



Lower Sioux Indian Community

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Morton, MN 56270

Cansayapi Otunwe

August 30, 2024

Minnesota Pollution Control Agency (MPCA)

C/O George Schwint

12 Civic Center Plz, Ste 2165

Mankato, MN 56001

(submitted via MPCA Public Comment site (<https://mpca.commentinput.com/?id=EdujCsA3t>))

RE: Lower Sioux Indian Community in the State of Minnesota (LSIC) comments on MPCA's draft general National Pollutant Disposal Elimination System (NPDES) feedlot permit and draft general State disposal system (SDS) Feedlot Permit

Dear Mr. Schwint,

The Lower Sioux Indian Community in the State of Minnesota (LSIC) is pleased to submit this letter to provide comments on the Minnesota Pollution Control Agency's (MPCA) draft general National Pollutant Disposal Elimination System (NPDES) feedlot permit and draft general State disposal system (SDS) Feedlot Permit

LSIC is in support of the following proposed permit changes to the NPDES and SDS general permits:

- Protecting the critical resource of groundwater with the requirement that by 2028, all lands that have manure applied to them in vulnerable groundwater areas must have either a growing crop, a perennial crop planted or have a cover crop planted with 14 days of manure application if spreading in October and November. LSIC also supports phasing out winter application entirely in these areas.
- Protecting surface waters by limiting manure application within a 100-year floodplain to only application that incorporates the manure into the soil.
- Monitoring manure spreading by requiring the permit holder to conduct visual inspections of all land application areas.
- Helping with the cleanup and accountability by requiring the permit holder to conduct water sampling after a manure discharge event.

LSIC suggests the following items to include with the proposed permit changes:

- While protecting water sources in Minnesota's vulnerable groundwater areas is particularly important, it is also important to protect groundwater in Drinking Water Supply Management areas (DWSMAs). The consideration of State, Federal or Tribal DWSMAs is a very crucial step in the permitting process. A permit should not be issued if the CAFO and/or the manure application areas are in a

delineated area of a State, Federal or Tribal DWSMA. Also, the definition of “sensitive areas” listed in the MPCA Environmental review guidance needs to be expanded to include the entire delineated DWSMA, and not limited to the ‘vulnerable parts.

- The additional requirements to the October, November, and winter applications of manure in vulnerable groundwater areas are good, commonsense management practices. The requirement that those practices are followed should be extended to all lands where manure is applied.
- In addition to water sampling and testing being done after a discharge event, this permit should require more proactive water samplings to ensure long-term compliance with the permit and to help ensure accountability. These permits should require water sampling and testing conducted regularly around the permit holding site and where liquid manure from the site is being spread. This additional testing will provide data to the agency and the public on any long-term damage and contamination. These permits should also require that new constructions of manure basins and new manure application areas must undergo water sampling and testing before construction begins or manure is spread to establish a baseline nutrient load for future testing to be measured against.

The steps by the MPCA to strengthen Minnesota’s NPDES and SDS permits that help to keep our communities and our waters and lands safe are very encouraging. The LSIC hopes you can continue these steps and incorporate some of the much-needed changes into the General Feedlot permits.

Thank you for the opportunity to comment on the draft general Feedlot NPDES and SDS permits, and we appreciate your considerations of our comments.

Sincerely,



Robert Larsen
Council President
Lower Sioux Indian Community in the State of Minnesota

Cc: Shannon Kesner, Directory of Tribal Affairs & Diverse Communities, MPCA via email (Shannon.kesner@state.mn.us)