

## **7020.0535 CONSTRUCTION SHORT-FORM AND INTERIM PERMITS.**

**Subpart 1. Applicability.** This part applies to owners who apply for construction short-form and interim permits required under part 7020.0405.

**Subp. 2. Permit applications submitted prior to October 23, 2000.** If an owner has submitted a complete permit application for construction of an animal feedlot or a manure storage area prior to October 23, 2000, and is eligible for a construction short-form permit, the owner may request to have the original application voided, returned, or, upon receipt of a construction short-form permit application by the commissioner or county feedlot pollution control officer, to have the original application submittals incorporated into the construction short-form permit application. Complete construction short-form permit applications submitted under this subpart must be considered received by the commissioner or county feedlot pollution control officer on the date the original completed permit application for an agency permit was received.

**Subp. 3. Delegated county procedures for denial and revocation.**

A. In the case of a denial of a permit application by the county feedlot pollution control officer, the applicant must be informed in writing by the county of the reasons for denial and must be informed of appeal procedures under chapter 7001. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the agency to review the county's action. The denial by a county shall be without prejudice to the applicant's right to an appearance before the agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial.

B. In order for a delegated county to revoke a permit, a copy of the permit together with a written justification for revocation must be submitted to the commissioner for review. The commissioner shall, after receipt of the justification for revocation from the county, review the matter within 60 days to determine compliance with applicable agency rules. The county must receive written approval of the permit revocation from the commissioner before taking action. If a revocation has been approved by the commissioner, the applicant must be informed in writing by the county of the reasons for revocation and the applicant shall retain all rights of appeal afforded under chapter 7001. Revocation without reissuance of the permit must follow the requirements under part 7001.0180.

**Subp. 4. No circumvention.** An owner who obtains a construction short-form or interim permit is subject to enforcement action for construction or operation without a permit if the commissioner or county feedlot pollution control officer later determines that the animal feedlot or a manure storage area does not qualify for the construction short-form or interim permit that was issued and that the owner is required to apply for and obtain an SDS or NPDES permit.

**Subp. 5. Duration of construction short-form and interim permits.** All construction short-form and interim permits expire within 24 months of the date of issuance. If the work for which a construction short-form permit was issued is not complete upon expiration of the permit, the expiration date of the permit may be extended by no more than 24 months if the owner complies with items A and B. If the pollution hazard for which an interim permit was issued is not corrected upon expiration of the permit, the expiration date may be extended by no more than 90 days if:

- A. the facility is currently eligible for the same permit; and
- B. the owner notifies the commissioner or county feedlot pollution control officer at least 90 days prior to the expiration of the permit. The notification shall include:

- (1) the name of the owner, and the name of the facility if different from the owner;
- (2) the permit number;
- (3) the reason the work may not be completed prior to expiration of the permit;
- (4) the estimated amount of time required to complete the work; and
- (5) if the animal feedlot under construction or expansion will be capable of holding 500 animal units or more, or the manure storage area under construction or expansion will be capable of holding the manure produced by 500 animal units or more when completed, the notification requirements under part 7020.2000, subpart 4, on a form provided by the commissioner, submitted to the commissioner or delegated county feedlot pollution control officer. In addition to the information required under part 7020.2000, subpart 4, the notification must include the date on which the original permit was issued and the new proposed completion date.

**Subp. 6. Construction short-form permit content.** A construction short-form permit issued by the commissioner or county feedlot pollution control officer must state: "The permittee shall comply with Minnesota Rules, parts 7020.2000 to 7020.2225, and all applicable requirements." The permit must also identify at least the following information:

- A. the permit number;
- B. the owners' names and addresses;
- C. the legal name of the animal feedlot, or manure storage area if different from that of the owner;
- D. the location of the facility by county, township, section, and quarter section;
- E. the existing and proposed animal types and types of animal holding areas;

F. the maximum number of animal units authorized at the facility after construction or expansion is complete; and

G. the types of existing and proposed manure storage areas. Design plans and specifications for proposed manure storage areas shall be incorporated by reference into the permit.

The general conditions in part 7001.0150, excluding subpart 3, item P, must be incorporated by reference in all construction short-form permits.

**Subp. 7. Interim permit content.** An interim permit issued by the commissioner or county feedlot pollution control officer must include at least the information in subpart 6 and the following:

A. the corrective and protective measures required to bring the facility into compliance with parts 7020.2000 to 7020.2225;

B. the schedule under which the corrective and protective measures must be completed; and

C. additional requirements related to the specific site or operation as determined necessary to ensure compliance with applicable rules and requirements.

**Subp. 8. Expansion stocking limitations.** 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.

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

**History:** *25 SR 834*

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