

1.1 moves to amend H.F. No. 2659 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2008, section 116.07, subdivision 7c, is amended to
1.4 read:

1.5 Subd. 7c. **SDS and NPDES feedlot permitting requirements.** (a) The agency
1.6 must issue ~~national pollutant discharge elimination~~ state disposal system permits for
1.7 feedlots with 1,000 animal units or more and that meet the definition of a "concentrated
1.8 animal feeding operation" in Code of Federal Regulations, title 40, section 122.23, based
1.9 on the following:

1.10 (1) a permit for a newly constructed or expanded animal feedlot that is identified as a
1.11 priority by the commissioner, using criteria ~~established under paragraph (d)~~ in effect on
1.12 January 1, 2010, must be issued as an individual permit;

1.13 (2) ~~after January 1, 2001~~, an existing feedlot that is identified as a priority by the
1.14 commissioner, using criteria ~~established under paragraph (e)~~ in effect on January 1, 2010,
1.15 must be issued as an individual permit; and

1.16 (3) the agency must issue a general ~~national pollutant discharge elimination~~ state
1.17 disposal system permit for animal feedlots that are not identified under clause (1) or (2).

1.18 (b) Prior to the issuance of a general national pollutant discharge elimination system
1.19 permit for a category of animal feedlot facility permittees, the agency must hold at least
1.20 one public hearing on the permit issuance.

1.21 (c) To the extent practicable, the agency must include a public notice and comment
1.22 period for an individual national pollutant discharge elimination system permit concurrent
1.23 with any public notice and comment for:

1.24 (1) the purpose of environmental review of the same facility under chapter 116D; or

1.25 (2) the purpose of obtaining a conditional use permit from a local unit of government
1.26 where the local government unit is the responsible governmental unit for purposes of
1.27 environmental review under chapter 116D.

2.1 ~~(d) The commissioner, in consultation with the Feedlot and Manure Management~~
2.2 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
2.3 ~~develop criteria for determining whether an individual national pollutant discharge~~
2.4 ~~elimination system permit is required under paragraph (a), clause (1). The criteria must~~
2.5 ~~be based on proximity to waters of the state, facility design, and other site-specific~~
2.6 ~~environmental factors~~ If a feedlot is required to have a national pollutant discharge
2.7 elimination system permit under federal rules, the agency shall issue a joint state disposal
2.8 system and national pollutant discharge elimination system permit for the feedlot. A
2.9 feedlot may choose to apply for a national pollutant discharge elimination system permit
2.10 even if the feedlot is not required to have a national pollutant discharge elimination
2.11 system permit.

2.12 ~~(e) The commissioner, in consultation with the Feedlot and Manure Management~~
2.13 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
2.14 ~~develop criteria for determining whether an individual national pollutant discharge~~
2.15 ~~elimination system permit is required for an existing animal feedlot, under paragraph (a),~~
2.16 ~~clause (2). The criteria must be based on violations and other compliance problems at the~~
2.17 ~~facility~~ If a feedlot is required to have a federal new construction stormwater permit, the
2.18 commissioner shall incorporate that permit into a state disposal system permit or national
2.19 pollutant discharge elimination system permit required under this subdivision.

2.20 ~~(f) The commissioner, in consultation with the Feedlot and Manure Management~~
2.21 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
2.22 ~~develop criteria for determining when an individual national pollutant discharge~~
2.23 ~~elimination system permit is transferred from individual to general permit status.~~

2.24 ~~(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the~~
2.25 ~~commissioner may issue an individual national pollutant discharge elimination system~~
2.26 ~~permit for an animal feedlot. After the general permit is issued and the criteria under~~
2.27 ~~paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph~~
2.28 ~~that do not fit the criteria for an individual permit under the applicable provisions of~~
2.29 ~~paragraph (d) or (e) must be transferred to general permit status.~~

2.30 ~~(h) The commissioner, in consultation with the Feedlot and Manure Management~~
2.31 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
2.32 ~~develop criteria for determining which feedlots are required to apply for and obtain a~~
2.33 ~~national pollutant discharge elimination system permit and which feedlots are required to~~
2.34 ~~apply for and obtain a state disposal system permit based upon the actual or potential to~~
2.35 ~~discharge.~~

3.1 **EFFECTIVE DATE.** Except for subdivision 7c, clause (1), this section is effective
3.2 following final enactment. Subdivision 7c, clause (1), is effective on January 1, 2011."