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**DRAFT TECHNICAL WORK PAPER
ROLE OF GOVERNMENT**

**For the
GENERIC ENVIRONMENTAL IMPACT STATEMENT
ON ANIMAL AGRICULTURE IN MINNESOTA**

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require mitigative measures. This also may serve to discourage project proposers from utilizing new feedlot technologies to respond to environmental concerns.

Three, the MPCA may no longer require air emission modeling for the type of livestock systems that have not had a hydrogen sulfide emission violation. As discussed below in the EAW case studies, air emission modeling is relatively new and has been evolving over the last few years. Under this new provision, MPCA is requiring modeling on only two types of hog facilities—earthen storage basins and concrete pit with natural ventilation. Neither technology has been used recently for new facilities in Minnesota.

Without modeling to indicate possible problems with air quality, it is more difficult to require emission monitoring for a project. If modeling and monitoring are restricted, projects that could be causing air quality problems are unlikely to be identified. By restricting diagnostic tools available to assess potential impacts, confidence in the quality of environmental review will be undermined.

EQB Rule Changes

Since 1988 the environmental review program rules have directed that any two or more proposals that are “connected actions” must be treated as one proposal when determining if an EAW must be prepared. Connected actions are two or more actions that are related if (1) one project would directly induce the other, (2) one project is a prerequisite for the other, or (3) neither project is justified by itself.

Formerly, a typical feedlot project was a farrow to finish operation, all on one farm. However, in the 1990s the feedlot landscape changed dramatically and it became increasingly common to see the individual farrow to finish components divided up and sited remote from one another. In order to address this change in the industry, MPCA began looking at feedlot proposals as connected actions when applicable.

Until the mid-1990’s, the connected actions rule had been little used and had generated no controversy. However, when multi-site feedlots, particularly hog feedlots, came under EAW review due to the connected actions provisions, controversy arose. In 1998 the Minnesota Legislature directed the EQB to revise and clarify its rules for animal feedlots, particularly in regard to how the existing rules on connected actions were applied to animal feedlots.

The EQB published a request for comments but did not receive a clear directive from the comments. It then formed an ad hoc group with representatives from regulators, livestock industry, and environmental groups. The group was unable to reach consensus on a specific proposal but indicated need for some sort of trade off involving elimination of connected actions in exchange for lowered thresholds for EAWs. These general recommendations led to proposed rule changes.

In October 1999 new rules became effective for the environmental review program. The rule amendments provide the following:

- Elimination of the connected actions provision for animal feedlots

- Reduction of the mandatory level for preparation of an EAW from 2000 animal units to 1000 animal units
- Increase of the exemption level from 100 animal units to 300 animal units
- Identification of sensitive areas where environmental review of small animal feedlots is required
- Add that if a county will issue the feedlot permit, the county is the responsible governmental unit (RGU) and responsible for preparation of an EAW (in most cases, however, the MPCA remains the RGU).
- Modification without expansion of an existing feedlot of no more than 300 animal units is exempt from review if the modification is necessary to obtain a Minnesota feedlot permit.
- If the proposers of a multi-site feedlot operation agree, one EAW can be done on all the proposed sites.

These rule changes apply only to feedlot operations. The connected action rule remains in effect for all other types of development proposals. The rules requiring environmental review for phased actions remains in effect for feedlots (phased actions are two or more projects undertaken by the same proposer that will have environmental effects on the same geographic area and are substantially certain to be undertaken sequentially over a limited period of time).

New EAW Form

As part of a veto of Chapter 204, House File 1235 relating to regulatory requirements for feedlots, Governor Jesse Ventura asked the EQB, MPCA and Department of Health to develop an alternative EAW form to be used for feedlot projects. The new form was to be designed to expedite the preparation time and minimize the costs associated with preparing an EAW. The new form was not to reduce the amount and quality of information necessary to accurately determine if the project has the potential for significant environmental effects.

The new form has been developed and has been used for at least two projects (Alliance Dairy was the first to use it). The new form covers the same subject areas as the general EAW form but, since it is geared to only one type of project, the questions are more project specific. For example, the general form asks for information regarding solid wastes, hazardous wastes and tanks. The new form addresses this issue with questions regarding the manure management system to be used, manure collection, handling and storage, manure utilization, manure application and dead animal disposal

Although the new form asks more direct questions regarding feedlots, it may not be feasible for a project proposer to fill it out without technical assistance. For someone unfamiliar with EAWs, the specific questions in the new form should be easier to understand and the information needs should be clearer. However, comments from county and state staff persons indicate that most project proposers would probably need the assistance of a consultant to fill out the form.