

## 7020.0405 PERMIT REQUIREMENTS.

**Subpart 1. Permit required.** Four types of permits are issued under this chapter and chapter 7001: interim permits, construction short-form permits, SDS permits, and NPDES permits. The owner shall apply for a permit as follows:

A. an NPDES permit for the construction and operation of an animal feedlot that meets the criteria for CAFO;

B. unless required to apply for a permit under item A, an SDS permit under the following conditions:

(1) the construction and operation of an animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units;

(2) the facility does not comply with all applicable requirements of parts 7020.2000 to 7020.2225 and the pollution hazard cannot be, or has not been, corrected under the conditions in part 7020.0535 applicable to interim permits;

(3) the owner is proposing to construct or operate a new technology. An SDS permit is required for new technology operational methods while these operational methods are employed; or

(4) the facility is one for which conditions or requirements other than those in parts 7020.2000 to 7020.2225 were assumed:

(a) as a mitigation measure in an environmental impact statement; or

(b) in obtaining a negative declaration in an environmental assessment worksheet;

C. unless required to obtain a permit under items A and B, an interim permit for:

(1) facilities identified as a pollution hazard; or

(2) an animal feedlot or a manure storage area with a capacity of 300 or more animal units prior to applying manure or process wastewater:

(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; or

D. unless required to obtain a permit under items A to C, a construction short-form permit for an animal feedlot or manure storage area proposing to construct or

expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more. However, if a facility is determined to be a pollution hazard and the owner is proposing to expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more, the owner shall apply for an interim permit under item C.

**Subp. 2. Expansion and stocking limitations.** Prior to expansion, an owner required to apply for a construction or operating permit under subpart 1 shall have obtained the permit, or permit modification, as applicable. An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to the fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

**Subp. 3. No permit required.** The owner of an animal feedlot or manure storage area is not required to apply for a permit for:

A. a feedlot or manure storage area that meets the requirements of part 7020.2003, subparts 4 to 6;

B. a short-term stockpile or compost site if the owner is not an owner of an animal feedlot or manure storage area other than a short-term stockpile or composting site;

C. a livestock facility located on county fairgrounds; or

D. a change in an existing facility that consists solely of a change in ownership of the building, grounds, or feedlot.

**Subp. 4. Change of ownership.** Prior to the change in the ownership or control of an animal feedlot or manure storage area issued a permit under this chapter, the new owner shall submit to the commissioner or county feedlot pollution control officer the information required in item A or B, as applicable. If the commissioner or county feedlot pollution control officer determines that the new owner meets the requirements for obtaining the permit, then the commissioner or the county feedlot pollution control officer shall issue the permit to the new owner. The new owner shall submit:

A. a request for permit modification according to part 7001.0190 for facilities covered under an SDS or NPDES permit; or

B. a change of ownership form provided by the commissioner.

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

**History:** *25 SR 834*

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