

A bill for an act

relating to environment; modifying requirements for discharge permit requirements for feedlots; amending Minnesota Statutes 2008, section 116.07, subdivision 7c.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 116.07, subdivision 7c, is amended to read:

Subd. 7c. **SDS and NPDES feedlot permitting requirements.** (a) The agency must issue ~~national pollutant discharge elimination~~ state disposal system permits for feedlots with 1,000 animal units or more and that meet the definition of a "concentrated animal feeding operation" in Code of Federal Regulations, title 40, section 122.23, based on the following:

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

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

(3) the agency must issue a general ~~national pollutant discharge elimination~~ state disposal system permit for animal feedlots that are not identified under clause (1) or (2).

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

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

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

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

~~(d) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required under paragraph (a), clause (1). The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors~~ If a feedlot is required to have a national pollutant discharge elimination system permit under federal rules, the agency shall issue a joint state disposal system and national pollutant discharge elimination system permit for the feedlot. A feedlot may choose to apply for a national pollutant discharge elimination system permit even if the feedlot is not required to have a national pollutant discharge elimination system permit.

~~(e) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required for an existing animal feedlot, under paragraph (a), clause (2). The criteria must be based on violations and other compliance problems at the facility~~ If a feedlot is required to have a federal new construction stormwater permit, the commissioner shall incorporate that permit into a state disposal system permit or national pollutant discharge elimination system permit required under this subdivision.

~~(f) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining when an individual national pollutant discharge elimination system permit is transferred from individual to general permit status.~~

~~(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the commissioner may issue an individual national pollutant discharge elimination system permit for an animal feedlot. After the general permit is issued and the criteria under paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph that do not fit the criteria for an individual permit under the applicable provisions of paragraph (d) or (e) must be transferred to general permit status.~~

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

3.7 **EFFECTIVE DATE.** Except for paragraph (a), clause (1), this section is effective
3.8 the day following final enactment. Paragraph (a), clause (1), is effective January 1, 2011.