

FILE NUMBER: H.F. 2659

DATE: March 16, 2010

Version: First engrossment

Authors: Juhnke and others

Subject: Animal feedlot discharge permits

Analyst: Colbey Sullivan

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill would require feedlots with more than 1,000 animal units that do not discharge runoff to obtain a State Disposal System (SDS) permit. Currently, these same feedlots must have a joint federal-state permit.

Under Clean Water Act rules, the United States Environmental Protection Agency (EPA) requires sizeable feedlots—or Concentrated Animal Feeding Operations (CAFOs)—to obtain a National Pollutant Discharge Elimination System (NPDES) permit if the feedlot discharges or proposes to discharge runoff to waters. The EPA has delegated to the Minnesota Pollution Control Agency (MPCA) the authority to issue NPDES permits.

Regardless of whether a feedlot discharges, state law currently requires joint NPDES/SDS permits for CAFOs capable of holding at least 1,000 animal units. This bill would require NPDES/SDS permits only for those CAFOs that discharge or propose to discharge – consistent with federal law. Feedlots capable of holding more than 1,000 animal units that do not discharge or propose to discharge would need only the state SDS permit.

Section

- 1 SDS and NPDES feedlot permitting requirements.** Replaces the NPDES permit requirement with an SDS permit requirement for CAFOs with more than 1,000 animal units that are not required by federal law to have an NPDES. Ties the criteria that MPCA will use to determine which feedlots must have an individual, rather than general, SDS or NPDES/SDS permit to the criteria in effect on January 1, 2010, and eliminates language added by the 1998 Legislature that required the MPCA, the Feedlot and Manure Management Advisory Committee, and other interested parties to develop these criteria for new, expanding, and existing feedlots. Exempts SDS permits from certain public notice requirements currently applicable to general and individual NPDES/SDS permits. Requires joint NPDES/SDS permits for those feedlots required by federal law to have an NPDES (i.e., CAFOs that discharge or intend to discharge). Allows a feedlot to apply to MPCA for an NPDES even if the feedlot is not required to have an NPDES under federal law.

Requires MPCA to incorporate a construction stormwater runoff permit into an NPDES/SDS or SDS permit if a stormwater permit is required under federal law.

Effective date. All provisions would be effective immediately except for the provision that requires an individual SDS or individual NPDES/SDS permit for a newly constructed or expanded feedlot that MPCA identifies as a priority according to criteria in effect on January 1, 2010. That provision would take effect on January 1, 2011.