

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, expansion, modification, or operation of a CAFO as required by federal law;

B. an SDS permit for the construction, expansion, modification, or operation of an animal feedlot or manure storage area:

(1) that is capable of holding, or will be capable of holding after construction, expansion, or modification, 1,000 or more animal units or the manure produced by 1,000 or more animal units;

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

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

(4) 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 item A or B, an interim permit for:

(1) a facility identified as a pollution hazard;

(2) a facility where 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, and that has been identified as a pollution hazard; or

(3) 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 item A, B, or 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.

Subp. 2. Expansion and stocking requirements.

A. Prior to expansion or modification, an owner required to apply for a construction or operating permit under subpart 1, item A or B, shall have obtained the permit, or permit modification, as applicable.

B. Prior to expansion, an owner required to apply for a construction permit under subpart 1, item C or D, shall have obtained the permit, or permit modification, as applicable.

C. 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. An owner is not required to apply for a permit for:

A. 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;

B. a livestock facility located on county fairgrounds;

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

D. an animal feedlot with more than ten but less than 50 animal units that is not in a shoreland area.

Subp. 4. New name; change of ownership.

A. Before changing the name of the permittee of a facility operating under a permit issued under this chapter, the owner shall submit to the permitting authority, either the commissioner or county feedlot pollution control officer who issued the permit, documentation of the new name and the permitting authority shall issue a permit modification reflecting the new name.

B. Before changing ownership or control of an animal feedlot or manure storage area issued a permit under this chapter, the new owner shall submit to the permitting authority the information required under part 7001.0190. If the permitting authority determines that the new owner meets the requirements for obtaining the permit, then the permitting authority shall issue the modified permit to the new owner. All other modifications must comply with subpart 5.

Subp. 5. Modification of permit.

A. If an owner of a facility that has coverage under an NPDES or SDS permit plans to make a modification, the owner must follow the procedures in chapter 7001. Major modifications must follow the procedures in parts 7001.0100 to 7001.0130. Minor modifications must follow part 7001.0190.

B. If an owner of a facility with coverage under an interim or construction short-form permit plans to make a modification, the owner must seek approval from the permitting authority on a form provided by the commissioner. The form must be submitted to the permitting authority at least 30 days before making the modification.

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

History: *25 SR 834; 38 SR 1535*

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