

State Animal Feeding Operation Permitting Process
Version 1 - January 2026

The North Dakota Department of Environmental Quality (department) has been granted the authority to issue permits for Animal Feeding Operations (AFOs) under the provisions of North Dakota Century Code (NDCC) 61-28-04. This resource was developed to assist permittees by outlining the steps of the permitting process. Please contact the department Division of Water Quality at 701.328.5210 with any questions.

1. Determine whether a permit is required.
 - a. Is your facility an AFO? ([NDAC 33.1-16-03.1-04](#) (page 6))
 - b. Does your operation require a permit? [NDAC 33.1-16-03.1-05](#) (pages 6-7)
 - c. NDPDES discharge permit coverage is available in addition to State AFO permit coverage if facility circumstances warrant a discharge permit as provided under NDAC 33.1-16-01-01.1(1).
2. Contact consulting engineers regarding design services and permit application preparation.
 - a. Discuss existing/proposed location, location setbacks, and system requirements.
 - b. Ensure proposed site has adequate transportation access, water, and power sources.
 - c. Identify land application acres and prepare a nutrient management plan (NMP).
3. Zoning
 - a. Determine who has zoning authority, refer to the [County and Township Zoning Regulations](#) on the department's website. Submit zoning application to local zoning authority. Within 60 days, obtain zoning determination/conditional use permit which must be submitted to the department or show no response to the application. The county zoning rules are found in [NDCC 11-33-02.1](#) (pages 1-3) and the township zoning rules are found in [NDCC 58-03-11.1](#) (pages 3-4).
 - b. If neither the county nor the township regulates zoning of animal feeding operations, the department shall require that any new animal feeding operation permitted under NDCC Chapter 61-28 be set back from any existing residence, church, school, business, public building, park, or campground as stated in [NDCC 23.1-06-15\(7\)](#) (pages 7-10). Reference [Appendix A](#) for additional resources regarding NDCC 23.1-06-15(7).
4. Submit required documentation to the department (must be approved before construction can begin). Issuance of an official permit typically takes 90 to 180 days from date of completed submission.
 - a. Application Form [SFN8296](#) found on the department's website.

- b. Design plans - the following lists major components, more details can be found in the [ND Livestock Program Design Manual](#) on the department's website
 - i. Design plans for manure containment, barns/lots, and feed storage areas.
 - ii. Operation and maintenance plan.
 - iii. Calculations of manure and wash water produced.
 - iv. A site assessment including soil borings.
 - c. Nutrient Management Plan (NMP) - the following lists major components, more details can be found in the [ND Livestock Program Design Manual](#) on the department's website
 - i. Amount of land available for application of manure, maps of fields, and field soil types.
 - ii. The planned crop rotation, how crops will utilize manure, and the method in which manure will be applied.
 - iii. Easements for manure applied on any land not owned by the facility.
 - iv. Current soil tests of fields where manure will be applied and phosphorus index analyses.
 - v. Mortality management plan, including method and location.
 - d. Construction Stormwater Permit (if required)
 - i. Construction activities that disturb one acre or more must be covered under the department's [Construction Stormwater Permit](#).
 - ii. The stormwater construction [Notice of Intent](#) (NOI) form can be found on the department's website. Coverage becomes effective 7 days after a complete NOI has been submitted to the department unless otherwise stated from the department.
 - iii. The facility design plans must include a storm water pollution prevention plan detailing measures to control erosion and minimize pollution from construction sites.
5. Wait for department approval.
 - a. Allow time for the department to review and request possible corrections to application documents.
 - b. Potential for public notice, standard period 30 days (potential for 45 days with a hearing) following application review.
 6. Construction may begin once the permit has been signed by permittee and counter signed by the department.
 7. Populate the facility and begin record keeping per permit requirements.

Appendix A: Additional Zoning Resources

The following tables refer to zoning that will be enforced if no county or township zoning exists. The tables below can also be found in the [Model Zoning Ordinance for AFOs](#) document located on the DEQ website. The tables outline the rules set forth in [NDCC 23.1-06-15\(7\)](#).

Table 1: Setback Distances for New AFOs without County or Township Zoning Regulations

Number of Animal Units	Hog Operation	Other AFO
0-299	None	None
300-1,000	0.5 miles	0.5 miles
1,001-2,000	0.75 miles	0.5 miles
2,001-5,000	1 mile	0.75 miles
5,000 or more	1.5 miles	1 mile

Table 2: Livestock Equivalent Animal Numbers for Four Sizes of AFOs

Livestock Type	Animal Unit (a.u.) Equivalent	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse	2.0	150	500	1,000	2,500
1 dairy cow	1.33	225	750	1,500	3,750
1 mature beef	1.0	300	1,000	2,000	5,000
1 beef feeder – finishing	1.0	300	1,000	2,000	5,000
1 beef feeder – backgrounding	0.75	400	1,333	2,667	6,667
1 mature bison	1.0	300	1,000	2,000	5,000
1 bison feeder	1.0	300	1,000	2,000	5,000
1 swine, > 55 lbs	0.4	750	2,500	5,000	12,500
1 goose or duck	0.2	1,500	5,000	10,000	25,000
1 sheep	0.1	3,000	10,000	20,000	50,000
1 swine, nursery	0.1	3,000	10,000	20,000	50,000
1 turkey	0.0182	16,500	55,000	110,000	275,000
1 chicken	0.01	30,000	100,000	200,000	500,000