

7020.2003 WATER QUALITY DISCHARGE STANDARDS.

Subpart 1. **Animal feedlots and manure storage areas.** Animal manure, manure-contaminated runoff, or process wastewater from any animal feedlot, including CAFOs, or manure storage area is prohibited from flowing into a sinkhole, fractured bedrock, well, surface tile intake, mine, or quarry.

Subp. 2. **CAFOs and facilities with 1,000 animal units or more.** An owner of an animal feedlot that is a CAFO or is 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, shall comply with the effluent limitation requirements of Code of Federal Regulations, title 40, part 412.

Subp. 3. **Other facilities.** An owner of an animal feedlot or a manure storage area shall comply with the effluent limitations in part 7050.0215 unless the animal feedlot or the manure storage area is subject to the effluent limitation requirements in subpart 2 or if the owner of the animal feedlot is subject to and meets all of the requirements in subpart 4.

Subp. 4. **Eligible open lot feedlots capable of holding fewer than 300 animal units.** Owners of animal feedlots capable of holding fewer than 300 animal units and having open lots meeting the eligibility requirements in items A to D shall comply with subparts 5 and 6. If the facility expands to a capacity of 300 or more animal units, the facility is not eligible under this subpart. This subpart applies only to open lots that existed on October 23, 2000; discharges from other parts of the animal feedlot, including manure storage areas, must comply with the effluent limitations in part 7050.0215 and other applicable federal and state requirements.

A. The animal feedlot is not a new animal feedlot.

B. The animal feedlot has manure-contaminated runoff from one or more open lots that discharge to waters of the state and:

(1) the manure-contaminated runoff does not create or maintain an immediate threat to human health or the environment; and

(2) the facility has not been designated a CAFO.

C. The owner has registered the animal feedlot in accordance with part 7020.0350.

D. The owner has submitted a certification, on a form provided by the commissioner, agreeing to comply with subparts 5 and 6. The certification form shall contain a provision for a conditional waiver of civil penalties for past violations of part 7050.0215 caused solely by passive manure-contaminated runoff from open lots and for failure to apply for a permit provided the owner maintains compliance with subparts 5 and 6.

Subp. 5. **Interim corrective measures for eligible open lots.** An owner meeting the eligibility requirements of subpart 4 shall:

A. operate and manage the animal feedlot to minimize discharges from eligible open lots at all times; and

B. comply with the following by October 1, 2005:

(1) install and have operational:

(a) diversions that prevent precipitation and snowmelt from building roofs and upslope land from flowing onto or through the animal feedlot or manure storage area; and

(b) vegetated buffer areas or filter strips that have 100 feet or more of nonchannelized flow through perennial grasses or forages for all runoff from the open lots; or

(2) install and have operational interim corrective and protective measures that have been demonstrated, through completion of "An Evaluation System To Rate Feedlot Pollution Potential" (the model) by a person who has completed training in use of the model, to achieve a 50 percent or greater reduction in discharges of phosphorus and biochemical oxygen demand loading. The percent reduction in discharges must be based on a comparison of the corrective and protective measures in operation at the facility on October 23, 2000, and the proposed interim corrective and protective measures and practices. The owner shall maintain records of the model results until completing the requirements of subpart 6, and make the model results available to the commissioner or county feedlot pollution control officer upon request.

Subp. 6. **Final corrective measures for eligible open lots.** An owner meeting the requirements of subpart 4 shall:

A. except as required in item B, comply with part 7050.0215 for all eligible open lots by October 1, 2010; and

B. if the owner is proposing an expansion, comply with subpart 2 or 3, as applicable, prior to an increase in the number of animal units at the animal feedlot.

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

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