

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Kuisle and Others

**Subject:** Animal Feedlot Permits

**Analyst:** Sam Rankin, 651-296-5047

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### Overview

The Minnesota Pollution Control Agency has spent several years drafting new rules for permitting animal feedlots. The proposed rules were published in the State Register in mid-December, 1999, and public hearings on the proposed rules ended February 14, 2000. House File 3692 provides legislative direction to the agency in its rule-making process. The bill gives specific instructions to the agency on how the rules should be amended before their final adoption.

### Section

- 1 **Manure applicator education and training.** The commissioner of agriculture, in collaboration with the Minnesota extension service, is instructed to develop programs addressing concerns of appropriate manure management and manure applicator education and training. The commissioner must prepare and revise training manuals and examinations for manure applicators.
- 2 **Definition; animal unit.** Establishes a schedule of standardized values for manure production by various kinds and sizes of livestock.
- 3 **Delegated counties; processing applications for animal lot permits.** Amends existing feedlot statutes in several ways. Changes make the general requirement that various departments, agencies, and local governments must respond to a permit application within a 60-day time period apply also to animal feedlot applications. A new animal feedlot permit must not be required solely because of a change in ownership of buildings, grounds, or feedlots. Also requires that after a "new" feedlot permit is issued, the PCA may not impose additional conditions for the permit unless specifically required to do so by law. New language requires that certain manure management practices not be considered a discharge into waters of the state. Finally, new PCA rules will not apply to feedlots with fewer than 400 animal units. Also, a feedlot operator with fewer than 500 animal units can't be forced to expend more than \$3,000 for upgrading the feedlot unless there is at least a 75 percent cost match.

- 4 **NPDES permitting requirements.** Amendments to current language change slightly the schedule and priority for requiring a National Pollution Discharge Elimination System permit by animal feedlots.
- 5 **Livestock odor.** Adds new language exempting feedlots from state ambient air quality standards while manure is removed from storage facilities and for seven days thereafter. But, for a facility with more than 1,000 animal units the exemption can be for no more than 21 days per year.
- The PCA or a county feedlot officer must be notified of a claim for exemption from state air quality standards.
- Except during the exemption period, air quality standards are applicable at the property boundary of the parcel where the feedlot is located. The owner of a feedlot may obtain an air quality easement, renewable at least every five years, from adjoining property owners. In such a case the air quality standards become applicable only at the far side of the property where the air quality easement was granted.
- Unless a feedlot has had a violation of hydrogen sulfide emission standards, the PCA cannot require air emission modeling studies.
- 6 **Administrative penalty orders.** Requires at least 75 percent of a feedlot administrative penalty to be forgiven if an equal amount is used for approved mitigating measures, or other environmental improvements, to the farm.
- 7 **Rules for animal feedlots and storage, transportation, and utilization of manure.** Instructs the PCA to make specific changes to the proposed new feedlot rules. The section instructs the agency to remove certain rule provisions, not required by rule certain actions; and include certain requirements and provisions.
- 8 **Effective date.** Makes sections 1 to 7 effective the day following final enactment.