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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2787

03/12/2012 Authored by Hamilton; McNamara; Anderson, P.; Schomacker and Torkelson

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to environment; modifying permit requirements for certain feedlots;
1.3 amending Minnesota Statutes 2011 Supplement, section 116.07, subdivision 7c.

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

1.5 Section 1. Minnesota Statutes 2011 Supplement, section 116.07, subdivision 7c,
1.6 is amended to read:

1.7 Subd. 7c. **NPDES and SDS feedlot permitting requirements.** (a) The agency
1.8 must issue national pollutant discharge elimination system permits for feedlots only as
1.9 required by federal law. The issuance of national pollutant discharge elimination system
1.10 permits for feedlots must be based on the following:

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

1.14 (2) an existing feedlot that is identified as a priority by the commissioner, using
1.15 criteria in effect on January 1, 2010, must be issued as an individual permit; and

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

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

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

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

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

2.4 (d) A feedlot owner may choose to apply for a national pollutant discharge
2.5 elimination system permit even if the feedlot is not required by federal law to have a
2.6 national pollutant discharge elimination system permit.

2.7 (e) The agency shall issue a state disposal system permit for a feedlot with a
2.8 capacity greater than 1,000 animal units that is not required by federal law to obtain a
2.9 national pollutant discharge elimination system permit. The term for the state disposal
2.10 system permit is ten years. The agency may charge an applicant a fee or fees totalling no
2.11 more than \$250. A feedlot operator must complete an application for the state disposal
2.12 system permit on forms provided by the commissioner. The application is limited to
2.13 the following information:

2.14 (1) the names and addresses of the owners and the signature of at least one of the
2.15 owners;

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

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

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

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

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

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

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

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

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

2.30 and

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