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## **SECTION 22 – FEEDLOT ORDINANCE**

### **A. SECTION ONE - DEFINITIONS of FEEDLOT ORDINANCE**

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word “shall” is mandatory, and not discretionary; the word “may” is permissive.

Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.

Words shall be given their common usage if not defined.

The word “person” includes a firm, association, organization, partnership, trust, company, corporation or individual.

**1. Abandoned Farmstead.** Existing abandoned building site, with a minimum of five (5) acres, that is classified for the current payable year taxes as residential by the county assessor or applied for residential treatment with the county assessor’s office. An abandoned farmstead will be treated the same as an active farmstead.

**2. Agency.** The Minnesota Pollution Control Agency as established in Minnesota Statutes, Chapter 116.

**3. Animal Manure.** Poultry, livestock, or other animal excreta or mixture with feed, bedding, water, or other materials.

**4. Animal Unit (A.U.).** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.

**5. Board.** The word “Board” includes the “County Commissioners”, the “Board of County Commissioners” or any other word or words meaning the “Faribault County Board of Commissioners”.

**6. Building.** Any structure of every kind for the shelter, support, or enclosure of animals, chattel, persons, or property of any kind.

**7. Building, Agricultural.** All buildings, other than dwellings, which are incidental to a farming operation.

**8. Certificate of Compliance.** A letter from the agency or the county feedlot officer to the owner of an animal feedlot stating that the feedlot meets agency requirements.

**9. Commissioner.** Commissioner means the Commissioner of the Minnesota Pollution Control Agency whose duties are defined in Minnesota Statutes, Section 116.03.

**10. Ditch.** An earthen structure used to convey water to another area.

**11. Expansion.** Any change in a feedlot operation that results in an increase in animal units.

**12. Farm.** A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming.

**13. Farmstead.** A tract of land with a segregated border and a residence.

**14. Feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of 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. Pastures shall not be considered feedlots under these rules. Open lots used for the feeding and rearing of poultry shall be considered animal feedlots.

**15. Feedlot (New).** An unpermitted feedlot, a feedlot constructed and operated at a site where no feedlot existed previously, or where a pre-existing feedlot has been abandoned or unused for a period of five years.

**16. Feedlot Officer.** The county employee, knowledgeable in agriculture, who is designated by the county board to receive and process feedlot permits and applications, and identified by MPCA as the Feedlot Pollution Control Officer.

**17. Feedlot Operator.** An individual, a corporation, a group of individuals, a partnership, joint venture, owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots, or other animal lots.

**18. Feedlot Runoff.** The movement of water from a feedlot, either in the form of rainfall, snow, or as water from a waterway, ditch, etc., passing through a feedlot carrying particles of manure as well as soil into a body of water and thereby constituting a potential pollution hazard.

**19. Flood Plain.** The channel or beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within Faribault shall encompass the 100 Year Flood Plain.

**20. Floodway.** The channel of the water course and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

**21. HEL.** Highly Erodible Land.

**22. Interim Permit.** A permit issued by the county and, when required, the MPCA which expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

**23. Land Use Plan.** An inventory and recording of land management practices and conditions for a comprehensive plan to protect the environment and maintain productivity for future generations. The form and content of land use plans shall be approved by the Faribault County SWCD.

**24. Liquid Manure.** Manure that contains less than 15 % solids content.

**25. Manure Storage Structure.** A structure where feedlot runoff, manure effluent, or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, and concrete or glass lined storage.

**26. Modification.** Any change in the feedlot operation that does not result in an increase in animal numbers.

**27. MPCA.** Minnesota Pollution Control Agency.

**28. NRCS.** Natural Resources Conservation Service.

**29. OHWL.** Ordinary High Water Level

**30. Owner.** Any person having possession, control, or title to a feedlot.

**31. Parcel.** A contiguous quantity of land legally described and recorded with the county recorder as the property of a person.

**32. Pastures.** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative ground cover is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or water devices.

**33. Permit, County.** A document issued by the county which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants and issued to the contractor, owner, or operator, stating that the feedlot meets the minimum standards as required by this ordinance and the MPCA. Certificates of Compliance previously issued by the MPCA or Faribault County shall be deemed permits for purposes of this ordinance. An MPCA permit may also be required.

**34. Permit, State.** A document issued by the agency which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants. A Faribault County permit must also be issued before any operation may commence activity.

**35. Potential Pollution Hazard.** A condition which indicates a potential for pollution of land and waters including:

- (1) Allowing a discharge of pollutants; or
- (2) A feedlot or manure storage area located within a shoreland or flood plain.

**36. Public Well.** As regulated by Minnesota Chapter 4720 and as administered by the Minnesota Department of Health.

**37. Residential Area.** Any area containing over ten (10) homes with a segregated boundary.

**38. Residence.** Any structure of every kind for the shelter, support, or enclosure of persons.

**39. Setback.** Minimal horizontal distance between a structure, sewage treatment system, or other facility and an OHWL, top of bluff, center line of road, center line of highway, property line, or other entity.

**40. Site.** Feedlot.

**41. Shoreland.** Areas that are three hundred (300) feet from any river or stream and one thousand (1,000) feet from any lake.

**42. Short Term Uncomposted Poultry Manure Stockpiling.** Uncomposted poultry manure that is stockpiled in other than approved storage facilities for up to three months from the date when the stockpile was initially established.

**43. Solid Manure.** Manure which has at least 15 % solids content and contains added fibrous material excluding mineral solids.

**44. Suckling Pig.** An unweaned piglet.

**45. Surface Waters.** Waters which include but are not limited to rivers, streams, creeks, ponds, intermittent streams, and wetlands of Type III - Type VIII as defined in Department of Natural Resources Circular 39.

**46. SWCD.** Faribault County Soil and Water Conservation District.

**47. Tract.** A field with a designated border or USDA tract number.

**48. USDA.** United States Department of Agriculture.

**49. Wetlands.** A surface water feature of Type III - Type VIII consistency as identified by Minnesota Wetland Conservation Act Administrator.

**50. Wildlife Area.** State or federal designated wildlife area.

## **B. SECTION TWO - NEW FEEDLOTS**

(MUST ALSO REFER TO SECTION FOUR - GENERAL GUIDELINES)

### **1. NEW FEEDLOT PERMIT REQUIREMENTS**

Permits shall be required for all feedlots not having a current feedlot permit, certificate of compliance or interim feedlot permit from Faribault County or the MPCA. For this purpose, MPCA SW-A permits shall be voided.

A permit application shall be made available by the feedlot officer. The following information shall be included for application:

- (1) Names of all owners and/or operators;
- (2) Type of livestock and number of animal units;
- (3) Description of operation including a site plan and manure management plan.

#### **A. Permit Required**

Any person proposing to own or operate a feedlot of less than fifty (50) animal units shall not be required to have a feedlot permit, if an inspection by the agency staff or the county feedlot officer determines that the feedlot does not pose a potential pollution hazard and shoreland requirements of this ordinance are met.

Any person proposing to own or operate a feedlot of fifty (50) animal units or more shall make application to the feedlot officer for a feedlot permit and, if applicable a state permit, if any of the following conditions exist:

- (1) A new feedlot is proposed;
- (2) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
- (3) A state permit is required by Minnesota Rules Chapter 7020.

#### **B. Notice Of Application**

As regulated by Minnesota Statutes 1996, Section 116.07, Subdivision 7a. A person who applies to the MPCA or the county board for a permit to construct or expand a feedlot with a capacity of five hundred (500) animal units or more shall, not later than ten (10) business days after the application is submitted, provide notice to each resident and each owner of real property within five thousand (5,000) feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of a county conditional use permit.

Township officials located within Faribault County, shall be notified by the applicant when application has been made for feedlot permit of two hundred and fifty (250) animal units or more within township boundaries. Mailed notice shall be sent at least fourteen (14) days prior to issuance of a feedlot permit but in no case later than ten (10) days from receipt of the completed application.

## **2. NEW FEEDLOT PERMIT ISSUANCE**

A feedlot permit may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and no potential pollution hazard exists; or
2. There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and a potential pollution hazard has been mitigated.

### **A. Interim Permit Issuance**

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an interim permit valid for ten (10) months may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as domestic fertilizer, and the potential pollution hazard will be mitigated within ten (10) months; or
2. The feedlot permit application includes a manure storage structure; A new feedlot is proposed where a potential pollution hazard is identified.

### **B. Interim Permit Extension**

An interim permit may be extended up to an additional ten (10) months if there is demonstrated progress toward mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

## **3. NEW FEEDLOT and EXPANSION MANURE MANAGEMENT PLANS, NEW FEEDLOT NOTIFICATIONS, SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING and SETBACKS – (12-01-2004)**

### **A. Manure Management Plans for New Feedlots and Expansions**

New feedlots and feedlot expansions will be required to complete a manure management plan.

### **B. Manure Management Plan Required for Manure Transported Into the County**

In lieu of a permit, an approved manure management plan shall be required prior to the transportation of manure into Faribault County and subject to applicable county setbacks. All Short Term Uncomposted Poultry Manure Stockpiling sites must be inspected by the Faribault County Feedlot Officer prior to any stockpiling activities, and will be reviewed annually.

### **C. Notification of New Sites over 1,000 animal units**

Feedlot Officer will notify the Faribault County Board of Commissioners of all new and expanding feedlot sites over 1,000 animal units.

**4. NEW FEEDLOT MANURE STORAGE STRUCTURES, ASSOCIATED LIVESTOCK ENCLOSURE, SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING, AND ALL OUT OF COUNTY SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING (AS OF 12-01-2004)**

**1. The following shall be the minimum setback requirements:**

An Existing Feedlot	1,500 feet
A Rural Residence	1,500 feet
A Rural Residence (short term uncomposted poultry manure stockpiling)	2,640 feet
A river, creek, small stream, drainage ditch, or types III-VIII wetlands	500 feet
A Residential Area or Municipality	5,280 feet
County Parks	2,640 feet
Ordinary high water mark of Bass Lake	5,280 feet
Wildlife Areas	500 feet
County, Township, State Roads (from the c/l of road)	250 feet
County, Township, State Roads (short term stockpiling)	Current 7020 rules
Churches	2,640 feet
Lakes	1,500 feet
Cemeteries	500 feet
Airport (FAA approved)	2,640 feet
Airport (FAA approved, short term uncomposted poultry manure stockpiling)	1,500 feet

2. Distances shall be calculated from the nearest point on the feedlot structure to the nearest point on each feature listed. Any new non-farm residences would be required to have a fifteen hundred (1,500) foot setback from feedlots.

3. Permitted feedlots that exist as of (12-01-2004), are subject to 7020 short-term stockpiling setbacks only.

4. Short Term Uncomposted Poultry Manure Stockpiling must apply annually for and receive a conditional use permit.

**5. ANIMAL UNITS, PARCEL SIZE, AND AREA REQUIREMENTS**

**1. Maximum Animal Units**

A maximum of two thousand (2,000) animal units per feedlot may be allowed for all new and expanding feedlots. (Please refer to General Guidelines for Animal Unit Specifications.)

**2. Minimum Parcel Size and Area Requirements**

New feedlots in non-shoreland areas of less than one thousand (1,000) A.U. shall be located on a parcel of not less than five (5) acres.

New feedlots in non-shoreland areas of one thousand (1,000) A.U. to two thousand (2,000) A.U. shall be located on a parcel of not less than ten (10) acres.

## **C. SECTION THREE - EXISTING FEEDLOTS INCLUDING MODIFICATION AND EXPANSION**

**(MUST ALSO REFER TO SECTION FOUR- GENERAL GUIDELINES)**

### **1. EXISTING FEEDLOT PERMIT REQUIREMENTS**

Permits shall be required for all feedlots not having a current feedlot permit, certificate of compliance or interim feedlot permit from Faribault County or the MPCA. For this purpose, MPCA SW-A permits shall be voided.

A permit application shall be made available by the feedlot officer. The following information shall be included for application:

- (1) Names of all owners and/or operators;
- (2) Type of livestock and number of animal units;
- (3) Description of operation including a site plan and manure management plan.

#### **A. Permit Required**

Any person owning or operating an existing feedlot of less than fifty (50) animal units shall not be required to have a feedlot permit if an inspection by the agency staff or the county feedlot officer determines that the feedlot does not pose a potential pollution hazard and shoreland requirements of this ordinance are met.

Any person owning or operating an existing feedlot of fifty (50) animal units or more shall make application to the feedlot officer for a feedlot permit and, if applicable, a state permit if any of the following conditions exists:

- (1) A change in the operation of an existing feedlot is proposed including:
  - (A). An increase beyond the maximum number of animal units allowed by the current feedlot permit; or
  - (B). An increase in the number of animal units which are confined at a permitted feedlot or an unpermitted feedlot and requiring a construction investment; or
  - (C). A change in the construction or operation of any feedlot that would affect the storage, handling, utilization, or disposal of animal manure.
- (2) A change in ownership of an existing feedlot is proposed including:  
A change in animal buildings and/or when land transfers constitute a change in ownership; or when a lessee commences operating on leased land the lessee shall be considered the owner for purposes of the feedlot permit.
- (3) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
- (4) A state permit is required by Minnesota Rules Chapter 7020.

## **2. EXISTING FEEDLOT PERMIT REQUIREMENTS WITHIN SHORELAND AREAS**

1. In shoreland areas, feedlots of ten (10) animal units or more shall be required to have a feedlot permit.
2. Modifications to existing feedlots that are located within shoreland, flood plains, or floodways may be allowed, and will require a conditional use permit.
3. Modifications shall not further encroach into the shoreland, flood plain, or floodway.
4. Transfer of ownership shall not invalidate this exception.

### **A. Notice of Application**

As regulated by Minnesota Statutes 1996, Section 116.07, Subdivision 7a.

A person who applies to the MPCA or the county board for a permit to construct or expand a feedlot with a capacity of five hundred (500) animal units or more shall, not later than ten (10) business days after the application is submitted, provide notice to each resident and each owner of real property within five thousand (5,000) feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of a county conditional use permit.

Township officials located within Faribault County shall be notified by the applicant when application has been made for a feedlot permit of two hundred and fifty (250) animal units or more within township boundaries. Mailed notice shall be sent at least fourteen (14) days prior to issuance of a feedlot permit but in no case later than ten (10) days from receipt of the completed application.

## **3. EXISTING FEEDLOT PERMIT ISSUANCE**

A feedlot permit may be issued if:

There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and no potential pollution hazard exists; or

There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and a potential pollution hazard has been mitigated.

### **A. Existing Feedlot Interim Permit Issuance**

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an interim permit valid for ten (10) months may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as domestic fertilizer and the potential pollution hazard will be mitigated within ten (10) months; or
2. The feedlot permit application includes a manure storage structure;
3. A new feedlot is proposed where a potential pollution hazard is identified; or an existing feedlot that is not currently permitted is seeking to become permitted and is a potential pollution hazard.

## **B. Interim Permit Extension**

An interim permit may be extended up to an additional ten (10) months if there is demonstrated progress toward mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

## **C. Manure Management Plan Required for Manure Transported Into the County**

In lieu of a permit, an approved manure management plan shall be required prior to the transportation of manure into Faribault County and subject to applicable county setbacks. All Short Term Uncomposted Poultry Manure Stockpiling sites must be inspected by the Faribault County Feedlot Officer prior to any stockpiling activities, and will be reviewed annually.

## **D. National Pollutant Discharge Elimination System (NPDES) Permit Requirement**

If it is determined during the review process that a feedlot must obtain a National Pollutant Discharge Elimination System permit, the applicant shall be notified and a permit will be processed and issued by MPCA as prescribed in Chapter 7070.

## **E. Environmental Assessment Worksheet**

The county board may require an Environmental Assessment Worksheet. The feedlot officer shall notify the county board of all applications over one thousand (1,000) A.U. so they may make their determination.

## ***4. EXISTING FEEDLOT ANIMAL UNITS, PARCEL SIZE, AREA REQUIREMENTS and EXPANSION***

### **1. Maximum Animal Units**

A maximum of two thousand (2,000) animal units per feedlot may be allowed for all new and expanding feedlots. (Please refer to General Guidelines for Animal Unit Specifications.)

### **2. Minimum Parcel Size and Area Requirements**

Existing permitted livestock or poultry feedlots, or expansions to less than one thousand (1,000) A.U. shall be deemed conforming in their present parcel size and area.

### **3. Existing Feedlots Outside of Shoreland**

Feedlots that pose a potential pollution hazard shall conform to the permitting requirements of this ordinance and, if appropriate, the regulations of the MPCA.

### **4. Feedlots that are Not in Possession of Current Feedlot Permit**

Feedlots that are not in possession of a current feedlot permit shall be subject to the provisions of this ordinance as if they were a new feedlot one (1) year after adoption of this ordinance (9/24/1997) unless a closure plan is on file with the feedlot officer.

### **5. Expansion within One Mile of City Limits**

Expansion within one mile of city limits is allowed after notifying the affected city government.

## **6. Expansion or Modification of Existing Permitted Feedlots over One Thousand (1,000) Animal Unit**

Expansion or modification of an existing permitted feedlot resulting in a feedlot of one thousand (1,000) animal units or more may be allowed subject to the following conditions:

- (1) The feedlot expansion does not exceed the maximum animal unit limitation of two thousand (2,000) A.U. per feedlot.
- (2) A conditional use permit is obtained.

## **7. Existing Permitted Feedlots**

An existing permitted feedlot shall not be subject to the minimum area and building setback requirements of this ordinance. An existing facility is the area within five hundred (500) feet of a segregated area that has a well, building, or windbreak at the time of approval of this ordinance (9/24/1997).

- A. Any person owning or operating an existing feedlot without a current Faribault County or state feedlot permit shall bring the operation into compliance within one (1) year from the date of enactment of this ordinance (9/24/1997) or shall be subject to all requirements of this ordinance including area and all setback requirements.

## **D. SECTION FOUR - GENERAL GUIDELINES**

### **1. ANIMAL UNITS, AREA REQUIREMENTS, AND SETBACK REGULATIONS**

<b><u>Animal</u></b>	<b><u>A.U per Animal</u></b>	<b><u>100 A.U. equals</u></b>
One mature dairy cow	1.4	71 animals
One dairy calf under 500 lbs	.5	200 animals
One slaughter steer or heifer	1.0	100 animals
One horse	1.0	100 animals
One swine 55 lbs. Or more	.4	250 animals
One swine under 55 lbs.	.05	2,000 animals
One suckling pig	.01	10,000 animals
One duck	.2	500 animals
One sheep	.1	1,000 animals
One turkey 10 lbs. Or more	.018	555 animals
One turkey under 10 lbs.	.01	10,000 animals
One chicken	.01	10,000 animals

- For any animals not appearing in the above chart, the average weight of the animal divided by 1,000 lbs. will determine its AU value.

Abandoned wells on the feedlot site shall be sealed pursuant to Minnesota Rule 4725.

### **2. ADDITIONAL LAND**

The feedlot permit holder shall own or have sufficient additional land under lease or contract to meet the manure utilization requirements for spreading of manure produced in the feedlot. The feedlot officer shall retain copies of all written spreading agreements. Such agreement shall be a condition of the feedlot permit or interim permit.

No more than one manure spreading agreement shall be allowed on a tract of land. The agreement shall be valid for a period of not less than three (3) years, and recorded with the feedlot officer. The agreement shall include a brief description and a map of the spreading area.

Sales contracts for land application of manure may be substituted for the additional land requirement for the feedlot subject to such additional standards as the state shall require. Sales contracts need not be recorded with the county recorder but must be submitted to the feedlot officer prior to manure transport. Manure sold under a sales contract shall be subject to the requirements of this ordinance including all land application, storage standards, setback requirements, and application rates.

Upon termination of the agreement, a feedlot operator shall provide the feedlot officer with written proof that sufficient new land is owned or under lease or contract to meet the manure utilization requirement for spreading of manure produced in the feedlot. Failure by the feedlot operator to provide sufficient land for manure management shall result in termination of the Faribault County Feedlot Permit and interim permit. A new agreement approved by the feedlot officer may be substituted in the feedlot permit or interim permit for an expired or canceled agreement.

### **3. LAND APPLICATION OF MANURE**

#### **A. Application Methods**

The following requirements shall apply to the land application of manure in Faribault County.

Irrigation type disposal of manure, including but not limited to the use of a traveling gun or center pivot irrigation, is prohibited on HEL fields and on frozen soils.

Liquid manure shall be injected or incorporated within forty-eight (48) hours of application with the following exceptions:

- (1) When applied in the winter months of December through March.
- (2) When applied to hay and pasture land.

Solid manure may be spread without incorporation, but incorporation is recommended.

Manure application hoses are prohibited in, or along side, standing or running water with the following exceptions:

- (1) Manure application hoses may cross standing or running water if supported by a rigid structure; and
- (2) Hose connections shall not be placed over or near standing or running water.

#### **B. Estimating Manure Application Rates**

Application rates shall be based on nitrogen requirements and may be estimated for feedlots having less than one thousand (1,000) animal units. Such application rates shall be based upon soil type, crop nitrogen requirements, and crop yield goals utilizing the following procedure:

- (1) Estimate nitrogen/phosphorus concentration of manure based upon the current official guidelines developed for use by the NRCS, MPCA, and the Minnesota Extension Service.
- (2) Calculate the amount of nitrogen/phosphorus generated in livestock manure.
- (3) Utilize Minnesota Extension Service fertilizer recommendations to determine crop nitrogen requirements.
- (4) Divide the total amount of nitrogen the livestock is generating by the crop nitrogen requirements to determine the acreage needed for manure utilization.
- (5) The operator shall maintain a record of land application sites, application rates, crop nutrient requirements, and of any additional fertilizer used on the site. Copies of these records shall be available for inspection at the feedlot and records shall be maintained by the feedlot operator for a minimum of three (3) years.

#### **C. Testing for Nutrient Levels**

A feedlot owner or operator having one thousand (1,000) animal units or more shall use actual manure and soil test results in place of estimated nutrient values.

Samples shall be taken from:

- (1) the manure holding facility;
- (2) the soil of the proposed application site.

The samples shall be sent to a state certified laboratory.

The actual nitrogen shall be used in place of estimated nitrogen values.

Application rate shall be based on a site-specific agronomic analysis that includes:

- (1) all plant available nutrient inputs from manure, legumes, residual soil nutrient, and soil organic matter;
- (2) site specific soil and manure analyses; and
- (3) previous year's analyses of applied manure and application site. These data, plus the yield goal for the crop to be grown, will be used to calculate appropriate manure and supplemental fertilizer nutrient additions.

Management factors such as manure handling, application method, tillage, cropping, grazing pattern, and site factors such as soil texture, slope, and aspect will be used to modify the manure application rates.

The operator shall maintain copies of the agronomic analyses, which are being relied upon for the purpose of limiting land application rates of manure. These analyses shall be carried out each year before land application takes place and the analysis and conclusions forwarded to the county feedlot officer. Copies of such analyses shall be available for inspection at the facility and records shall be maintained by the feedlot operator for a minimum of three (3) years.

#### **4. RESTRICTIONS ON LAND APPLICATION SITES**

##### **A. Required Setbacks for Land Application of Manure**

All feedlots shall meet the following setbacks for the land application of manure unless a land use plan approved by the SWCD recommends alternative distances.

<u>Location</u>	<u>Surface Applied</u>	<u>Incorporation or Injection</u>
Watercourses, streams, rivers, lakes, Wetlands and ditches	300 feet	100 feet
Municipal Well	1,000 feet	1,000 feet
Private Wells	200 feet	200 feet
Residential Area or Municipality	500 feet	200 feet
Uncomposted Poultry Manure from Municipality	5,280 feet	5,280 feet
Residence, neighboring residence	300 feet	200 feet
Cemeteries	300 feet	200 feet
100 Year Flood Plain	Prohibited	200 feet
Field Tile Intake	100 feet	10 feet
Drainage Ditches (with one rod buffer)	50 feet	Edge/buffer
Drainage Ditches (without buffer)	100 feet	16.5 feet

-Irrigation applied manure will need to be approved by the Faribault County SWCD Board in a land use plan

##### **B. Soils**

Land application of manure may be prohibited on hydric soils previously occupied by natural wetlands (525) Muskego muck and (539) Palms muck.

Land application of manure may be prohibited on soils that exceed 6% slopes as classified by the Soil Survey of Faribault County as described in the site plan.

Liquid manures shall not be applied on slopes of greater than 6 % during the winter months of December through March.

### **C. Right-of-Way**

Manure shall not be applied to the right-of-way of public roads.

### **D. Residences**

Manure may be applied closer to a residence than prescribed by this ordinance if permission is granted by the resident in the form of a written agreement. Agreements shall not bind subsequent residents. When determining the distance between a residence and manure application the distance shall be measured from the residence, not property lines, to manure application.

### **E. Treatment or Disposal**

Any manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state and county rules.

## ***5. MANURE TRANSPORTATION AND STORAGE***

### **A. Compliance with State and Local Standards**

All animal manure shall be stored and transported in conformance with MPCA Rule 7020 and the feedlot ordinance.

### **B. Potential Pollution Hazard Prohibited**

No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a certificate of compliance, feedlot permit, or interim permit has been issued by the MPCA and Faribault County setting out the requirements for mitigating or abating the potential pollution hazard.

### **C. Vehicles, Spreader**

All vehicles used to transport animal manure on county, state, and interstate highways or through municipalities shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof. This shall not apply to animal manure being hauled to fields adjacent to feedlots or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

### **D. Utilization as Domestic Fertilizer**

Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than eighteen (18) months.

### **E. Stacking of Manure on Site**

1. Solid manure that is stacked for more than six (6) months shall be stored on a concrete containment pad designed with a water containment and diversion plan approved by the feedlot officer as addressed in the site plan.
2. Uncomposted Poultry Manure shall not be stacked for more than three (3) months from the date the stockpile was initially established.

## **F. Run-Off Control Structures**

All outside manure storage areas shall have run-off control structures to contain the liquid.

## **G. Manure Storage and Utilization**

The manure management plan shall provide for twelve (12) months of storage and utilization capacity for new or expanding feedlots. The plan must be approved by the feedlot officer.

## **H. Storage Design Approval**

All plans for manure storage structures shall be reviewed and approved by the county. Plans for all earthen manure storage structures and all structures of 500,000 gallons capacity or larger shall be approved by the state.

Plans for manure storage structures may be reviewed by the SWCD and/or NRCS. All new manure storage structures shall have a minimum storage capacity of six (6) months.

## **I. Earthen Manure Storage Structures**

Earthen storage basins may be utilized for mitigation of feedlot facilities that could pose a potential pollution hazard. Earthen storage basin plans will be designed by a certified engineer, and will be addressed in a land use plan developed by the SWCD.

## **J. Concrete Pit Requirements**

MPCA concrete pit requirements will be Faribault County requirements. Concrete storage over 500,000 gallons needs a licensed engineered designed plan and Attachment C for the minimum requirements.

Under 500,000 gallons of manure storage must meet the requirements of Attachment C, unless the feedlot officer deems more guidelines are needed due to a potential pollution hazard.

## **K. Steel Tanks**

Unlined steel tanks for underground manure storage shall be prohibited.

## **L. Odor Control Plan**

Odor control plans will be developed when proven technology is available.

## **M. Good Neighbor Plan**

All feedlots shall have a good neighbor plan with their feedlot application. See Attachment A.

# **6. FEEDLOT CLOSURE**

## **A. Closure Plan**

If a feedlot ceases operation, the owner shall submit to the county feedlot officer a closure plan. See Attachment B.

The closure plan shall be submitted at least sixty (60) days prior to the final day of operation. This plan will be according to MPCA closure and abandonment guidelines.

Closure may be postponed for a period of five (5) years or longer if the county feedlot officer has a plan on file. However, pollution hazards must be remedied immediately.

## **7. INSPECTIONS**

### **A. Permit Review**

The feedlot officer shall conduct review or compliance inspections.

The feedlot officer shall make reasonable efforts to carry out the permit review within the written biosecurity guidelines established by the operator at the time of permit application. A copy of the written biosecurity guidelines submitted by the operator shall be kept on file by the feedlot officer.

Reviews may be conducted on a more frequent basis if deemed necessary by the MPCA, feedlot officer, or county board.

### **B. Complaint or Emergency Inspection**

In addition to the enforcement inspections, the feedlot officer shall have the right to undertake inspections, upon notice at a reasonable time, based upon a signed written complaint or the reasonable belief of the existence of a material violation of the ordinance.

### **C. Interference Prohibited**

No person shall hinder or otherwise interfere with the feedlot officer in the performance of duties and responsibilities required pursuant to this ordinance.

### **D. Access to Premises**

Upon request of the feedlot officer, the applicant, permittee, or any other person shall allow access to the affected premises for the purposes of regulating and enforcing this ordinance. Refusal to allow access to the feedlot officer shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

### **E. Fees**

Application, permit, or review and compliance inspection fees, and such other fees required by this ordinance may be set by resolution of the county board.

## **8. VIOLATIONS AND ENFORCEMENT**

### **A. Violations**

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

### **B. Abandonment**

Owners and operators of feedlots shall have joint and several liability for clean-up, closure, or emptying of abandoned feedlot sites.

### **C. Disposal of Animal Carcasses**

Dead animal disposal shall be consistent with the Minnesota Board of Animal Health Regulations Minnesota Rules Chapter 1719.

## **9. COMPLAINTS**

### **A. Written Complaints**

Any person may submit a signed written complaint about any feedlot in Faribault County. After three (3) written and verified complaints, the feedlot operator's permit may be subject to revocation. Within sixty (60) days, the operator shall submit a new application for a feedlot permit including a plan to mitigate any problems identified by the feedlot officer. Revocation grievances shall be heard by the county board.

### **B. Anonymous Complaints**

Any person may submit an anonymous complaint about any feedlot in Faribault County. These complaints will be evaluated on a case by case basis.

## **10. ADMINISTRATION AND ENFORCEMENT**

### **A. Feedlot Officer**

The Faribault County Board of Commissioners shall appoint a county feedlot officer to administer and discharge the duties of this feedlot ordinance.

#### **1. Duties and Powers** - The feedlot officer shall have the following duties and powers:

- (1) Administer and enforce the feedlot ordinance;
- (2) Review permits as set forth in this ordinance;
- (3) Assist feedlot operators with the Faribault County permitting process including applications for a state certificate of compliance, feedlot permit or interim permit;
- (4) Process applications to ensure compliance with county and state regulations; Issue permits, interim permits or certificates of compliance; When appropriate, forward applications for state feedlot permits along with recommendations, and the county feedlot permit or interim permit to the MPCA;
- (5) Maintain records including all certificates of compliance, interim permits, feedlot permits and spreading agreements;
- (6) Provide and maintain a public information bureau relative to this ordinance;
- (7) Educate the public and feedlot operators concerning provisions of this ordinance;
- (8) Inspect feedlot operations to insure compliance with the standards of this ordinance;
- (9) To receive and review application requests for action by the board of adjustments and/or the county planning commission and provide such information as may be necessary for action to be taken.

### **B. Stop Work Orders**

Whenever any work is being done contrary to the provisions of this ordinance, the feedlot officer may order the work stopped by written notice personally served upon the owner or operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the feedlot officer.

### **C. Revocation**

Any person who fails to comply with the conditions set forth on the permit, interim permit or certificate of compliance may be subject to revocation upon written notice personally served upon the owner or operator of the feedlot.

#### **D. Injunctive Relief and Other Remedies**

In the event of a violation of this ordinance, the county may institute appropriate actions or proceedings including requesting injunctive relief to prevent, restrain, correct, or abate such violations. All costs incurred for corrective action may be recovered by the county in a civil action in any court of competent jurisdiction or, at the discretion of the county, the costs may be certified to the county auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

#### **E. Costs of Enforcement**

In the event that the feedlot officer is required to take action to abate a violation of this ordinance or undertake regular monitoring of a regulated feedlot to ensure compliance with the requirements of this ordinance the costs of that abatement action and/or monitoring may be certified to the county auditor as a special tax against the real property.

### ***11. SEVERABILITY AND VALIDITY***

It is hereby declared to be the intention that the several provisions of this ordinance are severable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of the ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or structure, such judgement shall not affect other property, buildings or structures.

### ***12. PRIOR ENVIRONMENTAL INFRACTIONS***

Any feedlot operator, or potential applicant for the same, who has been the subject of an investigation or who has been a party to any legal action involving a violation of this ordinance or other environmental law in conformity with the same, in this state or otherwise, shall be subject to a special review prior to being granted a permit to operate in Faribault County, and upon review, may be denied that permit by the Faribault County Board of Commissioners.

### ***13. INTERPRETATION***

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of the ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance, or regulations shall be controlling.

#### **14. ORDINANCE REPEALED**

The Faribault County Feedlot Interim Ordinance dated July 1, 1997 and amendments thereto is repealed in its entirety.

#### **15. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and approval, as provided by law. Passed and approved this 24th day of September, 1997 by the County of Faribault.

Amendment to this ordinance was approved on December 1, 2004



## CLOSURE AND ABANDONMENT OF MANURE STORAGE STRUCTURES

### Earthen Holding Basins

#### Background Information

The concern over these abandoned structures is that trees and other deep rooted vegetation start to grow on the basin walls. This creates cracks in the liner and allows manure to seep into the ground water. Also, unless the basin is emptied regularly, it fills with rain and snow melt water and overflows. Any manure remaining in the basin mixes with the water and could potentially overflow to a nearby surface water. If the fences are not maintained, safety is added to the list of concerns. The steep interior sides of the basin make it difficult to climb out of.

#### How to Close/Abandon

When an earthen basin will no longer be used the following steps should be taken to close the basin:

1. Agitate the basin thoroughly. Remove and land apply all manure at agronomic rates. A drag line may be needed to remove solids if there is not an adequate amount of liquid.
2. The sludge layer left in the bottom of the basin should be scraped out and land applied at agronomic rates.
3. Backfill the basin with material from the dikes and other soils that may be available. Only material allowed to be buried under federal, state, and local regulations may be used as fill. Backfilling the basin is necessary to prevent it from being a safety hazard.

The MPCA issues an interim permit for abandonment of earthen basins which contains a more specific description of the requirements for proper closure.

### Concrete Pits

#### Background Information

Concrete pits located under barns or with covers do not represent as much of a safety hazard as earthen basins. However, if the barns are removed or the cover weakens, it can be dangerous. If the pit develops cracks or holes, the manure could seep out into the ground water.

#### How to Close/Abandon

Concrete pits may be filled in the same manner as earthen holding basins. The owner shall, if possible, break up the concrete and may remove it. This will prevent rain and snow melt waters from pooling in the abandoned pits. The pits may then be backfilled in a fashion similar to an earthen basin.

## Steel Tanks

### Background Information

Steel tanks are **not allowed** to be used for manure storage.

Unfortunately, there are feedlot owners who have installed used fuel tanks underground for storing manure. This type of tank is not designed for this type of use and is usually removed from a gas station because of potential leaking. The tank may be damaged further during transport and installation. Without ground water monitoring it is difficult to determine if manure is leaking out of the tank.

### How to Close/Abandon

All manure is to be removed and field spread at agronomic rates. The tank shall then either be removed completely and the hole filled in, or punctured and filled with clean earthen fill.

## Open Lots

### Background Information

As long as there are livestock on an earthen open lot, soil compaction is occurring and preventing seepage through the feedlot soils. When livestock are removed from the lot there is no longer any hoof action to maintain this compacted layer.

Freeze and thaw cycles, root growth from weeds and drying will deteriorate the compacted layer. The manure left on the lot can then seep through the cracks into the ground water, or erode with soil to surface water.

### How to Close/Abandon

All manure should be scraped off of the lot and field spread. A vegetative cover should be established on the area to take up remaining nutrients. This vegetation should be harvested to remove nutrients from the lot area.

**MINNESOTA POLLUTION CONTROL AGENCY  
CONCRETE PIT REQUIREMENTS  
September 1992**

According to the Minnesota Pollution Control Agency (MPCA) regulations, all livestock or poultry producers are required to apply for and receive a MPCA feedlot permit or certificate of compliance prior to construction of a below ground concrete manure pit.

The following information is to accompany a completed application:

1. A soils investigation report at the site of the proposed structure.
2. Information regarding the construction of the concrete pit.

**SOILS INVESTIGATION CRITERIA**

A record of the soil at the site is used to determine depth of the seasonal high water table, saturated soils and/or bedrock, and identifies soil textures at the site.

A soil record is not the same as a soils map or a soils interpretation record. A soils map does not consider areas smaller than three (3) acres in detail and is not adequate for selecting a manure storage site.

**Required Depth of Boring**

A record of the soils is needed at the pit site to a depth of at least one (1) foot below the bottom of the pit to determine the depth of the seasonal high water table, saturated soil conditions and/or bedrock.

Soils record must include:

1. Listing of soils in the profile using the Unified Soils Classification System.
2. Description of soil features as outlined in Agricultural Handbook 436 (USDA-SCS), "Soil Taxonomy: A Basic System of Soil Classification for Making and Interpreting Soil Surveys."
3. Depth to any seasonal high water tables as interpreted using the soil colors in accordance with the Soil Survey Manual (USDA).
4. Depth to saturated soil conditions.
5. Depth to any bedrock layer, with an interpretation of type of bedrock.
6. Date investigation is done.
7. Location of boring or investigation.

Who can do soils investigation:

1. A qualified soils analyst.

2. A person who is qualified to do percolation tests for the drainfield of a septic system.

Alternative equipment:

1. A backhoe may be used instead of soil boring equipment to dig a hole to the required depth. The Soil Conservation Service, Soil and Water Conservation District, or soil analyst can then record the depth to the seasonal high water table and soil types by looking at the soil profile exposed by the excavation.
2. Take the necessary safety precautions to prevent the excavation walls from caving in on the investigator. The United States Department of Labor, Occupational Safety and Health Administration excavation standards (29 CFR 1926, Subpart P) require the sides of an excavation to be sloped to prevent cave-ins. A slope not steeper than one and one-half horizontal to one vertical (34 degrees measured from the horizontal) is considered safe for any excavations less than 20 feet deep.

### **ALTERNATIVE TO SOIL INVESTIGATION**

Drain Tile

1. Install a drain tile with an outlet around the perimeter of the concrete pit -the drain tile should be located at least one (1) foot deeper than the pit bottom.

NOTE: Drain tile will be required if the soil boring report indicates a seasonal high water table located at an elevation above the bottom of the pit floor.

### **MINIMUM INFORMATION REQUIRED FOR REVIEW OF CONCRETE PITS**

Include the following information with the application:

1. Thickness of concrete in walls and floor
2. Blend of concrete mix
3. Size and location of reinforcement rods in walls and floor
4. Volume of structure
5. Total depth of structure below natural ground level
6. Structure depth, width, and length

7. Location of boring or investigation (Optional)
8. Location of perimeter tile (Optional)
9. Corner detail showing reinforcement rod
10. Footing details
11. Wall to floor connection
12. Contractor name, address, and phone
13. Brief job description
14. Authorized agent original signature and date

NOTE: Pit contractors must submit a final construction report that details pit was constructed in accordance with submitted specs. This report must include contractors authorized signature and be dated.