

Winona County SWCD

Providing conservation assistance in Winona County since 1938.



Mission

Promote soil and water conservation through technical, educational and financial assistance.

Vision

Comprehensive use of our natural resources for all generations.

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September 3, 2024

Minnesota Pollution Control Agency
c/o George Schwint
12 Civic Center Plz, Ste 2165
Mankato, MN 56001

Re: Public Comments on the Draft General NPDES & SDS Feedlot Permits

Dear Mr. Schwint,

Winona County SWCD staff conducted a technical review of the Draft General NPDES & SDS Feedlot Permits. The following are comments and recommendations submitted for the public comment period.

NPDES & SDS 9.1 Manure Ownership & 10.1 Manure Management Plan

Comment:

Requiring a manure recipient to comply with the Permittee's MMP is a great concept. However, this requirement may cause existing manure recipients of manure originated at a facility which has a NPDES or SDS Permit to choose to discontinue the transfer of manure.

Manure recipients may not prefer to follow the application requirements or tracking of the MMP and therefore choose to discontinue the transfer of manure. This may cause current NPDES & SDS Permittees to fall short of the spreadable acres required in their MMP and constraint as they search to find new/future manure recipients.

This requirement may also be difficult for the manure recipient to comply with the Permittee's MMP as their manure spreader will likely not be calibrated for the manure received. Therefore, applying manure at a rate so as the estimated nitrogen available to crops does not exceed expected annual crop nitrogen needs or cause issues with phosphorus accumulation may be difficult for the manure recipient.

Recommendations:

- 1. Ensure the "Manure Transfer Tracking" form generated by the "Nutrient Management Tool" provides the manure recipient with the annual manure sample analysis.*
- 2. Try a stepped approach to manure ownership and MMP compliance. Begin by having the manure recipient provide the Permittee with the location and rate of application. Then in a few years, implement manure recipient requirement to follow the Permittee's MMP. This provides manure recipient the ability to ease into things.*

NPDES & SDS 13.1 Land Application of Manure – Timing

Comment:

Overall, there are not many proposed changes related to timing of manure application from the previous permits. Those currently covered by the permit and others may not have realized that there were so many restrictions already placed for timing of manure application which spanned nearly the entire calendar year.

Although there was not a substantial change between the previous permit verbiage compared to the proposed changes, the permit requirements may be quite difficult for a producer to easily follow and implement, especially if they are relying on family members or hired staff to assist with manure management and hauling.

Recommendations:

- 1. Streamline or simplify permit requirements for land application of manure. Current timing breakdown is by the month to address common weather trends. A quarterly approach may be easier for a producer to track and successfully follow, such as Jan/Feb/Mar, Apr/May/June, July/Aug/Sept, Oct/Nov/Dec.*
- 2. Provide visual aides, such as stickers for tractor cabs, which will help producers to quickly determine their options and BMPs required when timing of manure application does not go as planned in the MMP due to unforeseeable obstacles (i.e. equipment breakdowns, weather, etc.).*
- 3. Ensure that the forthcoming "Minnesota Nutrient Management Tool" is set up in a way that producers can easily use and plan their full year's manure application ahead of time.*
 - a. The MN Nutrient Management Tool would be especially efficient if the program would allow producers to print maps indicating which fields can be spread on and at what rate/# of loads based on the Permit requirements 13.1 Land Application of Manure - Timing and the producer's previous manure application data input throughout the year.*
 - b. Set up the tool so that information can either be entered for someone who would prefer a more visual or tabular platform. A visual option could allow the producer to see a map where they click on each of their fields and enter data pertaining to that field. A tabular option could be a spreadsheet with a list of the producer's fields where they can enter data pertaining to that fields. Producers can select which method works best for them and their abilities.*

General NPDES & SDS Comments

Comment:

Many producers are concerned about what the proposed changes to the NPDES & SDS permits will cost them. Hiring costs may be incurred by the proposed changes in many ways, a manager to oversee proper MMP creation and execution, custom manure applicators to follow the MMP and apply manure in a short timeframe, and additional farm laborers to free up producer's time to conduct MMP management/creation. Other potential producer costs include installation of expensive manure storage, purchase of new equipment to improve efficiency on the farm to cut down labor costs, etc.

As of yet, there has been little to no indication that there will be cost-share assistance or manure management planning assistance provided to producers affected by the NPDES & SDS proposed changes. State funding is unable to assist producers with over 500AU and the majority of the NPDES & SDS Permittees are over 500AU. Staff capacity at local SWCD and NRCS offices and TSP (Technical Service Providers) capacity is limited for nutrient/manure management planning or manure storage/feedlot improvement projects.

Recommendations:

- 1. Revise the current AU cap set for State funding of feedlot related projects.*
- 2. Provide additional funding to local SWCD and NRCS offices and private TSPs for improving staff capacity in Nutrient Management Plan writing and manure storage/feedlot improvement project engineering/design.*

Comment:

Producers who are not tech savvy will likely find complying with the requirements of online MMP planning, reporting, notifying, etc. to be difficult or impossible.

Recommendations:

1. *Provide in-person assistance or other opportunities to producers who are unable to use the online resources designed for the compliance of the Permits.*
2. *Provide printed materials, such as maps, MMP, etc., to landowners who are not tech savvy.*

Comment:

Producers currently with an NPDES or SDS Permit are calling for smaller operations to be held to the same standards and requirements set by the Permits. Similarly, local and State environmental groups are pushing for higher regulation and forced adoption of manure and nitrogen BMPs across the landscape.

Although standardization of regulations across all MN feedlots would provide many obvious environmental benefits, it may also produce adverse outcomes that aren't yet realized. Smaller operations often have fewer resources (labor, equipment, equity) than larger operations. This makes change difficult, and sometimes infeasible for smaller operations to implement change.

Recommendations:

1. *With a high possibility that regulation will be placed on smaller feedlot operations, precede regulation with ample amounts of State and Federal cost-share opportunities so that smaller operations do not have to make a choice between becoming compliant or selling their animals.*

Please feel free to contact the SWCD with any questions or clarification you may have.

Thank you,



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