

**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.

Subp. 2. **Permit application submittal schedule.** An owner who is required to apply for a permit under part 7020.0405, subpart 1, shall apply according to the schedule provided in items A to D.

A. For NPDES permit coverage for an animal feedlot that:

(1) is new or expanding or will undergo a major modification, the owner must submit a permit application to the agency at least 180 days before the planned date of commencement of construction, expansion, or major modification; or

(2) has been determined to be a medium or small CAFO as determined through the case-by-case determination process under Code of Federal Regulations, title 40, section 122.23 (c), the owner must 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.

B. For SDS permit coverage for an animal feedlot or manure storage area:

(1) that is new or expanding or will undergo a major modification, the owner must submit a permit application to the agency at least 150 days before the planned date of commencement of construction, expansion, or major modification;

(2) when the owner is proposing to construct or operate with a new technology, the owner must submit a permit application to the agency at least 180 days before the planned date of commencement of construction or operation; or

(3) that is required to complete environmental review, pursuant to chapter 4410, and the owner formally proposes, during the environmental review process, to implement mitigation measures that are more protective of the environment than the standards identified in parts 7020.2000 to 7020.2225, the owner must submit an amended permit application containing the additional site-specific mitigation measures, if requested

by the commissioner. The amended permit application must be submitted to the agency or delegated county within 30 days of receiving written notification from the commissioner.

C. For a construction short-form permit, the owner must submit a permit application to the agency or delegated county at least 90 days before the planned date of commencement of construction or expansion.

D. For an interim permit for a facility:

(1) that has been determined to be a pollution hazard by the commissioner or a county feedlot pollution control officer, the owner must submit a permit application to the agency or delegated county 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;

(2) that has been determined to be a pollution hazard by the commissioner or a county feedlot pollution control officer and is expanding to a capacity of 300 or more animal units, or increasing the manure storage area to hold the manure produced by 300 or more animal units, the owner must submit a permit application to the agency or delegated county at least 90 days before the planned date of commencement of construction, expansion, or major modification; or

(3) with a capacity of 300 or more animal units or a manure storage area that holds or is capable of holding the manure produced by 300 or more animal units, the owner must submit a permit application at least 30 days before the planned date of land application of manure or process wastewater on any of the following areas:

(a) on land where the soil phosphorus test levels exceed the levels in part 7020.2225, subpart 3, item C;

(b) on land in special protection areas with slopes exceeding six percent;  
or

(c) in a drinking water supply management area where the aquifer is designated vulnerable under chapter 4720.

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 most recent published soil survey for the applicable county or a site-specific soils investigation. Soil surveys are incorporated by reference under part 7020.0205. 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; and
- (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.

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;
- (c) mitigate any adverse effects of an unauthorized discharge; and
- (d) provide for the disposal of carcasses resulting from a catastrophic event such as extreme weather conditions, fire, unexpected power failures, or disease.

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.

F. A permit application for a minor modification need only contain the information requested on a form provided by the commissioner and, as applicable, the information in items C to E.

Subp. 5. **Application processing.** Permit applications must be processed according to items A to C and any requirements specified under a permit.

A. NPDES permit applications and permits must be processed according to the procedures under this part and parts 7001.0010 to 7001.0210 and 7001.1000 to 7001.1150. The term of an NPDES permit is five years. NPDES permits must include all applicable requirements of Code of Federal Regulations, title 40, part 122, and all requirements necessary to comply with this chapter and chapters 7001 and 7053.

B. SDS permit applications and permits must be processed according to the procedures under this part and parts 7001.0010 to 7001.0210. The term of an SDS permit is ten years. SDS permits must include all requirements necessary to comply with this chapter and chapters 7001 and 7053.

C. Construction short-form and interim permit applications must be processed in accordance with parts 7020.0505, 7020.0535, and chapter 7001, except that according to part 7001.0020, item F, parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110, do not apply. 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; 38 SR 1535*

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