



Siting and Permitting NDEQ's Permitting Process

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2015 Environmental Update



Title 130 Livestock Waste Control Regulations

Application Process Flow

DEQ receives a request for inspection – during this inspection a decision is made as to whether or not “controls are required”; inspectors advise contact with county and local zoning for siting and setback requirements

DEQ receives an application:

- One copy sent to county clerk
- One copy sent to NRD
- Provide 30 days for review and comment

DEQ reviews the application based on compliance with Title 130



Title 130 Livestock Waste Control Regulations

Location Restrictions And Setbacks

“... you are responsible for complying with any county or local zoning requirements”



Title 130 Livestock Waste Control Regulations

Chapter 9 - Location Restrictions And Setbacks

A livestock waste control facility shall not be constructed:

- Within 100 feet of any well used for domestic purposes
- Within 1000 feet of a public drinking water supply well
- In an area ... (where) there is a substantial threat of beneficial use impairment to surface waters of the State
- Where the Department determines that ground water may be contaminated
- Less than four feet above the seasonal high ground water level



Title 130 Livestock Waste Control Regulations

Chapter 9 - Location Restrictions And Setbacks

The Department will not permit ... (an) animal feeding operation with an existing livestock waste control facility located within 100 feet of a domestic water well not owned by the operation. The Department may permit an existing livestock waste control facility, located within 100 feet of a well owned by the operation, based upon an evaluation of the following conditions:

- Depth to ground water
- Known flow direction of ground water
- Structural integrity of the facility and the well
- Other circumstance that may adversely affect ground water quality



Title 130 Livestock Waste Control Regulations

Chapter 9 - Location Restrictions And Setbacks

No new animal feeding operation shall be issued a National Pollutant Discharge Elimination System permit or a construction and operating permit in any part of a watershed that feeds directly or indirectly into a cold water class A stream

An existing animal feeding operation may not expand if its livestock waste control facility is located within one mile of a designated cold water class A stream



Title 130 Livestock Waste Control Regulations

Chapter 9 - Location Restrictions And Setbacks

For large CAFOs, manure, litter, and process wastewater may not be stockpiled or applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, well heads, or other conduits to surface or ground water, except that one of the following two compliance alternatives may be substituted for the application setback requirement:

- A 35-foot-wide vegetated buffer where the application of manure, litter, or process wastewater is prohibited
- Satisfactory demonstration that a setback or buffer is not necessary because implementation of alternative conservation practices will provide pollutant reductions equal to or better than reductions that would be achieved by the 100-foot setback



Title 130 Livestock Waste Control Regulations

Chapter 9 - Location Restrictions And Setbacks

For small and medium concentrated animal feeding operations and animal feeding operations not required to seek permit coverage, manure, litter, and process wastewater may not be stockpiled or applied closer than 30 feet of any streams, lakes and impounded waters