

DATE: June 22, 2017

STATE OF MINNESOTA  
Office Memorandum

wq-f6-63

TO: MPCA Feedlot Staff  
Feedlot Section  
Watershed DivisionFROM: Glenn Skuta  
Division Director  
Watershed Division

PHONE: 651-757-2664

SUBJECT: Policy – Multiple Site Determination for NPDES and SDS Feedlot Permits (2017)

**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 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 2004-01, Multiple Site Determination* signed on April 2, 2004.

**Policy:** The MPCA considers two or more animal feedlots under common ownership to be a “multiple site” operation when:

1. The combined capacity is 1,000 or more animal units, or the combined number and type of animals that meet the definition of a Large CAFO; and
2. One of the following conditions apply:
  - The animal feedlots are adjacent to each other; or
  - The animal feedlots use a common area or system for manure management.

When these criteria are met, the MPCA will require either NPDES or SDS permit coverage for the multiple site operation in accordance with Minn. R. 7020.0405, subp. 1, and will provide a single permit coverage that includes all of the combined feedlots.

**Background:** This policy replacement is necessary to address changes made to Minnesota Statute § 116.07, subdivision 7c, during the 87th Legislature, 2011, First Special Session. Prior to this statutory change, all large feedlots in Minnesota, including CAFOs and feedlots with a 1,000 or more animal units, were required to operate with an NPDES permit. During this time, the MPCA applied the criteria provided in 40 CFR 122.23 (b)(2) (April 2003) for determining when two or more animal feedlots under common ownership were considered one operation for the purposes of administering NPDES permit requirements. As a result of this statutory change, large feedlots were distinctly split into two permitting categories. Now, CAFOs are required to operate with an NPDES permit, only if required by federal law or at the request of a feedlot owner, and feedlots with a 1,000 or more animal units are required to operate with an SDS permit or an NPDES permit at the request of a feedlot owner. To ensure that fair and consistent decisions are made, the MPCA will apply the same criteria to both CAFOs and feedlots with 1,000 or more animal units for determining when two or more animal feedlots under common ownership are considered one operation. This is reasonable since most large feedlots in Minnesota are both a Large CAFOs and capable of holding a 1,000 or more animal units.

**Scope:** The scope of this policy includes two or more animal feedlots under common ownership, which are either adjacent to each other or have a common area or system for manure management as described below.

Common Ownership: Common ownership exists when at least one person or entity is the full or partial owner of two or more animal feedlots.

Adjacent Feedlots: Adjacent feedlots exist when any portion of two or more animal feedlots are located within ¼ mile of each other.

Common Area or System for Manure Management: A common area or system for manure management exists when two or more animal feedlots:

1. Share a liquid or solid manure storage area; or
2. Transfer both manure and animals, such as turkeys and litter, from one feedlot to another.

A common area or system for manure management does not exist when two or more animal feedlots include the same fields for land application of manure in a manure management plan, nor does it exist when manure is transferred to a third party who collects from numerous feedlots then manages the manure as a separate entity.

## Definitions

Animal Feedlot or Feedlot: “*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, subpart 3). For purposes of this policy, feedlot also refers to an Animal Feeding Operation (AFO) as defined in 40 CFR 122.23 (b) (1) (April 2003).

Concentrated Animal Feeding Operation (CAFO): “*Concentrated animal feeding operation (CAFO) means an AFO that is defined as a Large CAFO or as a Medium CAFO by the terms of this paragraph, or that is designated as a CAFO in accordance with paragraph (c) of this section. 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) (April 2003)).

Multiple Site Permit: A multiple site permit is a single NPDES or SDS permit coverage issued for two or more animal feedlots under common ownership.

**Administration of Policy:** This policy will be administered as described below.

1. The MPCA will only issue multiple site permits for animal feedlots that are considered to be one operation according to the policy described above. An exception will be made if an owner, required to obtain either NPDES or SDS permit coverage for one or more animal feedlots, requests multiple site permit coverage for additional animal feedlots that, on their own are not required to obtain either NPDES or SDS permit coverage and do not meet the requirements of the policy. In this situation, the MPCA will include the smaller feedlots in the multiple site coverage.
2. For each feedlot covered under a multiple site permit, the owner is required to:
  - Register each feedlot, as required under Minn. R. 7020.0350;
  - Submit the appropriate permit application prescribed by the MPCA for each animal feedlot when applying for a multiple site permit;
  - Submit the appropriate NPDES or SDS annual report prescribed by the MPCA for each animal feedlot; and
  - Pay the appropriate application fee and annual fee prescribed by the MPCA for the multiple site permit.

3. When a modification is proposed for one, or more, of the animal feedlots covered under a multiple site permit, the permittee is required to submit the appropriate permit application or a minor modification form, as prescribed by the MPCA, for each animal feedlot that is being modified.

KB:bj