
Feedlot Regulation Needs Improvement

SUMMARY

Weaknesses in the regulation of animal feedlots need to be addressed by the Minnesota Pollution Control Agency (MPCA), according to a report issued by the Legislative Auditor's Office. MPCA needs to improve the feedlot regulation program to better serve the interests of both the environment and the livestock industry.

To better protect the environment, MPCA needs to implement updated feedlot rules, increase its site visits of proposed feedlots and construction work in environmentally sensitive areas, develop a strategy for providing oversight of existing feedlots, and better manage its enforcement efforts. MPCA should also be responsive to the livestock industry's need for timely review of permit applications. The agency could better serve the interests of both the environment and industry by developing a realistic and cost-effective policy for addressing manure runoff problems at small open lot facilities.

One of the key deficiencies in the feedlot regulation program is the lack of adequate administrative rules. Current rules were last updated in 1978 and do not adequately address many important regulatory issues, including land application of manure, manure stockpiling, standards for manure storage structures, the responsibilities of counties participating in the feedlot program, and the siting of feedlots in environmentally sensitive areas. In an effort to

protect the environment, MPCA has dealt with some of these issues on a case-by-case basis and developed some informal policies and standards. Dealing with issues in this manner, however, has burdened the permitting and environmental review processes and

caused considerable delays for producers seeking permit approval.

MPCA has attempted to ensure that manure storage structures built in recent years are well designed, but the agency needs to place greater emphasis on visiting proposed feedlot sites and inspecting construction work. MPCA cannot visit every site but should increase its attention to sites in environmentally sensitive areas and projects involving contractors or engineers who have a poor track record. Once new rules are in place and producers have had time to adjust to them, an effort should be made to provide some oversight of existing feedlots. Attention to the land application of manure is warranted, since it is considered one of the primary ways in which feedlots affect water quality.

The agency also needs to better manage its water quality enforcement efforts. While MPCA has successfully pursued enforcement actions in some

highly publicized cases, it has not made timely progress on other cases. Staff are not required to prepare status reports on enforcement cases or to document their response to complaints. In addition, staff are inconsistent in their pursuit of enforcement actions. The agency needs to rethink its approach to

Program Evaluation Report
Animal Feedlot Regulation
January 28, 1999

Key Findings

- MPCA's feedlot program has a number of weaknesses including inadequate rules, insufficient site visits to inspect proposed feedlot sites and construction work, little oversight of manure application practices, and untimely service to livestock producers.
- MPCA has a rigid, ineffective policy for dealing with manure runoff problems at small open lot facilities.
- The quality of county programs varies considerably, and MPCA provides little oversight of county programs.

Recommendations

- MPCA should visit more proposed feedlot sites before issuing permits and inspect more construction work, particularly in environmentally sensitive areas.
- MPCA should improve its response time in reviewing feedlot permit applications.
- MPCA and the Legislature should encourage more counties to participate in the feedlot program, but MPCA should provide better oversight of counties in the program.

*The report is available at our web site:
<http://www.auditor.leg.state.mn.us/pe9904.htm>
Copies of the full report or summary are also available
by calling 651/296-4708.*

enforcement, particularly as it involves small open lots with manure runoff problems. MPCA's "zero discharge" policy is too expensive for most small feedlots to implement. Considerably less expensive solutions may be available and would probably be more effective in improving surface water quality.

With the implementation of a hydrogen sulfide monitoring program, MPCA has become more responsive to citizen complaints about feedlot odors. Unfortunately, research and experience do not yet have all the answers about how best to reduce odors and undesirable air emissions, particularly those coming from outdoor liquid manure storage basins and those that are a result of agitation and pumping activities. Increased research conducted at operating facilities could help MPCA better address air quality concerns in the future.

Under Minnesota law, MPCA may delegate some of its feedlot regulation responsibilities to counties. In 1998, 47 counties were participating in the feedlot regulation program, and 4 more counties will become participants in 1999. The evaluation found that existing county programs vary considerably in their quality and comprehensiveness. Some counties have programs superior to MPCA's efforts, while other counties have inadequate programs. Increased county participation is desirable, particularly in those

counties with large numbers of animals but no current feedlot program. However, MPCA needs to establish some clear expectations for county programs and should also provide oversight of existing programs. Currently, the agency does not even check to see if counties are providing the required local matching contributions to the state aid they receive.

MPCA is working to address a number of these problems through management decisions and rule changes. In September 1998, the agency temporarily reassigned eight full-time equivalent staff to work on the feedlot program and designated a new program manager. MPCA, despite working on new rules for the last four years, has been making more progress lately and appears likely to propose and adopt new rules before the end of 1999. As part of these new rules, the agency is considering a streamlining of the permitting process to improve service to the industry and shift resources to more important feedlot activities. We are supportive of this effort provided that the environmental risks of streamlining the permit system are minimized.

Copies of the report, entitled *Animal Feedlot Regulation*, may be obtained from the Office of the Legislative Auditor at 651/296-4708 or at <http://www.auditor.leg.state.mn.us/pe9904.htm>. For further information, contact John Yunker or Roger Brooks at 651/296-4708.