c. **NPDES feedlot permitting requirements; general operation permits.**

2.2 (a) The agency must issue national pollutant discharge elimination system permits for  
2.3 feedlots ~~with 1,000 animal units or more and that meet the definition of a "concentrated~~  
2.4 ~~animal feeding operation" in Code of Federal Regulations, title 40, section 122.23, only as~~  
2.5 required by federal law. The issuance of national pollutant discharge elimination system  
2.6 permits for feedlots must be based on the following:

2.7 (1) a permit for a newly constructed or expanded animal feedlot that is identified as a  
2.8 priority by the commissioner, using criteria ~~established under paragraph (d) in effect on~~  
2.9 January 1, 2010, must be issued as an individual permit;

2.10 (2) ~~after January 1, 2001~~, an existing feedlot that is identified as a priority by the  
2.11 commissioner, using criteria ~~established under paragraph (e) in effect on January 1, 2010~~,  
2.12 must be issued as an individual permit; and

2.13 (3) the agency must issue a general national pollutant discharge elimination system  
2.14 permit, if required, for animal feedlots that are not identified under clause (1) or (2).

2.15 (b) Prior to the issuance of a general national pollutant discharge elimination system  
2.16 permit for a category of animal feedlot facility permittees, the agency must hold at least  
2.17 one public hearing on the permit issuance.

2.18 (c) To the extent practicable, the agency must include a public notice and comment  
2.19 period for an individual national pollutant discharge elimination system permit concurrent  
2.20 with any public notice and comment for:

2.21 (1) the purpose of environmental review of the same facility under chapter 116D; or

2.22 (2) the purpose of obtaining a conditional use permit from a local unit of government  
2.23 where the local government unit is the responsible governmental unit for purposes of  
2.24 environmental review under chapter 116D.

2.25 (d) ~~The commissioner, in consultation with the Feedlot and Manure Management~~  
2.26 ~~Advisory Committee, created under section 17.136, and other interested parties must~~

2.27 ~~develop criteria for determining whether an individual national pollutant discharge~~  
2.28 ~~elimination system permit is required under paragraph (a), clause (1). The criteria must~~

2.29 ~~be based on proximity to waters of the state, facility design, and other site-specific~~

2.30 ~~environmental factors. The agency shall issue a general operation permit for a feedlot~~

2.31 with a capacity greater than 1,000 animal units that is not required by federal law to

2.32 obtain a national pollutant discharge elimination system permit. A feedlot operator must

2.33 complete an application for the operating permit, on forms provided by the commissioner,

2.34 containing the following:

2.35 (1) the names and addresses of the owners and the signature of at least one of the  
2.36 owners;

3.1 (2) the legal name and business address of the facility, if different than the owner;

3.2 (3) the location of the facility by county, township, section, and quarter section;

3.3 (4) a list of all animal types, and the maximum number of animals of each animal  
3.4 type that can be confined within each lot, building, or area at the animal feedlot;

3.5 (5) a list of all existing and proposed manure storage areas;

3.6 (6) the total number of animal units that the facilities listed in clauses (4) and (5) will  
3.7 be capable of holding after completing construction or expansion;

3.8 (7) the soil type or texture and depth to saturated soils at the facility as identified  
3.9 in the United States Department of Agriculture Soil Survey Manual or a site-specific  
3.10 soils investigation;

3.11 (8) an aerial photograph showing the location of all wells, buildings, surface tile  
3.12 intakes, lakes, rivers, and watercourses within 1,000 feet of the proposed facility;

3.13 (9) the number of acres available for land application of manure;

3.14 (10) a manure management plan that meets the requirements in rules of the agency;

3.15 and

3.16 (11) if applicable, a description of all conditions that make the facility a pollution  
3.17 hazard and a description of the corrective and protective measures proposed to correct  
3.18 the pollution hazard.

3.19 ~~(e) The commissioner, in consultation with the Feedlot and Manure Management~~  
3.20 ~~Advisory Committee, created under section 17.136, and other interested parties must~~  
3.21 ~~develop criteria for determining whether an individual national pollutant discharge~~  
3.22 ~~elimination system permit is required for an existing animal feedlot, under paragraph (a),~~  
3.23 ~~clause (2). The criteria must be based on violations and other compliance problems at the~~  
3.24 ~~facility. If federal law requires a feedlot to have a national pollutant discharge elimination~~  
3.25 ~~system permit, the commissioner shall issue a joint state disposal system and national~~  
3.26 ~~pollutant discharge elimination system permit for the feedlot.~~

3.27 ~~(f) The commissioner, in consultation with the Feedlot and Manure Management~~  
3.28 ~~Advisory Committee, created under section 17.136, and other interested parties must~~  
3.29 ~~develop criteria for determining when an individual national pollutant discharge~~  
3.30 ~~elimination system permit is transferred from individual to general permit status. If a~~  
3.31 ~~feedlot is required to have a federal new construction storm water permit and a national~~  
3.32 ~~pollutant discharge elimination system permit, the commissioner shall incorporate that~~  
3.33 ~~permit into a state disposal system permit or national pollutant discharge elimination~~  
3.34 ~~system permit required under this section.~~

3.35 ~~(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the~~  
3.36 ~~commissioner may issue an individual national pollutant discharge elimination system~~

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4.1 ~~permit for an animal feedlot. After the general permit is issued and the criteria under~~  
4.2 ~~paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph~~  
4.3 ~~that do not fit the criteria for an individual permit under the applicable provisions of~~  
4.4 ~~paragraph (d) or (e) must be transferred to general permit status. A feedlot owner may~~  
4.5 ~~choose to apply for a national pollutant discharge elimination system permit even if the~~  
4.6 ~~feedlot is not required by federal law to have a national pollutant discharge elimination~~  
4.7 ~~system permit.~~

4.8 ~~(h) The commissioner, in consultation with the Feedlot and Manure Management~~  
4.9 ~~Advisory Committee, created under section 17.136, and other interested parties must~~  
4.10 ~~develop criteria for determining which feedlots are required to apply for and obtain a~~  
4.11 ~~national pollutant discharge elimination system permit and which feedlots are required to~~  
4.12 ~~apply for and obtain a state disposal system permit based upon the actual or potential to~~  
4.13 ~~discharge.~~

4.14 Sec. 4. Minnesota Statutes 2010, section 116.0711, is amended by adding a subdivision  
4.15 to read:

4.16 Subd. 4. **Animal unit determinations.** When making a determination on a permit  
4.17 or taking any other regulatory action for a feedlot permit, the commissioner shall use the  
4.18 maximum number of animal units actually confined at an animal feedlot instead of the  
4.19 feedlot's estimated maximum capacity for animal unit confinement.