

May 13, 2021

Rep. Rick Hansen  
Co-Chair, Environment Conference Committee  
407 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Representative Mike Sundin  
Co-Chair, Agriculture Conference Committee  
417 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Sen. Bill Ingebrigtsen  
Co-Chair, Environment Conference Committee  
3207 Minnesota Senate Building  
95 University Avenue West  
St. Paul, MN 55155

Senator Torrey Westrom  
Co-Chair, Agriculture Conference Committee  
3201 Minnesota Senate Building  
95 University Avenue West  
St. Paul, MN 55155

Re: MPCA Feedlot General Permit modifications from SF 566

Dear Representatives Hansen and Sundin and Senators Ingebrigtsen and Westrom,

I write in regards to language that is now before the Agriculture Conference Committee and Environment Conference Committee from SF 566 regarding the 2021-26 Feedlot General Permit issued in February 2021 by the Minnesota Pollution Control Agency (MPCA). My purpose is clarify the consideration and importance of weather in both the development and the implementation of this permit.

As my staff have testified in your committees, MPCA updates this permit every five years considering new data and public input as required by the federal Clean Water Act. The revised draft permit is submitted to the United States Environmental Protection Agency (EPA) for their review and becomes effective following their approval. The MPCA is delegated by EPA to implement the Clean Water Act in Minnesota.

A key goal of the 2021-2026 Feedlot General Permit is to reduce nitrate leaching into groundwater, because data from the Minnesota Department of Agriculture shows nitrate contamination is affecting water quality across the state. This permit has two changes relating to land application of manure, included in the permit to address nitrate leaching and runoff, where it may not be clear that weather conditions are a component of the requirements.

The first change pertains to application in March, the second relates to application in the first two weeks of October. The consideration of Minnesota weather was integral to the development of both of these provisions as highlighted below.

Section 30.53 of the permit defines “winter manure application” and “winter application” as (emphasis added): **application of manure to frozen or snow-covered soils**, except application during the months of October and November or when the manure is immediately incorporated or injected below the soil surface.

Under the new permit, land application of manure is allowed in March to ground that is **not frozen or snow covered** because this situation does not meet the definition of “winter application.” There is no need for permitted producers to get MPCA permission to land apply manure when ground is not frozen or snow covered in March.

The new permit restricts manure application during the first 15 days of October if soil temperatures are **greater than** 50 degrees Fahrenheit. This condition was intended to accommodate the differences in weather, temperature and soil across the state.

There is no need for permitted producers to get MPCA permission to land apply when soil temperatures are **less than** 50 degrees Fahrenheit prior to October 15. If soil temperatures are **above** 50 degrees Fahrenheit prior to October 15, then the new permit allows producers to **pick one of four BMP options** for land application of manure. This is language from the new permit (emphasis added):

**The Permittee shall not apply manure prior to October 15 to harvested fields unless** at least one of the following nitrogen BMPs are implemented:

- a) **Soil temperature is below 50 degrees at the start of manure application;**
- b) **A nitrogen stabilizing agent/product is added** at the recommended inclusion rates;
- c) **A cover crop is established** in accordance with the requirements of this Permit for June, July, August, or September manure applications; **or**
- d) **A split application of nitrogen is used** where no more than 1/2 of the recommended nitrogen rate is applied before October 15. Winter application of the remaining recommended nitrogen rate is prohibited.

I hope this information brings clarity on this issue to your conference committees. Please direct any questions you may have to Assistant Commissioners Katrina Kessler or Greta Gauthier. We are happy to meet again or to testify again before your conference committees, if you so desire.

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Thank you,



Laura Bishop  
Commissioner

Cc: Senator Bill Weber  
Commissioner Thom Pederson, Minnesota Department of Agriculture  
Assistant Commissioner Whitney Place, Minnesota Department of Agriculture  
Brandon Hirsch, Policy Advisor to Gov. Tim Walz and Lt. Gov. Peggy Flanagan  
Alexis Donath, Policy Advisor to Gov. Tim Walz and Lt. Gov. Peggy Flanagan  
Lucas Sjöholm, Minnesota Milk Producers  
Bruce Kleven, Minnesota  
Cattlemen's Association  
Andrew J. Duerr, Minnesota Pork Producers