

7020.2110 UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE AREAS.

Subpart 1. **Schedule for facilities capable of holding 1,000 animal units or more or construction after June 3, 1991.** An owner who has a facility capable of holding 1,000 or more animal units and who uses an unpermitted or noncertified liquid manure storage area, or who uses an unpermitted or noncertified liquid manure storage area for which construction commenced after June 3, 1991, shall, by October 1, 2001:

- A. reconstruct the manure storage area according to part 7020.2100;
- B. complete closure of the manure storage area according to part 7020.2025 and notify the commissioner or county feedlot pollution control officer at least three days prior to the date when the manure storage area will be closed. Notification must be completed by letter, telephone, or facsimile and include:
 - (1) the permit number, if applicable;
 - (2) the owner's name, and the name of the facility if different than the owner;
 - (3) the site location by county, township, section, and quarter section; and
 - (4) the dates when closure will take place;
- C. except as provided in item D, submit a copy of the original design plans and specifications for the manure storage area that were prepared by a design engineer prior to the actual time of construction and a construction certification report signed by a design engineer that certifies that the liquid manure storage area was designed and constructed according to applicable rules and regulations and standard engineering principles and practices at the time of construction;
- D. if the original plans and specifications for a Natural Resources Conservation Service (NRCS) or Soil Conservation Service (SCS) designed liquid manure storage area are no longer available, the owner must submit a certification by the manager of the NRCS office which was responsible for the design and oversight of the project, that the project was constructed according to the NRCS or SCS design plans and specifications and construction oversight; or
- E. conduct and submit the results of a water balance test that demonstrate the manure storage area is properly sealed to achieve a seepage rate of 1/56 inch per day or less.

Subp. 2. **Schedule for facilities with capacity to hold fewer than 1,000 animal units.** Except as required in subpart 1 or as provided in subpart 3, an owner who uses an unpermitted or noncertified liquid manure storage area with the capacity to hold fewer

than 1,000 animal units or the manure produced by fewer than 1,000 animal units shall, by October 1, 2005:

A. complete one of the provisions under subpart 1, items A to C; or

B. have a design engineer or professional soil scientist licensed in the state of Minnesota conduct a soils investigation and submit a soils investigation report to the commissioner or county feedlot pollution control officer that complies with the following:

(1) the soils report must demonstrate that the liquid manure storage area meets Minnesota Natural Resources Conservation Service Practice Standard, Code No. 425, November 1991, or Code No. 313, January 1998, design and construction criteria for:

- (a) sealing and lining waste storage ponds;
- (b) vertical separation to groundwater; and
- (c) vertical separation to bedrock;

(2) the soil profile information in subitem (5) must be obtained and recorded for at least two equally spaced locations around the perimeter of the liquid manure storage area for each quarter acre of manure storage surface area or portion thereof, and be within a horizontal distance of not more than 50 feet outside the top of the manure storage area sidewall;

(3) except as required in subitem (4), the information in subitem (5) must be recorded to a depth of at least five feet below the bottom of the liquid manure storage area;

(4) in areas that are susceptible to soil collapse or sinkhole formation, the information in subitem (5) must be recorded to a depth of at least ten feet below the bottom of the liquid manure storage area, or until bedrock is encountered;

(5) each soils record must identify the soil texture, depth to the regional water table, and depth to the seasonal high water table; and

(6) the soil profile information must be obtained by a method that can identify abrupt changes in soil texture and sand lenses of one-half inch or greater throughout the soil profile.

Subp. 3. **Schedule for open lot feedlots with fewer than 300 animal units.** Owners meeting the eligibility requirements under part 7020.2003, subpart 4, that must complete closure or reconstruction of the manure storage area according to subpart 1, item A or B, shall comply with items A and B.

A. By October 1, 2005, the owner shall notify the commissioner or county feedlot pollution control officer that the manure storage area will be closed or reconstructed by

October 1, 2010. Notification must be completed by letter, telephone, or facsimile and also include:

(1) the owner's name, and the name of the facility if different than the owner;
and

(2) the site location by county, township, section, and quarter section.

B. By October 1, 2010, the owner shall complete closure or reconstruction.

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

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