Minnesota Pollution Control Agency 8/30/2024  
c/o George Schwint  
12 Civic Center Plz, Ste 2165  
Mankato, MN 56001

RE: Draft general National Pollutant Disposal Elimination System (NPDES) feedlot permit and draft general State Disposal System (SDS) feedlot permit.

Dear Mr. Schwint,

I write to you on behalf of the 30,000 Minnesota Farm Bureau Federation (MFBF) members to make comments on the proposed feedlot rulemaking. Minnesota’s farmers and ranchers are a cornerstone of the state’s culture and economy, with a strong history in the livestock industry.

Our farmers are key stewards of the land who work every day to ensure that the farms they operate will stand the test of time for generations to come. Due to this symbiotic relationship, farmers and ranchers have a deep understanding of the environmental needs of their farms, and regarding manure management, value proper storage and application techniques.

**Transfer of Manure Ownership**

The MFBF is concerned about the proposed requirements within the Transfer of Manure Ownership section of the proposed rule. We believe that requiring manure recipients to follow the same permit requirements as the feedlot they receive the manure from is a hyperextension of the rule itself and could drive more use of commercial fertilizer instead of manure for nutrient applications. Manure is a sustainable and healthy source of nutrients for soil and plant health, and extending the current scope of the SDS permit in such a way that use of manure could be reduced is not a worthwhile pursuit.

In addition, the proposal of information to be recorded and shared back to the permit holder is an overreach in our opinion. Feedlot permits, whether they be the NPDES or SDS permit, were not created to record the cropping data, soil sample tests, or nutrient application rates of farmers individual and private operations. Moreover, forcing a permit holder to be the de facto manager of this information is not realistic nor protective of the private information of individual farms. To place the burden of protecting another farm’s private data on an individual permit holder puts that permit holder in a difficult position. The MPCA cannot expect these requirements to be managed by the regulated community and should acknowledge that if they cannot perform their duties as a regulatory agency those duties should not be thrust onto farmers.

Finally, data privacy is a legitimate concern, especially in a data-driven world where farmers are increasingly becoming more sophisticated on their farms. Data is now used to determine best practices that lead to real business decisions, making it a valuable tool for farmers. This data is for their farms, meant to be kept by them, not thrust upon a permit holder to be made available to the state at the MPCA’s discretion.

**Land Application Inspections**

The Agency proposes that farmers self-report possible discharges that could occur from a rain event within 14 days of manure application, placing farmers in a confusing situation. These proposed requirements would require farmers to self-inspect while not being specific enough in describing what is or isn’t a discharge. In addition, the Agency does not elaborate on what will occur once a farmer does self-report to them.

Farmers cannot predict weather events that could occur in a 14-day period, thus making this timeline incapable of being used in their application decisions. Moreover, this requirement does not take into account the management of the farm ground where manure is applied and how that could affect possible runoff or subsurface nutrient movement in water.

We request that the Agency clarify these inspection requirements to specifically communicate what is and isn’t expected of the farming community and reconsider the 14-day timeline proposal.

**Reducing Runoff Potential and Mitigating Nitrate Impacts**

*Vulnerable Groundwater Areas*

The creation of a “vulnerable groundwater area” is incredibly vague and does not acknowledge the complexity of the Minnesota landscape. Across the state, including in the MDA’s fertilizer restriction map, there is an incredible amount of nuance within the farm ground referenced in the proposed rulemaking. Creating a one-size-fits-all designation will only make it more difficult for farmers to both store and apply manure.

*Required Best Management Practices to Reduce Runoff Potential and Mitigate Nitrate Impacts*

Although cover cropping and growing perennial varieties show promise in mitigating nitrate leaching, the requirements proposed in this subsection do not reflect the variability of Minnesota’s weather and climate. It is common for wet weather to delay fall harvest, removing a farmer’s ability to plant cover crops due to frozen ground or unfavorable growing conditions.

As mentioned in a previous section, farmers do not control the weather, and cannot predict if they will be able to grow cover crops every year on their acreage. In addition, not all farms wish to utilize perennial crops in their crop rotation and should not be forced to grow commodities that do not fit their farm or business plan.

Additionally, there is a finite amount of equipment available to plant cover crops that require significant monetary investment, and only so many seed varieties and volumes available. With this context, we believe the 2028 implementation timeline for these requirements would be too fast for farmers to comply for fall manure applications.

The fall is the predominate time of year for manure applications, and especially vital to the feedlots that store manure. Interfering with this timing through the proposed requirements will not only disrupt manure application, but also manure storage. If farmers are not able to apply manure in the fall, they will be forced to store that manure for longer periods of time which will lead to a need for greater manure storage on their feedlots. As the MPCA is aware, livestock do not stop producing manure simply because the fall and winter have come again, and if feedlot managers are not given the opportunity to apply manure when it is best for both soil health and manure storage, they will be forced into a no-win situation of needing more storage capacity and having to apply a greater amount of manure at individual times.

We request the MPCA consider creating flexibility to the proposed fall application requirements that consider circumstances out of farmer’s control and encourage the continued use of the 50-degree F soil temperature threshold.

**Closing Comments**

The MFBF appreciates the opportunity to comment on the proposed NPDES and SDS feedlot permit drafts. We recognize the importance of nitrate mitigation, and the continued role agriculture will play in keeping Minnesota’s soils healthy and water clean.

We reiterate our concerns with several of the proposed changes and would point to the recent creation of the MPCA-led Southeast Minnesota Nitrate Strategies Collaborative Work Group as a reason to withdraw the current proposed rule change and allow the work group to provide recommendations to the agency regarding manure management and nitrate mitigation.

In conclusion, we look forward to continued engagement with the MPCA on this topic.

Sincerely,

Dan Glessing

Minnesota Farm Bureau Federation, President