

CAFO OVERSIGHT AND PERMIT REQUIREMENTS

The Problem:

The proposed bills weaken state oversight of the largest animal feeding operations in the state.

The Solution:

Maintain the existing law and oppose the proposed changes.

Opposed by:

Minnesota Center for Environmental Advocacy

Land Stewardship Project

Clean Water Action

Sierra Club North Star Chapter

This proposal weakens existing Minnesota law by excusing Concentrated Animal Feeding Operations (CAFOs) from the need to get a State Disposal System permit if the facility self-certifies (without the need for an MPCA inspection) that it will not house more than 1,000 animal units. There is no method to verify that the facility would consistently house fewer animals than it could hold.

A 2011 court decision struck down EPA's CAFO rule requiring Clean Water Act permits. EPA is in the process of developing new rules. Under existing state law, all CAFOs with the capacity to hold more than 1,000 AU must obtain a state permit for manure disposal.

Minnesota has more than 1,100 CAFOs that house more than 1,500,000 animal units. These facilities represent the largest 5% of feedlots in the state. CAFOs produce many times more manure than all the people in the state - between 25 and 50 billion gallons per year. MPCA inspects each CAFO once every five years to ensure compliance. Feedlots that are not designated CAFOs are inspected about once every fourteen years. MPCA has taken more than 250 enforcement actions against CAFOs in the last seven years.

CAFO Permits today:

- SDS permits are required for all feedlots over 1,000 animals
- SDS permits are enforceable by the PCA
- SDS permits are transparent and require a process for public comment
- Every five years permits are updated to incorporate new technologies
- Minnesota collects \$700,000 in CAFO permit fees to support compliance and inspection oversight
- SDS permits allow no discharges
- Current rules are the product of an extended stakeholder process, agreement, and administrative rulemaking

CAFO Permits under this bill:

- Only feedlots self-certifying that they discharge would be required to receive a permit
- Citizens can't provide input on CAFO permits
- Facilities would not be required to reflect the latest technology through re-permitting every five years
- Minnesota would collect few permitting fees
- Would eliminate manure management plan approval, and facility monitoring/reporting requirements
- Facilities that do have a discharge still do not have to seek a permit if they say they fixed the cause of the discharge



MCEA combines legal, legislative and scientific expertise to protect Minnesota's environment.



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