

7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.

Subpart 1. **Submittals.** Permit applications must be submitted according to items A and B. An application is complete when all applicable information in subpart 4 and application fees under parts 7002.0250 and 7002.0310 have been received by the commissioner or the county feedlot pollution control officer, as appropriate. Incomplete permit applications must not be processed by the commissioner or delegated county feedlot pollution control officer.

A. NPDES and SDS permit applications must be submitted to the agency in accordance with this part and chapter 7001, with a copy submitted to the delegated county.

B. Interim permit and construction short-form permit applications must be submitted to the agency or delegated county in accordance with this part and part 7020.0535.

Subp. 2. **Permit application submittal schedule.** An owner of an animal feedlot or a manure storage area required to apply for a permit under part 7020.0405, subpart 1, shall apply in accordance with the following schedule:

A. the following facilities that are in existence on or before October 23, 2000, must submit a permit application by June 1, 2001:

(1) a CAFO; and

(2) an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more for which the owner has demonstrated that the facility does not meet the CAFO criteria;

B. a CAFO as determined through the case-by-case determination process under Code of Federal Regulations, title 40, section 122.23(c), shall submit a permit application by the submittal deadline established by the commissioner's written request. The owner has at least 30 days to submit the permit application;

C. an animal feedlot or a manure storage area that is new or expands after October 23, 2000, and required to apply for an SDS or NPDES permit, shall submit a permit application at least 180 days prior to the planned date of commencement of construction or expansion;

D. an animal feedlot or a manure storage area that is new or expanding after October 23, 2000, and is required to apply for a construction short-form permit, shall submit a permit application at least 90 days prior to the planned date of commencement of construction or expansion; and

E. a facility determined to be a pollution hazard shall submit a permit application by the submittal deadline established by the commissioner or the county feedlot pollution

control officer's written request. The owner has at least 15 days to submit the permit application.

Subp. 3. **Permit application format.** A permit application for an NPDES, SDS, interim, or construction short-form permit must be on a form provided by the commissioner or the county feedlot pollution control officer.

Subp. 4. **Content of permit application.**

A. An application for a permit must contain the following:

- (1) the names and addresses of the owners and the signature of at least one of the owners;
- (2) the legal name and business address of the facility, if different than the owner;
- (3) the location of the facility by county, township, section, and quarter section;
- (4) a list of all animal types, and the maximum number of animals of each animal type that can be confined within each lot, building, or area at the animal feedlot;
- (5) a list of all existing and proposed manure storage areas, including plans and specifications as required in part 7020.2100 for proposed liquid manure storage areas and part 7020.2125 for permanent stockpile sites;
- (6) the total number of animal units the facilities listed in subitems (4) and (5) will be capable of holding after completing construction or expansion;
- (7) the soil type or texture and depth to saturated soils at the facility as identified in the USDA Soil Survey Manual or a site-specific soils investigation. If applicable, submittal of the soils investigation information required in parts 7020.2100 to 7020.2225 meets this requirement;
- (8) an aerial photograph showing the location of all wells, buildings, surface tile intakes, lakes, rivers, and watercourses within 1,000 feet of the proposed facility;
- (9) the number of acres available for land application of manure;
- (10) if applying for an SDS or NPDES permit or interim permit under part 7020.0405, subpart 1, item C, subitem (2), a manure management plan that meets the requirements under part 7020.2225, subpart 4;
- (11) if applicable, a description of all conditions that make the facility a pollution hazard and a description of the corrective and protective measures proposed to correct the pollution hazard;

(12) if applying for an NPDES permit, a supplemental federal application form.

B. In addition to the requirements of item A, a permit application for an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more must contain:

(1) an air emission plan that includes:

(a) methods and practices that will be used to minimize air emissions resulting from animal feedlot or manure storage area operations including manure storage area start-up practices, loading, and manure removal;

(b) measures to be used to mitigate air emissions in the event of an exceedance of the state ambient hydrogen sulfide standard; and

(c) a complaint response protocol describing the procedures the owner will use to respond to complaints directed at the facility, including:

i. a list of each potential odor source at the facility;

ii. a determination of the odor sources most likely to generate significant amounts of odors; and

iii. a list of anticipated odor control strategies for addressing each of the significant odor sources; and

(2) an emergency response plan that includes a description of the procedures that will:

(a) contain, minimize, and manage an unauthorized discharge;

(b) provide notification to the proper authorities; and

(c) mitigate any adverse effects of an unauthorized discharge.

C. In addition to the requirements of items A and B, an owner proposing to construct or expand an animal feedlot or a manure storage area shall also submit, on a form provided by the commissioner, certification and documentation that the owner has notified the local zoning authority, as required under part 7020.2000, subpart 5, of the proposed new or expanded animal feedlot or manure storage area, or that no such local zoning controls exist.

D. In addition to the requirements of items A to C, an owner proposing to construct or expand an animal feedlot with the capacity of 500 animal units or more or a manure storage area with the capacity to hold the manure produced by 500 animal units or more shall also certify and document, on forms provided by the commissioner, that the notification requirements under part 7020.2000, subpart 4, have been met.

E. The owner of an animal feedlot or a manure storage area shall submit additional information relating to the facility design, construction, or operation as requested by the commissioner or county feedlot pollution control officer to evaluate compliance with applicable federal and state rules.

Subp. 5. **Application processing.** Permit applications must be processed according to items A to C.

A. NPDES and SDS permits must be processed according to the procedures under this part and part 7001.0020, item F.

B. The agency and delegated county shall issue, reissue, revoke and reissue, or modify a permit according to part 7001.0140 and other applicable agency rules.

C. Construction short-form and interim permit applications must be processed in accordance with parts 7020.0505 and 7020.0535. County feedlot pollution control officers shall also process permit applications according to part 7020.1600, subpart 4a.

Subp. 6. **Application for variance.** Any person may apply for a variance from any requirement of parts 7020.2000 to 7020.2225 in order to avoid undue hardship. A variance must be applied for and acted upon by the agency according to Minnesota Statutes, section 116.07, subdivision 5, and other applicable statutes and rules.

Statutory Authority: *MS s 115.03; 116.07; 122.23*

History: *25 SR 834*

Published Electronically: *October 27, 2003*