

STEELE COUNTY LIVESTOCK OPERATION ORDINANCE

Ordinance #25

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STEELE COUNTY LIVESTOCK OPERATION ORDINANCE

AN ORDINANCE REGULATING THE PERMITTING, LOCATION, DEVELOPMENT, OPERATION, AND EXPANSION OF LIVESTOCK OPERATIONS, PROTECTING THE NATURAL ENVIRONMENT, AND SAFEGUARDING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF STEELE COUNTY.

THE STEELE COUNTY BOARD DOES HEREBY ORDAIN:

SECTION 101. TITLE

The Ordinance shall be known, cited and referred to as the Steele County Livestock Operation Ordinance.

SECTION 102. INTENT AND PURPOSE

102.001 Intent. The production of livestock and other agricultural products is an important part of the history and economy of Steele County. Steele County has recognized this importance by designating portions of the county as an agricultural district where the primary purpose is to maintain, conserve and enhance agriculture and agricultural production as a viable land use in the county.

Steele County also contains many natural resources including an abundance of surface and ground water that must be protected from pollution to ensure public health and maintain safe, high quality water for recreational, residential, agricultural, and commercial use. The following regulations have been established to protect the natural resources while recognizing the importance of animal agriculture.

102.002 Purpose. Therefore this Ordinance is adopted with the purpose of:

- (a) Protecting the crop and animal agricultural industries in the County.
- (b) Protecting human and animal health and welfare.
- (c) Protecting the natural environment.
- (d) Establishing a procedure for the inventory and permitting of livestock operations.
- (e) Regulating the location, development, and expansion of livestock operations.
- (f) Assisting state and county agencies in the administration of statewide statutes and regulations governing livestock operations.

SECTION 103. GENERAL PROVISIONS

103.001 Jurisdiction. The jurisdiction of this Ordinance shall apply to all the areas of Steele County outside the incorporated limits of municipalities.

103.002 Scope. From and after the effective date of this Ordinance and subsequent amendments, all existing or proposed livestock operations shall be in conformity with the provisions of this Ordinance and Minnesota Rules Chapter 7020 which are hereby adopted by reference.

103.003 Application.

- (a) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements to satisfy the Intent and Purpose of this Ordinance.
- (b) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

SECTION 104. DEFINITIONS

104.001 For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- (a) The word "shall" is mandatory, and not discretionary; the word "may" is permissive.
- (b) Words used in the present tense shall include the future; and words used in the singular shall include the plural, the plural the singular.
- (c) Words shall be given their common usage if not defined.
- (d) The word "Board" includes the "county commissioners", the "Board of County Commissioners" or any other word or words meaning the "Steele County Board of Commissioners".
- (e) The word "person" includes a firm, association, organization, partnership, trust, company, corporation or individual.

104.002 Abandoned. A Feedlot site or building which is no longer used in the livestock operation.

104.003 Agency. The Minnesota Pollution Control Agency as established in Minnesota Statutes, Chapter 116.03.

104.004 Animal Manure. Poultry, livestock or other animal excreta or mixture with feed, bedding, water or other materials.

104.005 Animal Unit (AU). A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this ordinance, the following equivalents shall apply:

Animal	AU per Animal	100 AU Equals
one mature dairy cow	1.4	71 animals
one dairy calf under 500pounds	.5	200 animals
one slaughter steer or heifer	1.0	100 animals
one horse	1.0	100 animals
one swine 55 pounds or more	.4	250 animals
one swine under 55 pounds	.05	2000 animals
one duck	.02	5000 animals
one sheep	.1	1000 animals
one turkey 10pounds or more	.018	5555 animals
one turkey under 10 pounds	.01	10000 animals
one chicken	.01	10000 animals

For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds. The total number of animal units subject to certificate of compliance or registration shall be determined by including operations under common ownership or management and which utilize a common area or system for manure disposal.

104.006 Board. The Steele County Board of Commissioners.

104.007 Building. Any structure of every kind for the shelter, support or enclosure of persons, animals, chattel or property of any kind; and when separated by party walls without openings, each portion of such buildings so separated shall be deemed a separate building.

104.008 Building, Agricultural. All buildings, other than dwellings, which are incidental to a farming operation.

104.009 Cemetery. Land used for burial of the dead and dedicated for cemetery purposes.

104.010 Certificate of Compliance. A letter from Steele County for animal feedlots less than 1000 animal units stating the animal feedlot and/or manure storage area meets the minimum standards as required by this Ordinance and the MPCA.

104.011 Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

104.012 Construction Permit (less than 300 AU). A permit issued by Steele County to construct or expand an animal feedlot or manure storage area that is not a pollution hazard to a capacity of 10 to 299 animal units.

104.013 Construction Short Form Permit. A permit issued by Steele County or the MPCA to construct or expand an animal feedlot or manure storage area that is not a pollution hazard to a capacity of 300 to 999 animal units.

104.014 Closure plan. An approved plan submitted by the landowner on the removal of animal waste and sludge from abandoned facilities or facilities planned to be abandoned.

104.015 Commissioner. Commissioner means the Commissioner of the Minnesota Pollution Control Agency whose duties are defined in Minnesota Statutes, Section 116.03.

104.016 Family. For the purpose of this Ordinance a family shall include the livestock operation owner, the livestock operation owner's grandparents, parents or stepparents, aunts or uncles, siblings, spouses, children or stepchildren, or grandchildren.

104.017 Farm. A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming.

104.018 Feedlot. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered a feedlot under these rules unless there is a potential pollution hazard. Fish farms shall be considered livestock operations for the purposes of this Ordinance.

104.019 Feedlot (New). An unregistered livestock operation, or a livestock operation constructed and operated at a site where no livestock operation existed previously or where a pre-existing livestock operation is no longer registered with Steele County.

104.20 Animal Feedlot, (Registered). A feedlot that is registered with Steele County, and has had livestock within the previous five (5) years or a feedlot that is registered, has maintained structures capable of housing livestock, and has been granted from Steele County an extension to the five year livestock requirement.

104.021 Expansion. Any change in the livestock operation that results in an increase in animal numbers.

104.022 Feedlot Officer. The county employee who is knowledgeable in agriculture, designated by the county board to receive and process applications, and identified by MPCA rules as the feedlot pollution control officer.

104.023 Feedlot Operator. An individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock operations, poultry lots or other animal lots.

104.024 Feedlot Runoff. The movement of water from a livestock operation, either in the form of rainfall, snow, or as water from a waterway, ditch, etc. passing through a livestock operation, carrying particles of manure as well as soil into a body of water and thereby constituting a potential pollution hazard.

104.025 Floodplain. The channel or beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. Floodplain areas within Steele County shall encompass all areas designated as Zone A on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency.

104.026 Floodway. The channel of the water course and those portions of the adjoining floodplains which are reasonably required to carry or store the regional flood discharge.

104.027 Incorporation. The process of moving animal manure or animal waste into the soil using tillage equipment. Equipment used must be at least as aggressive as a tandem disc working at a depth of 3 inches.

104.028 Injection. The process of placing liquid manure beneath the soil surface using a liquid manure applicator under pressure.

104.029 Interim Permit. A permit issued by the County which expires no later than 24 months from the date of issuance, identifying the necessary corrective measures to abate pollution hazards.

104.030 Livestock Operation. SEE FEEDLOT

104.031 Liquid Manure. Manure that contains less than 15% solids content.

104.032 Manure Storage Structure. A structure where lot runoff, manure effluent or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, concrete or glass lined storage.

104.033 Modification. Any change in the livestock operation that does not result in an increase in animal numbers.

104.034 MPCA. Minnesota Pollution Control Agency.

104.035 NPDES Permit National Pollutant Discharge Elimination System permit issued by the MPCA for the purpose of regulating the discharge of pollutant from point sources including concentrated animal feeding operations (CAFOs)

104.036 NRCS. Natural Resources Conservation Service, formerly the Soil Conservation Service.

104.037 Owner. Any person having possession, control, or title to a livestock operation.

104.038 Parcel. A contiguous quantity of land legally described and recorded with the County Recorder as the property of a person.

104.039 Pastures. Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative ground cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

104.040 Permit. A document issued by Steele County or the MPCA which may contain requirement, conditions, or schedules for achieving compliance with the discharge standards and requirements for management of animal manure, construction or operation of animal holding areas or manure storage areas.

104.041 Pollutant Hazard. A animal feedlot or manure storage area that presents a potential or immediate source of pollution to waters of the state as determined by Steele County or State of Minnesota staff.

104.042 Public Body. The state, county, city, town, or other public body of the state, or any board, commission, agency, or instrumentality of any of the foregoing.

104.043 Public Meeting. A meeting held by a public body pursuant to Minnesota Statute, Section 13D.

104.044 Public Well. As regulated by Minnesota Chapter 4720 and as administered by the Minnesota Department of Health.

104.045 Registration. Documentation filed with the Steele County Planning and Zoning Department pertaining to an existing feedlot.

104.046 Residence. A building or portion of a building designed for residential occupancy. Campers, buses, or tents will not be considered residences.

104.047 Residential Area. A concentration of ten (10) or more developed or undeveloped contiguous lots.

104.048 SDS Permit. State Disposal System permit issued by the MPCA.

104.049 Setback. The minimum horizontal distance between a structure, boundary, feature, or other facility and another structure, boundary, feature or facility. Setbacks shall be measured from the closest point or edge of a foundation for structure and from the closest point of a boundary, property line, or feature.

104.050 Shoreland. Land located within 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designate by ordinance or a river or stream, whichever is greater.

104.051 Solid Manure . Manure which is at least 15% solids content and contains added fibrous material excluding mineral solids.

104.052 Surface Waters. Waters which include but are not limited to rivers, streams, creeks, ponds, intermittent streams, and wetlands.

104.053 SWCD. Steele County Soil and Water Conservation District.

104.054 Temporary Manure Stockpile. An area used for the temporary storage of animal manure or run-off containing animal manure until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Storage of manure on any one site shall not exceed a time period of 6 months.

104.055 Transfer of Property. The act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sales, mortgage, gift, or otherwise.

104.056 USDA. United States Department of Agriculture.

104.057 Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies of water, surface or underground, natural or artificial, public or private.

104.058 Wetlands. A surface water feature of two (2) acres or more and as identified by Minnesota Statute 103G.005, Subd. 19.

SECTION 105. ADMINISTRATION

105.001 Planning and Zoning Department. The Steele County Livestock Operation Ordinance shall be administered by the Steele County Planning and Zoning Department. The Steele County Board of Commissioners shall appoint a County Feedlot Officer to discharge the duties of this department under the Livestock Operation Ordinance.

105.002 Duties and Powers. The Steele County Feedlot Officer shall have the following duties and powers:

- (a) Administer and enforce the Steele County Livestock Operation Ordinance;
- (b) Assist livestock operation operators with the Steele County and State of Minnesota application process including Interim Permit, County Certificate of Compliance, County Construction Permit, Construction Short Form Permit, National Pollution Discharge Elimination System Permit, or State Disposal System Permit;
- (c) Review and process applications to ensure compliance with county and state feedlot regulations;
- (d) Issue Steele County Interim Permits, Certificates of Compliance, Construction Permits, or Construction Short Form Permits;
- (e) When appropriate, forward applications for State Feedlot Permits along with recommendations, to the MPCA;
- (f) Maintain records including all applications, permits, inspections, and manure management plans;
- (g) Provide and maintain a public information bureau relative to this Ordinance;

- (h) Educate the public and livestock operation operators concerning provisions of this Ordinance;
- (i) Inspect livestock operations to insure compliance with the standards of this Ordinance;
- (j) Inspect new construction to ensure compliance with design plans;

105.003 Fees. Application, Permit, Certificate of Compliance, Registration, or review and compliance inspection fees, and such other fees required by this Ordinance shall be set by resolution of the County Board.

SECTION 106. REGISTRATIONS AND PERMITS

106.001 Registration Required

Registration shall be required for all livestock operations of 10 animal units or more in Steele County. All registrations shall be updated at intervals set by the County Board.

(a) Registration forms shall be made available by the Department. The following information shall be included for registration:

- (1) Names of all owners and/or operators;
- (2) Type of livestock and number of animal units;
- (3) Registration fee as set by resolution of the County Board.

(b) A Registered livestock operation may continue the operation as described on the registration form providing that the operation is creating no pollution hazards.

(c) A Registered livestock operation shall secure Steele County and/or State Permits when required under this Ordinance.

(d) A livestock operation that is not Registered shall be considered a new feedlot and is subject to all requirements of this Ordinance.

106.002 County Permits Required.

Any person owning or operating an existing livestock operation of 10 animal units or more, or any person proposing to own or operate a livestock operation of 10 animal units or more, shall make application for a Steele County Permit and if applicable a State Permit if any of the following conditions apply.

(a) A new livestock operation is proposed.

(b) A change in the operation of an existing livestock operation is proposed including:

- (1) An increase beyond the maximum number of animal units allowed by the current registration or
- (2) A change in the construction or operation of a livestock operation that would affect the storage, handling, utilization, or disposal of animal manure or
- (3) A change in ownership of an existing livestock operation is proposed.

(c) A National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) application is required under state or federal rules and regulations.

(d) An inspection by the Agency staff or the County Feedlot Officer determines that the livestock operation creates or maintains a potential pollution hazard.

106.003 Interim Permit. When a potential pollution hazard has been identified but not mitigated by an applicant, an Interim Permit valid for up to twenty-four (24) months may be issued if:

(a) There is demonstrated compliance with this Ordinance, manure is used as a domestic fertilizer and the potential pollution hazard will be mitigated within twenty-four (24) months or;

(b) An animal feedlot or manure storage area with a capacity of 300 or more animal units is

- (1) applying manure or process wastewater on land where the soil phosphorus test levels exceed the levels in MN Rules 7020.2225 subpart 3, Item c or;
- (2) applying manure or process wastewater on land in special protection areas with slopes exceeding six (6) percent or;

(3) applying manure or process wastewater in a drinking water supply management area where the aquifer is designated vulnerable under MN Rules, Chapter 4720.

106.004 Interim Permit Extension. An Interim Permit may be extended once up to an additional ninety (90) days if there is demonstrated progress toward mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

106.005 Certificate of Compliance Issuance. A Certificate of Compliance may be issued if there is demonstrated compliance with this Ordinance, manure is used as a domestic fertilizer, and a potential pollution hazard has been mitigated.

106.006 Construction Permit (less than 300 AU). A Construction Permit may be issued if an animal feedlot or manure storage area is proposing to construct or expand to a capacity of 10 to less than 300 animal units and is not a pollution hazard.

106.007 Construction Short Form Permit. A Construction Short Term Permit may be issued if an animal feedlot or manure storage area is proposing to construct or expand to a capacity of 300 to 999 animal units and is not a pollution hazard.

106.008 Conditional Use Permits. Feedlots meeting one or more of the following criteria must apply for and receive a Conditional Use Permit pursuant to Section 504 of the Steele County Zoning Ordinance.

- (a) All new animal feedlots 1000 cumulative animal units in size or greater.
- (b) Any existing animal feedlot expanding to 1000 cumulative animal units in size or greater.
- (c) Expansion of any animal feedlot located within on (1) mile but at least on half (1/2) mile from an incorporated city boundary.

106.009 Permit Applications. Applications for a Steele County Feedlot Permit shall provide the following.

- (a) Signed application form as provided by Steele County
- (b) Animal types and maximum capacity for each type of animal to be raised at the facility.
- (c) A sketch or aerial photograph and evidence of setback compliance of the proposed facility showing all existing homes, buildings, manure storage areas, water features, wetland, roads, tile intakes and wells in the area.
- (d) Certified engineered plans for manure storage structures.
- (e) Manure management plan pursuant to Section 108 and Section 109 of this ordinance.
- (f) Animal carcass disposal plan pursuant to section 110 of this ordinance.
- (g) Odor control plan.
- (h) Notice of Construction or Expansion Form
- (i) NPDES/SDS application if applicable.
- (j) Application fee as set by resolution of the Steele County Board.
- (k) Any additional information as deemed necessary by the Feedlot Officer and the Zoning Administrator to determine compliance with federal, state, and local feedlot regulations.

SECTION 107. FEEDLOT AREA, AND SETBACK REGULATIONS

107.001 Minimum Parcel Size. All feedlots must meet the minimum parcel size and area requirements established by Steele County Ordinances or the State of Minnesota Rules and Regulations.

107.002 Setback Regulations. The following setback regulations shall apply to new animal feedlots.

- (a) No new animal feedlots or manure storage facilities shall be located closer than 1000 feet from a neighboring residence nor shall a new residence be located closer than 1000 feet from a registered feedlot.

(b) No new animal feedlots or manure storage facilities shall be located closer than 1000 feet from a neighboring church, cemetery, or school nor shall a new church, cemetery, or school be located closer than 1000 feet from a registered feedlot.

(c) No new animal feedlots or manure storage facilities shall be located within one half (1/2) mile of an incorporated city limit boundary.

(d) No new animal feedlots or manure storage facilities shall be located closer than one hundred (100) feet from a public road right-of-way.

(e) No new animal feedlots or manure storage facilities shall be located in a floodplain or shoreland.

(f) No new animal feedlot or manure storage facilities shall be located within one hundred (100) feet of a domestic well or one thousand (1000) feet of a municipal well.

(g) The expansion of an existing registered feedlot shall not be considered a new animal feedlot and modification may be allowed subject to the following conditions:

(1) The modification or expansion does not further encroach into the required setbacks.

(2) Modifications or expansions to existing livestock operations located in shoreland must not increase the pollution potential, exceed 1000 animal units and must conform to Sections 1403 and 1407 of the Steele County Ordinance.

(3) Modifications to existing livestock operations located in floodplain must not increase the pollution potential.

(4) Expansions to existing livestock operations located in floodplains are not allowed

(5) The modification or expansion does not reduce the present land area of the livestock operation to less than the minimum area requirements of the zoning ordinance.

(6) Transfer of ownership shall not invalidate this exception.

SECTION 108. MANURE STORAGE, TRANSPORTATION, AND APPLICATION

108.001 Compliance with State and Local Standards. All animal manure shall be stored, transported, and applied in conformance with MN Rules Chapter 7020 and the Steele County Livestock Operation Ordinance.

108.002 Potential Pollution Hazard Prohibited. No manure storage area shall be located, or operated so as to create or maintain a potential pollution hazard unless a Interim Permit has been issued by the MPCA and/or Steele County setting out the requirements for mitigating or abating the potential pollution hazard or the operator has entered into an 2005/2010 open lot agreement.

108.003 Manure Storage Design. All plans for manure storage structures must be reviewed and approved by the County prior to construction and shall meet the following standards.

(a) Location Standards

(1) All location criteria for manure storage structures, as established by the Steele County Zoning Ordinance, shall be included by reference.

(2) All location criteria for manure storage structures, as established by Chapter 7020 of the State of Minnesota Rules, shall be included by reference in this standard.

(b) Design Standards

(1) MPCA guidelines for design of cohesive soil liners for manure storage structures dated October, 2000 is being included by reference. Changes to these guidelines shall be adopted by affirmative action of the Board or after 60 days from the date of change if the Board has not taken negative action regarding the changes.

(2) MPCA guidelines for design and construction of poured concrete manure storage structures dated October, 2000, are being included by reference. Changes to these guidelines shall be adopted by affirmative action of the Board or after 60 days from the date of change if the Board has not taken negative action regarding the changes.

(3) All new swine facilities utilizing liquid manure storage shall have a minimum storage capacity of one year.

(c) Construction Certification.

(1) All construction shall be observed by a registered Professional Engineer and/or persons appointed by the Board. Records of the construction activities and conditions shall be kept on site.

(2) Upon completion of construction, a construction report shall be filed with the Feedlot Officer and/or MPCA. This report shall contain the testing results, a summary of the construction activities, an as-build plan set and a certification that the work was conducted according to the plans and specifications approved by the State and the County for construction.

108.004 Utilization as Domestic Fertilizer. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one year unless an approved storage plan is on file.

108.005 Treatment or Disposal. Any manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable State and County rules.

108.006 Stockpiling of Manure. All stockpiling of manure must meet the requirements of MN Rules Chapter 7020.2125.

(a) Manure stockpiling sites must be located and constructed such that manure contaminated runoff from the site does not discharge to waters of the state.

(b) Manure must not be placed on a stockpiling site unless a three to one horizontal-to-vertical ration can be maintained or the manure has at least a 15 percent solids content.

(c) The use of rock quarries, gravel or sand pits, bedrock, and any mining excavation sites for stockpiling are prohibited.

(d) The size of a short term stockpile must not exceed a volume based on exceed the agronomic needs of the crops on the tract of land on which the stockpile is to be applied. The agronomic needs of the crops must comply with the application rates in MN Rules, Section 7020.2225

(e) Temporary Manure Stockpiles shall conform to the following setbacks:

(1) Manure storage stockpiles shall be setback from dwellings other than the owner or operator, churches, cemeteries and schools a minimum of 750 feet. (2) These setback distances may be reduced by written agreement of the church, cemetery, school or dwelling occupant within the setback area.

108.007 Vehicles, Spreaders. All vehicles used to transport animal manure on County, State, and interstate highways or through municipalities shall be leak proof as practically as possible. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof as practically as possible. This shall not apply to animal manure being hauled to fields adjacent to livestock operations or fields divided by roadways provided the animal manure is for the use as domestic fertilizer.

108.008 Manure Management Plan. A manure manage plan shall be required if any of the following criteria apply.

(a) The animal feedlot has the capacity for less than 300 animal units and has applied for an Interim permit, NPDES permit or an SDS permit

(b) The animal feedlot is constructing or expanding to a capacity of 300 animal units or more.

108.009 Manure Management Plan Requirements. Manure management plans shall contain the following items.

(a) Description of the manure storage/handling system and the expected annual amount of manure and nutrients which will need to be land applied;

(b) Application methods, equipment and calibration procedures;

(c) Acreage available for manure and processed wastewater application, including maps or aerial photos showing field locations and areas within the fields that are suitable for application;

(d) A description of nutrient testing methods and frequency and the expected nutrient content of the manure to be applied;

(e) Planned manure application rates and assumptions used to determine these rates;

(f) Expected months of application;

(g) Plans for protective measures of sensitive areas;

SECTION 109. SEPARATION DISTANCES AND RESTRICTIONS ON LAND APPLICATION SITES

109.001 Required Separation Distances for Land Application of Manure. All land application of manure shall meet the following separation distances:

	Winter Separation Distance	Non-Winter Separation Distances			
		Surface Application	Incorporated (with P.mgmt*)	Incorporated (no P.mgmt*)	Irrigation
Individual Dwellings** Church, Cemetery, School**	250' or 100'***	250' or 100'***	50'	50'	300'
Zoning District Boundaries	700' or 100'***	700' or 100'***	100'	100'	700' or 300'***
Streams/Intermittent Streams	300'	300'****	25'	300'****	300'
Lakes and Protected Wetlands	300'	300'****	25'	300'****	300'
Drainage Ditches	300'	300'****	25'	300'****	300'
Open Tile Intakes	300'	300'	-	-	300'
Wells	100'	100'	100'	100'	100'
Mines and Quarries	50'	50'	50'	50'	50'

* Phosphorus management means that the application rate and frequency over six-year periods will not result in soil P build-up where soil P already exceeds 21 Bray P1 or 16 ppm Olsen.

** Distance may be reduced with owner's permission.

*** Distance may be reduced to lower number if an approved Manure Management Plan is in place.

**** Setbacks can be reduced from 300' to 100' for lakes and perennial streams if a 100' permanent vegetative buffer is installed and reduced to 50' for protected wetlands, drainage ditches, and intermittent streams if a 50' permanent vegetative buffers is installed along the waters.

109.002 Restricted Sites.

(a) Land application of manure on land that exceeds 2 T (T = tolerable soil loss) is prohibited unless an NRCS approved conservation plan is in place.

(b) Manure shall not be applied on slopes of greater than 12%.

(c) Manure shall not be applied to the right-of-way of public roads.

109.003 Additional Land.

(a) Permit holders shall own or have sufficient additional land under lease or contract to meet the manure utilization requirement for spreading of manure produced in the livestock operation. The Department shall retain copies of all written spreading agreements. Such agreement shall be a condition of the permit.

(b) No more than one manure spreading agreement shall be allowed on a site.

The agreement shall include the legal description and a map of the spreading area and will become part of the manure management plan. All changes regarding the manure management plan must be submitted to the Steele County Feedlot Officer.

(c) Sales contracts for land application of manure may be substituted for the additional land requirement for the livestock operation subject to such additional standards as the State shall require. Notification and written approval must be received prior to manure transport. Manure sold under a sales contract shall be subject to the requirements of this Ordinance including all land application, storage standards, setback requirements and application rates.

(d) Upon termination of the agreement, a feedlot operator shall provide the County within 60 days written proof that sufficient new land is owned or under lease or contract to meet the manure utilization requirement for spreading of manure produced in the livestock operation. Failure by the feedlot operator to provide sufficient land for manure management shall result in termination of the permit. A new agreement approved by the Feedlot Officer may be substituted in the permit for an expired or canceled agreement.

SECTION 110. DISPOSAL OF ANIMAL CARCASSES

113.001 Plan Required. The livestock operation owner or operator shall provide a plan indicating the method to be used for the disposal of animal carcasses.

(a) The plan for dead animal disposal shall be consistent with the Minnesota Board of Animal Health Regulations Minnesota Rules Chapter 1719.

(b) The disposal plan shall include the name and location of any rendering service to be used and methods for protecting carcasses from scavengers.

(c) A site plan shall be included identifying the composting site or burial areas, distance to neighboring residences, lakes and watercourses, and, the distances to ground water and bedrock.

SECTION 111. ODOR CONTROL PLAN.

111.001 An Odor Control Plan shall be prepared by the livestock operation operator for all new or expanding livestock operations.

111.002 The Odor Control Plan shall provide for methods of odor control that will reduce the odor leaving the livestock operation.

SECTION 112. PUBLIC NOTICE AND MEETING REQUIREMENTS

112.001 Public Notice required. Upon application for a livestock operation of 500 animal units or more, the following public notices shall be required.

(a) Property owners of record located within 5,000 feet shall be notified by mail. Mailed notice shall be sent by the County no later than 20 business days from receipt of the completed application.

(b) Governing bodies of municipalities located with Steele County shall be notified when application has been made for a Livestock Operation of 500 animal units or more if proposed within 2 miles of their jurisdiction. Mailed notice shall be sent by the County no later than 20 business days from receipt of the completed application.

(c) Township boards shall be notified by mail when an application has been made for a Livestock Operation 500 animal units or more that is proposed to be located within their township. Mailed notice shall be sent by the County no later than 20 business days from receipt of the completed application.

112.002 Public Meeting Requirement. Upon application for a new livestock operation of 300-999 animal units or an expansion by 100 animal units or more, a public meeting shall be held not less than 10 days before the permit is issued.

SECTION 113. ADDITIONAL REQUIREMENTS

113.001 NPDES / SDS Requirements. If it is determined during the review process that a livestock operation must obtain a National Pollutant Discharge Elimination System permit, or a State Disposal System permit the applicant shall be notified and a application will be forwarded to the MPCA as prescribed in Chapter 7020.

113.002 Abandoned Wells. Abandoned wells identified on the livestock operation site shall be sealed pursuant to Minnesota Rule 4725.

SECTION 114. LIVESTOCK OPERATION CLOSURE

114.001 Responsible Parties.

The landowner, owner and operator of any livestock operation shall be responsible for the ongoing management of manure and the final closure of the livestock operation including the cleaning of buildings and the emptying and proper disposal of manure from all manure storage structures.

114.002 Closure Plan.

If a livestock operation ceases operation, the owner shall submit to the County a Closure Plan.

- (a) The Closure Plan shall be submitted at least 60 days prior to the final day of operation.
- (b) Closure may be postponed for a period of 12 months if the property is listed for sale. However, pollution hazards must be remediated immediately.
- (c) Manure storage structure closure shall include the removal of the sludge in the facilities and its disposal by proper land application at agronomic rates or by other legally permissible method. Manure storage structure closure shall also include the grading, leveling and sloping of the walls of the manure storage structure and the seeding of the area.
- (d) All wastes from the livestock operation and within its waste control system must be removed and disposed of on land or in some other manner which is legally permissible as soon as practical and in accordance with the approved Plan in order to promote and protect public health.
- (e) Each time ownership of the livestock operation changes the new owner must notify the Steele County Feedlot Officer in writing within 60 days of the transfer of ownership that the approved Plan has been read and is understood and that all provisions of the Plan will be implemented.
- (f) If the new ownership will continue to operate the livestock operation, closure shall not be required.

114.003 Transfer of Property

An abandoned livestock operation, as defined in Section 104.002 shall have a closure plan, as defined in Section 114.002 when a Transfer of Property. The closure plan shall be submitted to and approved by the Steele County Feedlot Officer prior to the transfer of property occurring. The seller shall be responsible for all cost associated with the closure plan.

114.004 Abandonment.

Owners and operators of livestock operations shall have joint and several liability for clean-up, closure or remediation of abandoned livestock operation sites.

SECTION 115. INSPECTIONS, VIOLATION, AND ENFORCEMENT

115.001 Inspections.

- (a) Bio security Guidelines. The Feedlot Officer shall make reasonable efforts to carry out all inspections within the written bio security guidelines established by the operator at the time of registration or application. A copy of the written bio security guidelines submitted by the operator shall be kept on file by the Feedlot Officer.
- (b) Regular Inspection Program. The Feedlot Officer shall conduct review or compliance inspections, the schedule to be determined by the County Board.
- (c) Complaint or Emergency Inspection. In addition to compliance inspections, the Feedlot Officer shall have the right to undertake inspections without notice, but at a reasonable time, based upon complaints or the reasonable belief of the existence of a material violation of this Ordinance.
- (d) Interference Prohibited. No person shall hinder or otherwise interfere with the Steele County Feedlot Officer in the performance of duties and responsibilities required pursuant to this Ordinance.
- (e) Access to Premises. Upon the request of the Steele County Feedlot Officer, the permit applicant, registration holder or any other person shall allow access to the affected premises for the purposes of regulating and enforcing this Ordinance. Refusal to allow access to the Steele County Feedlot Officer shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

115.002 Violations.

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

115.003 Enforcement.

(a) Stop Work Orders. Whenever any work is being done contrary to the provisions of this Ordinance, the Steele County Feedlot Officer or Director of Planning and Zoning may order the work stopped by written notice personally served upon the contractor performing work or the owner or operator of the livestock operation. All activities shall cease and desist until subsequent written authorization to proceed is received from the Steele County Feedlot Officer or Director of Planning and Zoning.

(b) Revocation. Any person who fails to comply with the conditions set forth on the Certificate or permit may be subject to revocation upon written notice personally served by the Steele County Feedlot Officer or the Director of Planning and Zoning upon the owner or operator of the livestock operation.

(c) Injunctive Relief and Other Remedies. In the event of a violation of this Ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the County in a civil action in any court of competent jurisdiction or, at the discretion of the County, the costs may be certified to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the County, may be imposed upon the applicant, permit holder, installer, or other responsible person either in addition to or separate from other enforcement actions.

(d) Costs of Enforcement. In the event that the Steele County Feedlot Officer or Director of Planning and Zoning is required to take action to abate a violation of this Ordinance or undertake regular monitoring of a regulated livestock operation to ensure compliance with the requirements of this Ordinance the costs of that abatement action and/or monitoring may be certified to the County Auditor as a special tax against the property.

SECTION 116. SEVERABILITY AND VALIDITY

It is hereby declared to be the intention that several provisions of this Ordinance are severable in accordance with the following:

116.001 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.

116.002 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

SECTION 117. ORDINANCE REPEALED

The Steele County Livestock Operation Ordinance dated January 27, 1998 is repealed in its entirety.

SECTION 118. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Passed and approved this day of September 23, 2003, by the County of Steele.

Chairman, Board of County Commissioners