

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. [Repealed, 38 SR 1535]

Subp. 3. **Procedures for denial and revocation.**

A. Denial of construction short-form and interim permit applications must be administered according to this item:

(1) the applicant must be informed in writing of the reasons for denial and must be informed of all rights of review afforded under chapters 7000 and 7001. In the case of denial of a permit application by a county feedlot pollution control officer, the county is responsible for administering the review procedures unless the applicant has requested agency review; and

(2) at the time a county feedlot pollution control officer notifies the applicant of the reasons for denial, the applicant must be informed in writing of the applicant's right to make a request to the agency to review a denial of a permit application by a county feedlot pollution control officer. To be timely, the request must be filed within 30 days of receipt of notice of the denial by the county. The agency shall not review untimely requests. If the agency denies the application, the applicant may request review under chapters 7000 and 7001. The commissioner is responsible for administering the review procedures under this part and the commissioner or the agency shall make the final decision on the denial.

B. Revocation of construction short-form and interim permits must be administered according to this item:

(1) the permittee must be informed in writing of the reasons for revocation and must be informed of all rights of review afforded under chapters 7000 and 7001. In the case of revocation of a permit by a county feedlot pollution control officer, the county is responsible for administering the review procedures;

(2) before notifying the permittee of the reasons for revocation, the county must follow the procedures under part 7020.1600, subpart 4a, item F, and receive written approval from the commissioner; and

(3) revocation without reissuance must be administered according to parts 7001.0180, 7001.0190, and 7020.0505 and other applicable parts of chapter 7001.

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. **Term 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; 38 SR 1535*

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