

1.1 **Pollution Control Agency**1.2 **Adopted Permanent Rules Relating to Feedlots**1.3 **7001.0210 GENERAL PERMITS.**

1.4 [For text of subps 1 to 3, see M.R.]

1.5 Subp. 4. **Notice of intent.** The applicant and the agency shall follow the same
1.6 procedures to issue a general permit as are required for the issuance of an individual
1.7 permit. However, to comply with part 7001.0100, subpart 5, item C, the agency shall
1.8 publish notice of intent to issue a general permit in the State Register.

1.9 [For text of subps 5 and 6, see M.R.]

1.10 **7001.1030 PERMIT REQUIREMENT AND EXEMPTIONS.**

1.11 [For text of subp 1, see M.R.]

1.12 Subp. 2. **Exemptions.** The following persons are not required to obtain a national
1.13 pollutant discharge elimination system permit:

1.14 [For text of items A to G, see M.R.]

1.15 H. persons injecting water, gas, or other material into a well to facilitate the
1.16 production of oil or gas;

1.17 I. persons disposing of water in a well if this water is associated with oil and
1.18 gas production; and

1.19 J. persons operating a feedlot who are not required to obtain an NPDES permit
1.20 under federal law. This item does not release such persons from the requirement to obtain
1.21 an NPDES permit to discharge a pollutant when required by federal law or from the
1.22 requirement to obtain a state disposal system permit to discharge a pollutant into the
1.23 waters of the state.

2.1 **7001.1050 CONTENTS OF NPDES PERMIT APPLICATION.**

2.2 [For text of subp 1, see M.R.]

2.3 Subp. 2. **Manufacturing, commercial, mining, and silvicultural discharges.**

2.4 If the applicant is requesting the issuance, modification, revocation and reissuance, or
2.5 reissuance of a national pollutant discharge elimination system permit for a manufacturing,
2.6 commercial, mining, or silvicultural discharge, the applicant shall submit the following
2.7 information to the commissioner:

2.8 [For text of items A to L, see M.R.]

2.9 M. If the applicant proposes to construct or operate a new or existing
2.10 concentrated animal feeding operation or aquatic animal production facility, the
2.11 information required in Code of Federal Regulations, title 40, section 122.21(i).

2.12 [For text of items N and O, see M.R.]

2.13 **7002.0253 WATER QUALITY PERMIT APPLICATION FEES AND**
2.14 **ADDITIONAL FEES.**

2.15 [For text of subp 1, see M.R.]

2.16 Subp. 2. **Additional points.** The points assessed for activities designated in this
2.17 subpart shall be multiplied by the dollar per point value as determined in part 7002.0252
2.18 to calculate the additional fee.

2.19 [For text of items A to C, see M.R.]

2.20 D. If a permit applicant requests a variance under part 7000.7000, the applicant
2.21 shall pay a fee equivalent to 35 points.

2.22 [For text of items E and F, see M.R.]

3.1 **7020.0205 INCORPORATION BY REFERENCE.**

3.2 For the purposes of parts 7001.0020 and 7020.0200 to 7020.2225, the documents
3.3 in items A to ~~K~~ L are incorporated by reference. These documents are not subject to
3.4 frequent change.

3.5 [For text of items A to D, see M.R.]

3.6 E. Code of Federal Regulations, title 40, part 412, Feedlots Point Source
3.7 Category. This publication is available on the Internet at ~~http://www.epa.gov~~
3.8 http://www.gpo.gov/fdsys/.

3.9 F. Code of Federal Regulations, title 40, part 122, EPA Administered Permit
3.10 Programs: The National Pollutant Discharge Elimination System. This publication is
3.11 available on the Internet at ~~http://www.epa.gov~~ http://www.gpo.gov/fdsys/.

3.12 [For text of items G and H, see M.R.]

3.13 I. Waste Storage Facility, Conservation Practice Standard Code 313, United
3.14 States Department of Agriculture, Natural Resources Conservation Service, October
3.15 2003, and as subsequently amended. This publication is available on the Internet at
3.16 http://www.nrcs.usda.gov.

3.17 J. Annual Book of American Society for Testing Materials (ASTM), part 4,
3.18 ASTM D 2922, Test Method for Density of Soil and Soil-Aggregate in Place by Nuclear
3.19 Methods (Shallow Depth). 1996 Edition. This publication is available through the Minitex
3.20 interlibrary loan system.

3.21 K. Published Soil Surveys for Minnesota, United States
3.22 Department of Agriculture, Natural Resources Conservation
3.23 Service (NRCS). The surveys are available on the Internet at
3.24 http://soils.usda.gov/survey/printed_surveys/state.asp?state=Minnesota&abbr=MN
3.25 or at the local NRCS office.

4.1 L. Vegetated Treatment Area, Conservation Practice Standard Code 635,
4.2 United States Department of Agriculture, Natural Resources Conservation Service, June
4.3 2009, and as subsequently amended. This publication is available on the Internet at
4.4 <http://efotg.sc.egov.usda.gov/references/public/mn/635mn.pdf>.

4.5 **7020.0300 DEFINITIONS.**

4.6 [For text of subps 1 to 5, see M.R.]

4.7 Subp. 5a. [See repealer.]

4.8 Subp. 6. **Certificate of compliance.** "Certificate of compliance" means a letter sent
4.9 before October 23, 2000, by the commissioner or the county feedlot pollution control
4.10 officer to the owner of an animal feedlot or manure storage area stating that the feedlot or
4.11 manure storage area meets agency requirements.

4.12 [For text of subps 6a to 7c, see M.R.]

4.13 Subp. 7d. **Concentrated animal feeding operation or CAFO.** "Concentrated
4.14 animal feeding operation" or "CAFO" means an animal feedlot meeting the definition of a
4.15 large, medium, or small CAFO under Code of Federal Regulations, title 40, section 122.23.

4.16 [For text of subps 8 to 11a, see M.R.]

4.17 Subp. 11b. **Facility.** "Facility" means an animal feedlot, a manure storage area, or an
4.18 animal feedlot with a manure storage area.

4.19 [For text of subps 12 to 13b, see M.R.]

4.20 Subp. 13c. **Liquid manure storage area.** "Liquid manure storage area" means
4.21 an area where liquid animal manure and process wastewaters are stored or processed.
4.22 For purposes of this subpart, "liquid animal manure" is manure that does not meet the
4.23 stockpile standard under part 7020.2125, subpart 1, item B.

5.1 Subp. 13d. **Major modification.** "Major modification" means a modification that
5.2 allows an expansion of animal unit or manure storage area capacity, changes the method
5.3 of manure storage, or does not meet the criteria of part 7001.0190, subpart 3.

5.4 [For text of subp 14, see M.R.]

5.5 Subp. 14a. **Minor modification.** "Minor modification" means a modification that
5.6 changes land identified in a manure management plan for manure application, nonroutine
5.7 maintenance such as the replacement of a liquid manure storage area liner, physical
5.8 changes to structures housing animals or holding manure that do not result in an expansion
5.9 of animal unit or manure storage area capacity, or a modification that meets the criteria of
5.10 part 7001.0190, subpart 3. For NPDES permits, classification as a minor modification
5.11 under this subpart does not release the permittee from federal notice requirements.

5.12 Subp. ~~14a~~ 14b. **Modification.** "Modification" means a change to a facility
5.13 component or operational practice described, required, or authorized by a permit issued
5.14 under this chapter, including an expansion. Major and minor modifications are as defined
5.15 in ~~this part 7001.0190~~. Part 7020.0405, subpart 5, and chapter 7001 govern public notice
5.16 of changes to permits under this chapter. A change to a facility component or operational
5.17 practice that is not described, required, or authorized by a permit is not a modification,
5.18 including changes to:

5.19 A. the type of crop or manure application rate if consistent with the methodology
5.20 portion of the manure management plan and reflected in required records;

5.21 B. routine maintenance;

5.22 C. feeding or milking schedules;

5.23 D. animal diets;

5.24 E. bedding materials so long as consistent with approved design plans and
5.25 specifications;

6.1 F. equipment used to clean the facility so long as consistent with approved
6.2 design plans and specifications;

6.3 G. lands used as pasture; or

6.4 H. facility components not involved directly in animal or manure management
6.5 such as an office or machine shed.

6.6 [For text of subps 15 to 16, see M.R.]

6.7 Subp. 17. **Owner.** "Owner" means all persons having ~~or proposing to have~~
6.8 possession, control, or title to an animal feedlot or manure storage area.

6.9 Subp. 18. **Pastures.** "Pastures" means:

6.10 A. areas, including winter feeding areas as part of a grazing area, where grass
6.11 or other growing plants are used for grazing and where the concentration of animals
6.12 allows a vegetative cover to be maintained during the growing season, except that
6.13 vegetative cover is not required:

6.14 (1) in the immediate vicinity of supplemental feeding or water devices;

6.15 (2) in associated corrals and chutes where livestock are gathered for the
6.16 purpose of sorting, providing veterinary services, loading and unloading trucks and
6.17 trailers, and other necessary activities related to good animal husbandry practices; or

6.18 (3) in associated livestock access lanes used to convey livestock to and
6.19 from areas of the pasture; or

6.20 B. agricultural land:

6.21 (1) where livestock are allowed to forage during the winter;

6.22 (2) that is used for cropping purposes in the growing season; and

6.23 (3) where the concentration of animals is such that a vegetative cover of₂
6.24 whether of grass, growing plants, or crops₂ is maintained during the growing season

7.1 ~~without the need for manure removal to avoid exceeding nutrient application rate~~
7.2 ~~standards as provided in part 7020.2225~~, except in the immediate vicinity of temporary
7.3 supplemental feeding or watering devices.

7.4 [For text of subp 18a, see M.R.]

7.5 Subp. 19. **Permit.** "Permit" means a written authorization issued by the agency
7.6 or county animal feedlot pollution control officer, which may contain requirements,
7.7 conditions, or schedules for:

7.8 A. achieving compliance with discharge standards and requirements;

7.9 B. management of animal manure; or

7.10 C. construction or operation of animal holding areas or manure storage areas.

7.11 Permits issued under this chapter are NPDES, state disposal system, interim, and
7.12 construction short-form permits.

7.13 [For text of subps 19a to 23, see M.R.]

7.14 Subp. 24. **State disposal system permit or SDS permit.** "State disposal system
7.15 permit" or "SDS permit" means a state permit that is processed in accordance with chapter
7.16 7001.

7.17 Subp. 25. **Unpermitted or noncertified liquid manure storage area.** "Unpermitted
7.18 or noncertified liquid manure storage area" means a liquid manure storage area that has
7.19 never been permitted or approved as meeting the standards in part 7020.2100 and that
7.20 did not obtain approval or certification pursuant to the process established in Minnesota
7.21 Rules 2011, part 7020.2110.

7.22 [For text of subp 26, see M.R.]

7.23 Subp. 27. **Waters of the United States.** "Waters of the United States" has the
7.24 meaning given under ~~the federal Clean Water Act~~ Code of Federal Regulations, title
7.25 40, section 122.2.

8.1 **7020.0350 REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS AND**
8.2 **MANURE STORAGE AREAS.**

8.3 Subpart 1. **Registration data.** The agency and all delegated counties shall maintain
8.4 registration data for animal feedlots and manure storage areas. The registration data
8.5 must include the:

8.6 A. date the registration form was completed;

8.7 B. name and address of all owners of the animal feedlot or manure storage area;

8.8 [For text of items C to J, see M.R.]

8.9 [For text of subp 2, see M.R.]

8.10 Subp. 3. [See repealer.]

8.11 Subp. 4. **Registration requirements.** Owners of animal feedlots and manure storage
8.12 areas who are required to register under subpart 2 shall comply with items A and B,
8.13 as applicable.

8.14 A. Owners of facilities shall register with the commissioner or delegated county
8.15 prior to or upon commencement of operation. Owners shall comply with at least one of
8.16 the following:

8.17 [For text of subitems (1) and (2), see M.R.]

8.18 B. Owners shall update their registrations prior to the registration update
8.19 deadlines, which shall be established by adding four-year increments to the initial
8.20 registration deadline of January 1, 2002. Owners shall register at least once during each
8.21 of the four-year registration update intervals by meeting the requirements of item A,
8.22 subitem (1) or (2).

8.23 [For text of subp 5, see M.R.]

9.1 **7020.0405 PERMIT REQUIREMENTS.**

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

9.5 A. an ~~NPDES/SDS~~ NPDES permit for the construction, expansion,
9.6 modification, or operation of a CAFO as required by federal law;

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

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

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

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

9.18 (4) for which conditions or requirements other than those in parts
9.19 7020.2000 to 7020.2225 were assumed:

9.20 [For text of units (a) and (b), see M.R.]

9.21 C. unless required to obtain a permit under item A or B, an interim permit for:

9.22 (1) a facility identified as a pollution hazard;

10.1 (2) a facility where the owner is proposing to expand to a capacity of 300
10.2 animal units or more, or the manure produced by 300 animal units or more, and that has
10.3 been identified as a pollution hazard; or

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

10.6 (a) on land where the soil phosphorus test levels exceed the levels in
10.7 part 7020.2225, subpart 3, item C;

10.8 (b) on land in special protection areas with slopes exceeding six
10.9 percent; or

10.10 (c) in a drinking water supply management area where the aquifer is
10.11 designated vulnerable under chapter 4720; or

10.12 D. unless required to obtain a permit under item A, B, or C, a construction
10.13 short-form permit for an animal feedlot or manure storage area proposing to construct or
10.14 expand to a capacity of 300 animal units or more, or the manure produced by 300 animal
10.15 units or more.

10.16 Subp. 2. **Expansion and stocking requirements.**

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

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

10.22 C. An owner issued an interim permit that authorizes construction for an
10.23 expansion shall not stock the expansion prior to the fulfillment of all permit conditions
10.24 related to the correction of the pollution hazard for which the interim permit was issued.

10.25 Subp. 3. **No permit required.** An owner is not required to apply for a permit for:

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

11.3 B. a livestock facility located on county fairgrounds;

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

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

11.8 Subp. 4. **New name; change of ownership.**

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

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

11.20 Subp. 5. **Modification of permit.**

11.21 A. If an owner of a facility that has coverage under an ~~NPDES/SDS~~ NPDES or
11.22 SDS permit plans to make a modification, the owner must follow the procedures in chapter
11.23 7001. ~~Modifications that do not meet the criteria in part 7001.0190 are considered Major~~
11.24 ~~modifications and~~ must follow the procedures in parts 7001.0100 to 7001.0130. Minor
11.25 modifications must follow part 7001.0190.

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

12.5 **7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.**

12.6 Subpart 1. **Submittals.** Permit applications must be submitted according to items
12.7 A and B. An application is complete when all applicable information in subpart 4
12.8 and application fees under parts 7002.0250 and 7002.0310 have been received by the
12.9 commissioner or the county feedlot pollution control officer, as appropriate. Incomplete
12.10 permit applications must not be processed by the commissioner or delegated county
12.11 feedlot pollution control officer.

12.12 A. NPDES and SDS permit applications must be submitted to the agency in
12.13 accordance with this part and chapter 7001, with a copy submitted to the delegated county.

12.14 B. Interim permit and construction short-form permit applications must be
12.15 submitted to the agency or delegated county in accordance with this part.

12.16 Subp. 2. **Permit application submittal schedule.** An owner who is required to
12.17 apply for a permit under part 7020.0405, subpart 1, shall apply according to the schedule
12.18 provided in items A to D.

12.19 A. For ~~NPDES/SDS~~ NPDES permit coverage for an animal feedlot that:

12.20 (1) is new or expanding or will undergo a major modification, the owner
12.21 must submit a permit application to the agency at least 180 days before the planned date of
12.22 commencement of construction, expansion, or major modification; or

12.23 (2) has been determined to be a medium or small CAFO as determined
12.24 through the case-by-case determination process under Code of Federal Regulations, title
12.25 40, section 122.23 (c), the owner must submit a permit application by the submittal

13.1 deadline established by the commissioner's written request. The owner has at least 30 days
13.2 to submit the permit application.

13.3 B. For SDS permit coverage for an animal feedlot or manure storage area:

13.4 (1) that is new or expanding or will undergo a major modification, the
13.5 owner must submit a permit application to the agency at least 150 days before the planned
13.6 date of commencement of construction, expansion, or major modification;

13.7 (2) when the owner is proposing to construct or operate with a new
13.8 technology, the owner must submit a permit application to the agency at least 180 days
13.9 before the planned date of commencement of construction or operation; or

13.10 (3) that is required to complete environmental review, pursuant to chapter
13.11 4410, and the owner formally proposes, during the environmental review process, to
13.12 implement mitigation measures that are more protective of the environment than the
13.13 standards identified in parts 7020.2000 to 7020.2225, the owner must submit an amended
13.14 permit application containing the additional site-specific mitigation measures, if requested
13.15 by the commissioner. The amended permit application must be submitted to the agency or
13.16 delegated county within 30 days of receiving written notification from the commissioner.

13.17 C. For a construction short-form permit, the owner must submit a permit
13.18 application to the agency or delegated county at least 90 days before the planned date of
13.19 commencement of construction or expansion.

13.20 D. For an interim permit for a facility:

13.21 (1) that has been determined to be a pollution hazard by the commissioner
13.22 or a county feedlot pollution control officer, the owner must submit a permit application to
13.23 the agency or delegated county by the submittal deadline established by the commissioner
13.24 or the county feedlot pollution control officer's written request. The owner has at least
13.25 15 days to submit the permit application;

14.1 (2) that has been determined to be a pollution hazard by the commissioner
14.2 or a county feedlot pollution control officer and is expanding to a capacity of 300 or
14.3 more animal units, or increasing the manure storage area to hold the manure produced
14.4 by 300 or more animal units, the owner must submit a permit application to the agency
14.5 or delegated county at least 90 days before the planned date of commencement of
14.6 construction, expansion, or major modification; or

14.7 (3) with a capacity of 300 or more animal units or a manure storage area
14.8 that holds or is capable of holding the manure produced by 300 or more animal units, the
14.9 owner must submit a permit application at least 30 days before the planned date of land
14.10 application of manure or process wastewater on any of the following areas:

14.11 (a) on land where the soil phosphorus test levels exceed the levels in
14.12 part 7020.2225, subpart 3, item C;

14.13 (b) on land in special protection areas with slopes exceeding six
14.14 percent; or

14.15 (c) in a drinking water supply management area where the aquifer is
14.16 designated vulnerable under chapter 4720.

14.17 [For text of subp 3, see M.R.]

14.18 **Subp. 4. Content of permit application.**

14.19 A. An application for a permit must contain the following:

14.20 [For text of subitems (1) to (6), see M.R.]

14.21 (7) the soil type or texture and depth to saturated soils at the facility
14.22 as identified in the most recent published soil survey for the applicable county or a
14.23 site-specific soils investigation. Soil surveys are incorporated by reference under part
14.24 7020.0205. If applicable, submittal of the soils investigation information required in parts
14.25 7020.2100 to 7020.2225 meets this requirement;

15.1 [For text of subitems (8) and (9), see M.R.]

15.2 (10) if applying for an SDS or NPDES permit or interim permit under part
15.3 7020.0405, subpart 1, item C, subitem (2), a manure management plan that meets the
15.4 requirements under part 7020.2225, subpart 4; and

15.5 (11) if applicable, a description of all conditions that make the facility a
15.6 pollution hazard and a description of the corrective and protective measures proposed
15.7 to correct the pollution hazard.

15.8 B. In addition to the requirements of item A, a permit application for an animal
15.9 feedlot capable of holding 1,000 animal units or more or a manure storage area capable of
15.10 holding the manure produced by 1,000 animal units or more must contain:

15.11 [For text of subitem (1), see M.R.]

15.12 (2) an emergency response plan that includes a description of the
15.13 procedures that will:

15.14 (a) contain, minimize, and manage an unauthorized discharge;

15.15 (b) provide notification to the proper authorities;

15.16 (c) mitigate any adverse effects of an unauthorized discharge; and

15.17 (d) provide for the disposal of carcasses resulting from a catastrophic
15.18 event such as extreme weather conditions, fire, unexpected power failures, or disease.

15.19 [For text of items C to E, see M.R.]

15.20 F. A permit application for a minor modification need only contain the
15.21 information requested on a form provided by the commissioner and, as applicable, the
15.22 information in items C to E.

15.23 Subp. 5. **Application processing.** Permit applications must be processed according
15.24 to items A to C and any requirements specified under a permit.

16.1 A. ~~NPDES/SDS~~ NPDES permit applications and permits must be processed
16.2 according to the procedures under this part and parts 7001.0010 to 7001.0210 and
16.3 7001.1000 to 7001.1150. The term of an ~~NPDES/SDS~~ NPDES permit is five years.
16.4 ~~NPDES/SDS~~ NPDES permits must include all applicable requirements of Code of Federal
16.5 Regulations, title 40, part 122, and all requirements necessary to comply with this chapter
16.6 and chapters 7001 and 7053.

16.7 B. SDS permit applications and permits must be processed according to the
16.8 procedures under this part and parts 7001.0010 to 7001.0210. The term of an SDS permit
16.9 is ten years. SDS permits must include all requirements necessary to comply with this
16.10 chapter and chapters 7001 and 7053.

16.11 C. Construction short-form and interim permit applications must be processed
16.12 in accordance with parts 7020.0505, 7020.0535, and chapter 7001, except that according
16.13 to part 7001.0020, item F, parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and
16.14 7001.0110, do not apply. County feedlot pollution control officers shall also process
16.15 permit applications according to part 7020.1600, subpart 4a.

16.16 [For text of subp 6, see M.R.]

16.17 **7020.0535 CONSTRUCTION SHORT-FORM AND INTERIM PERMITS.**

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

16.20 Subp. 2. [See repealer.]

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

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

16.24 (1) the applicant must be informed in writing of the reasons for denial and
16.25 must be informed of all rights of review afforded under chapters 7000 and 7001. In the

17.1 case of denial of a permit application by a county feedlot pollution control officer, the
17.2 county is responsible for administering the review procedures unless the applicant has
17.3 requested agency review; and

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

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

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

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

17.21 (3) revocation without reissuance must be administered according to parts
17.22 7001.0180, 7001.0190, and 7020.0505 and other applicable parts of chapter 7001.

17.23 [For text of subps 4 to 8, see M.R.]

18.1 **7020.1600 AUTHORITIES AND REQUIREMENTS FOR DELEGATED**
18.2 **COUNTIES.**

18.3 [For text of subp 1, see M.R.]

18.4 Subp. 2. **County feedlot pollution control officer requirements.** A delegated
18.5 county animal feedlot program shall require the county feedlot pollution control officer to:

18.6 [For text of items A to I, see M.R.]

18.7 J. submit an annual report to the commissioner by April 1 of each year, in a
18.8 format requested by the commissioner, that includes the following:

18.9 [For text of subitems (1) and (2), see M.R.]

18.10 (3) permitting summary information from the previous year, including
18.11 information regarding permits for facilities with fewer than 1,000 animal units that are
18.12 CAFOs under Code of Federal Regulations, title 40, part 122;

18.13 [For text of subitems (4) to (6), see M.R.]

18.14 [For text of item K, see M.R.]

18.15 L. forward to the commissioner all permit applications, inspection reports, and
18.16 all other applicable documents for the facilities identified in subpart 4a, item B.

18.17 Subp. 3. [Repealed, 25 SR 834]

18.18 Subp. 3a. **Resolutions and delegation agreements.** To assume responsibility for
18.19 administering the delegated county feedlot program under this part, a Minnesota county
18.20 board shall complete the requirements in items A to D. Delegation agreements must be
18.21 reviewed and revised by the commissioner and the county annually to determine if the
18.22 requirements of item B are being fulfilled and to establish new goals.

18.23 [For text of item A, see M.R.]

19.1 B. Submit to the commissioner, for review and approval, a delegation agreement
19.2 that contains:

19.3 (1) inspection goals for facilities capable of holding fewer than 300 animal
19.4 units or the manure produced by fewer than 300 animal units:

19.5 [For text of units (a) and (b), see M.R.]

19.6 (c) for determining compliance with discharge standards under part
19.7 7020.2003, subpart 3;

19.8 [For text of subitems (2) to (4), see M.R.]

19.9 (5) scheduled compliance goals, coordinated with county local water plans,
19.10 for bringing feedlot operations into compliance with the applicable standards under parts
19.11 7020.2000 to 7020.2225, considering the following:

19.12 [For text of units (a) to (c), see M.R.]

19.13 [For text of subitems (6) to (8), see M.R.]

19.14 [For text of items C and D, see M.R.]

19.15 Subp. 4. [Repealed, 25 SR 834]

19.16 Subp. 4a. **Permit application processing procedures.** The processing of permit
19.17 applications by a delegated county shall be conducted according to the procedures in
19.18 items A to F.

19.19 A. The county feedlot pollution control officer shall process permit applications
19.20 and issue construction short-form and interim permits according to this part and parts
19.21 7020.0505 and 7020.0535, except as directed in item B.

19.22 [For text of items B to D, see M.R.]

19.23 E. Upon issuance of a permit according to this part, a delegated county shall
19.24 provide the commissioner written notice of its action. Pursuant to Minnesota Statutes,

20.1 section 116.07, subdivision 7, the commissioner shall, after receipt of written notification
20.2 of the issuance of a permit by a delegated county, have 15 days to review, suspend,
20.3 modify, or reverse the issuance of the permit. If the agency takes no action, the action of
20.4 the county is final, subject to appeal as provided in Minnesota Statutes, chapter 14. If the
20.5 agency suspends, modifies, or reverses the issuance of the permit, the applicant must be
20.6 informed in writing by the agency of the reasons for suspension, modification, or reversal
20.7 and must be informed of review procedures under chapters 7000 and 7001. If no person
20.8 requests a contested case hearing within 30 days, the agency decision with regard to the
20.9 permit becomes final, subject to appeal as provided in Minnesota Statutes, chapter 14.

20.10 F. For a delegated county to revoke a permit, a copy of the permit together with
20.11 a written justification for revocation must be submitted to the commissioner for review.
20.12 The commissioner shall, after receipt of the justification for revocation from the county,
20.13 review the matter within 60 days to determine compliance with applicable agency rules.
20.14 The county must receive written approval of the permit revocation from the commissioner
20.15 before taking action.

20.16 [For text of subps 5 to 7, see M.R.]

20.17 **7020.2000 OVERVIEW.**

20.18 [For text of subps 1 to 3, see M.R.]

20.19 Subp. 4. **Neighbor notification of proposed construction or expansion of 500**
20.20 **animal units or more.**

20.21 A. An owner of an animal feedlot or manure storage area proposing to construct
20.22 or expand an animal feedlot capable of holding 500 or more animal units, or a manure
20.23 storage area capable of holding the manure produced by 500 or more animal units, shall not
20.24 less than 20 business days before the date on which a permit is issued, provide notice to:

21.1 (1) each resident and each owner of real property within 5,000 feet of
21.2 the perimeter of the proposed feedlot by:

21.3 (a) publishing in a newspaper of general circulation within the
21.4 affected area a notification containing the following information:

21.5 i. the names of the owners or the legal name of the facility;

21.6 ii. the location of the facility by county, township, section, and
21.7 quarter section;

21.8 iii. species of livestock and total animal units;

21.9 iv. types of confinement buildings, lots, and areas at the animal
21.10 feedlot; and

21.11 v. the types of manure storage areas;

21.12 (b) sending a written notice to each resident and owner of real
21.13 property containing the information in unit (a) delivered by first class mail or in person; or

21.14 (c) providing equal or greater notification required as part of a county
21.15 or township permitting process; and

21.16 (2) the clerk of the town in which the animal feedlot or manure storage area
21.17 is proposed, by sending a copy of the notice to the clerk via first class mail.

21.18 B. The owner shall provide documentation to the commissioner or county
21.19 feedlot pollution control officer that the required notifications have been completed as
21.20 required under part 7020.0505, subpart 4, item D. The agency or a county board must
21.21 verify that notice was provided as required under item A before issuing a permit.

21.22 Subp. 5. **Government notifications of proposed construction or expansion.** An
21.23 owner proposing to construct or expand an animal feedlot or manure storage area shall
21.24 notify the government authorities listed in items A and B. Notification must be on a form

22.1 provided by the commissioner and include the information in subpart 4, item A, subitem
22.2 (1), unit (a), subunits i to v. The owner shall provide documentation to the commissioner
22.3 or county feedlot pollution control officer that the required notifications have been
22.4 completed as required under part 7020.0505, subpart 4, item C.

22.5 [For text of items A and B, see M.R.]

22.6 [For text of subp 6, see M.R.]

22.7 **7020.2003 WATER QUALITY DISCHARGE STANDARDS.**

22.8 Subpart 1. **Subsurface discharges from animal feedlots and manure storage**
22.9 **areas.** No person shall discharge animal manure, manure-contaminated runoff, or process
22.10 wastewater from any animal feedlot, including a CAFO, or manure storage area into a
22.11 sinkhole, fractured bedrock, well, surface tile intake, mine, quarry, or other ~~direct conduits~~
22.12 natural or constructed channels that convey fluids to groundwater.

22.13 Subp. 2. **Surface water discharges from CAFOs and animal feedlots with 1,000**
22.14 **animal units or more.** No person shall discharge animal manure, manure-contaminated
22.15 runoff, or process wastewater from a CAFO or an animal feedlot with 1,000 animal units
22.16 or more to waters of the United States or to surface waters of the state except as provided
22.17 in this part.

22.18 A. An owner of an animal feedlot that is a CAFO or is capable of holding 1,000
22.19 animal units or more, or a manure storage area capable of holding the manure produced
22.20 by 1,000 animal units or more, shall comply with the effluent limitation requirements of
22.21 Code of Federal Regulations, title 40, part 412, and discharge only as authorized by an
22.22 ~~NPDES/SDS~~ NPDES, SDS, or other applicable permit.

22.23 B. No discharge, as defined by Code of Federal Regulations, title 40, section
22.24 122.2, shall be allowed from a CAFO into waters of the United States, unless the animal

23.1 feedlot or manure storage area has an ~~NPDES/SDS~~ NPDES permit authorizing such
23.2 discharge.

23.3 C. No discharge shall be allowed from a CAFO or an animal feedlot capable
23.4 of holding 1,000 animal units or more or a manure storage area capable of holding the
23.5 manure produced by 1,000 animal units or more into waters of the state unless the animal
23.6 feedlot or manure storage area has an SDS permit authorizing the discharge.

23.7 Subp. 3. **Other facilities.** An owner of an animal feedlot or a manure storage area
23.8 shall comply with the effluent limitations in part 7053.0305 unless the animal feedlot or
23.9 the manure storage area is subject to the effluent limitation requirements in subpart 2 or
23.10 subject to an effluent limitation established in a permit issued under this chapter.

23.11 Subp. 4. [See repealer.]

23.12 Subp. 5. [See repealer.]

23.13 Subp. 6. [See repealer.]

23.14 **7020.2005 LOCATION RESTRICTIONS AND EXPANSION LIMITATIONS.**

23.15 Subpart 1. **Location restrictions.** A new animal feedlot or a manure storage area
23.16 must not be constructed within a floodplain or within 300 feet of a sinkhole. A new animal
23.17 feedlot or a manure storage area must not be constructed within the applicable isolation
23.18 distance required by part 4725.4450 or 100 feet of a water supply well, whichever is
23.19 greater. Except as provided in items A and B, a new animal feedlot or a manure storage
23.20 area must not be constructed within shoreland or within 1,000 feet of a community water
23.21 supply well or other wells serving a public school as defined under Minnesota Statutes,
23.22 section 120A.05, a private school excluding home school sites, or a licensed child care
23.23 center where the well is vulnerable according to part 4720.5550, subpart 2.

23.24 A. An animal feedlot or a manure storage area located in shoreland meeting the
23.25 requirements of part 7020.0300, subpart 15, item B, may resume operation after applying

24.1 for and obtaining a permit under part 7020.0405, subpart 1. The requirements of part
24.2 7020.2100, subpart 1, item C, shall be followed for any liquid manure storage areas that
24.3 have not been used for three years or more.

24.4 [For text of item B, see M.R.]

24.5 [For text of subps 2 and 3, see M.R.]

24.6 **7020.2015 LIVESTOCK ACCESS TO WATERS RESTRICTION.**

24.7 [For text of subp 1, see M.R.]

24.8 Subp. 2. **Non-CAFO animal feedlots.** Except as required in subpart 1, animals of a
24.9 non-CAFO animal feedlot must be fenced to prohibit entry to, and must not be allowed to
24.10 enter, a lake classified by the Minnesota Department of Natural Resources as a natural
24.11 environment lake, recreational development lake, or a general development lake, as
24.12 defined in part 6120.3000.

24.13 **7020.2100 LIQUID MANURE STORAGE AREAS.**

24.14 Subpart 1. **General requirements; exemption.**

24.15 A. This part describes site restrictions and requirements for design, construction,
24.16 maintenance, and operation of liquid manure storage areas.

24.17 B. All liquid manure storage areas must be designed, constructed, and operated
24.18 in accordance with subparts 2 to 7.

24.19 C. An owner of a liquid manure storage area that has been unused for a period
24.20 of three years or more shall, prior to using the structure for storing manure or process
24.21 wastewaters, have a design engineer evaluate and prepare a report on the condition of
24.22 the liner and include this report with a permit application submitted according to part
24.23 7020.0405.

25.1 ~~D. A liquid manure storage area that provides temporary storage or temporary~~
 25.2 ~~processing of manure, manure-contaminated runoff, or process wastewater is not subject~~
 25.3 ~~to this part if the commissioner determines that the liquid manure storage area is a~~
 25.4 ~~limited risk liquid manure storage area. In making this determination, the commissioner~~
 25.5 ~~shall consider the:~~

25.6 ~~(1) location of the proposed liquid manure storage area in relation to~~
 25.7 ~~waters of the state;~~

25.8 ~~(2) geologic sensitivity of the proposed location;~~

25.9 ~~(3) length of time the manure, manure-contaminated runoff, or process~~
 25.10 ~~wastewater is stored or processed in the liquid manure storage area;~~

25.11 ~~(4) likelihood of a discharge to waters of the state given the design~~
 25.12 ~~standards that are proposed, including the volume that will be stored; and~~

25.13 ~~(5) type of material proposed to be stored and the material's expected~~
 25.14 ~~pollutant concentration.~~

25.15 ~~An exemption granted under this item does not prevent the agency from imposing~~
 25.16 ~~permit conditions, if appropriate to protect human health and the environment, to govern~~
 25.17 ~~construction and operation of the limited risk liquid manure storage area.~~

25.18 D. Liquid manure storage areas described in subitems (1) and (2), which
 25.19 provide temporary storage or processing, are exempt from this part, except for subparts 3,
 25.20 items C and D; 5, item A; and 7. The owner must submit design plans and specifications
 25.21 for review and approval prior to construction of a liquid manure storage area described in
 25.22 subitem (1) or (2) that include the information listed in subpart 4, items F, I, J, and N:

25.23 (1) a liquid manure storage area constructed of concrete with a maximum
 25.24 volume of 5,000 gallons; and

26.1 (2) a liquid manure storage area constructed of concrete with a maximum
26.2 volume of 20,000 gallons, if it:

26.3 (a) is located in an area that would not be subject to the site restrictions
26.4 in subpart 2; or

26.5 (b) has a minimum separation distance to bedrock of five feet.

26.6 An exemption granted under this item does not prevent the agency from imposing
26.7 permit conditions, if appropriate to protect human health and the environment, or
26.8 governing construction and operation of the exempt liquid manure storage area.

26.9 E. A liquid manure storage area described in this item is exempt from this
26.10 part, except for subparts 5, item A; and 7. The owner must submit design plans and
26.11 specifications that include the information listed in subpart 4, item N. The exemption
26.12 under this item applies to a liquid manure storage area designed, operated, and maintained
26.13 as a solids settling area included as part of a vegetative treatment area designed according
26.14 to level 4 or 5 of Vegetated Treatment Area, Conservation Practice Standard Code 635,
26.15 incorporated by reference under part 7020.0205, provided:

26.16 (1) manure-contaminated runoff is purged from the liquid manure storage
26.17 area within 24 hours; and

26.18 (2) the floor is constructed of:

26.19 (a) concrete; or

26.20 (b) one foot of cohesive soils and separated from bedrock by at least
26.21 two feet of soils that are not coarser than a sandy loam.

26.22 An exemption granted under this item does not prevent the agency from imposing
26.23 permit conditions, if appropriate to protect human health and the environment, or
26.24 governing construction and operation of the exempt liquid manure storage area.

27.1 Subp. 2. **Site restrictions.** Except as provided in item C, the construction or
27.2 expansion of a liquid manure storage area is prohibited in the areas identified under part
27.3 7020.2005 and items A and B.

27.4 [For text of item A, see M.R.]

27.5 B. In areas which are susceptible to soil collapse or sinkhole formation, the
27.6 minimum separation distance to bedrock and the manure storage area liner design standards
27.7 under subpart 3, item B, and prohibitions must be in accordance with subitems (1) to (3).

27.8 [For text of subitem (1), see M.R.]

27.9 (2) Animal feedlots capable of holding 300 or more and fewer than 1,000
27.10 animal units and manure storage areas capable of holding the manure produced by 300 or
27.11 more and fewer than 1,000 animal units that contribute to liquid manure storage areas at
27.12 the facility shall comply with the following:

27.13 [For text of units (a) and (b), see M.R.]

27.14 (c) where the separation distance to bedrock is five feet or more and
27.15 less than ten feet, the manure storage area must be:

27.16 i. an aboveground manure storage area;

27.17 ii. concrete-lined with a secondary liner consisting of a synthetic
27.18 liner, HDPE liner, or two foot or greater cohesive soil liner; or

27.19 iii. composite-lined with at least a three-foot compacted cohesive
27.20 soil liner under the synthetic liner.

27.21 (3) Animal feedlots capable of holding 1,000 or more animal units or manure
27.22 storage areas capable of holding the manure produced by 1,000 or more animal units that
27.23 contribute to liquid manure storage areas at the facility shall comply with the following:

28.1 (a) except as provided in unit (c), where the separation distance to
28.2 bedrock is less than 15 feet, construction of a liquid manure storage area is prohibited;

28.3 (b) where the separation distance to bedrock is 15 feet or more and
28.4 less than 40 feet, the manure storage area liner must be concrete-lined, aboveground, or
28.5 composite-lined according to subpart 3, item B, subitem (2) or (3); and

28.6 (c) where the separation distance to bedrock is ten feet or more and
28.7 less than 15 feet, the manure storage area must be:

28.8 i. an aboveground manure storage area;

28.9 ii. concrete-lined with a secondary liner consisting of a synthetic
28.10 liner, HDPE liner, or ~~one~~ two foot or greater cohesive soil liner; or

28.11 iii. composite-lined with at least a three-foot compacted cohesive
28.12 soil liner under the synthetic liner.

28.13 [For text of item C, see M.R.]

28.14 D. Removal of bedrock in order to comply with the applicable separation
28.15 distances under item B is prohibited unless specifically authorized by the commissioner. In
28.16 making the determination to allow the removal of bedrock, the commissioner shall consider:

28.17 (1) geologic sensitivity of the proposed location;

28.18 (2) type and extent of bedrock to be removed;

28.19 (3) length of time the manure, manure-contaminated runoff, or process
28.20 wastewater is stored or processed in the liquid manure storage area;

28.21 (4) likelihood of a discharge to waters of the state given the design
28.22 standards that are proposed, including the volume that will be stored;

28.23 (5) type of material proposed to be stored and the material's expected
28.24 pollutant concentration; and

29.1 (6) analysis of other options that would allow for compliance with the
29.2 separation distances.

29.3 Authorization to remove bedrock under this item does not prevent the agency from
29.4 imposing permit conditions, if appropriate to protect human health and the environment,
29.5 to govern construction and operation of the liquid manure storage area.

29.6 **Subp. 3. Design standards.**

29.7 A. Except as provided in item B, a new or modified liquid manure storage area at
29.8 a facility capable of holding 1,000 animal units or more or the manure produced by 1,000
29.9 animal units or more must be designed to provide a minimum storage volume necessary so
29.10 that the facility has at least nine months of storage capacity.

29.11 B. Liquid manure storage areas designed and operated to provide storage for
29.12 only manure-contaminated runoff or process wastewater shall be designed to provide
29.13 a minimum storage volume necessary to accommodate the volume generated from a
29.14 25-year, 24-hour storm event and any additional volume needed to be consistent with the
29.15 proposed manure management plan application frequency.

29.16 C. Liquid manure storage area liners must comply with the following:

29.17 [For text of subitems (1) to (4), see M.R.]

29.18 D. Water supply systems, fuel lines, electrical conduit, or other equipment not
29.19 solely functioning as part of the manure handling or transfer system must not be designed
29.20 or constructed to penetrate the liner of a liquid manure storage area. Piping and equipment
29.21 functioning as part of the manure handling or transfer system which penetrates the liner
29.22 of a liquid manure storage area must be identified in the design plans and specifications.
29.23 The design plans and specifications must include details on the location and purpose of
29.24 the penetrations, dimensions of the penetrations, and the methods and materials used to
29.25 provide a seal between each penetration and the liner.

30.1 Subp. 4. **Design plans and specifications.** The owner shall prepare and submit to
30.2 the commissioner or county feedlot pollution control officer, for review and approval,
30.3 design plans and specifications, including all assumptions and calculations, meeting
30.4 the requirements of items A to N with a permit application or at least 90 days prior to
30.5 the commencement of construction. Design plans and specifications, except plans and
30.6 specifications for concrete-lined manure storage areas having a capacity of 20,000 gallons
30.7 or less, must be prepared and signed by a design engineer.

30.8 [For text of items A and B, see M.R.]

30.9 C. The estimated storage capacity by volume and time period based on the
30.10 volume of manure, manure-contaminated runoff, and process wastewaters generated, which
30.11 includes all assumptions and calculations and meets the criteria of subpart 3, item A or B,
30.12 if applicable or as necessary to ensure adequate storage of manure, manure-contaminated
30.13 runoff, and process wastewaters consistent with the proposed manure management plan.

30.14 D. In addition to the designed storage volume in item C, a freeboard depth of
30.15 not less than one foot. Liquid manure storage areas that store animal manure and that
30.16 receive precipitation runoff must provide a freeboard depth of not less than one foot or the
30.17 volume generated by a 25-year, 24-hour storm event, whichever is greater.

30.18 [For text of items E to N, see M.R.]

30.19 Subp. 5. **Construction and notification requirements.**

30.20 A. The owner shall construct the manure storage area according to the design
30.21 plans and specifications submitted to the commissioner or the county feedlot pollution
30.22 control officer and as approved by the commissioner or the county feedlot pollution
30.23 control officer. Proposed engineering changes or modifications to the design plans and
30.24 specifications must be submitted to the commissioner or county feedlot pollution control
30.25 officer for review and approval before commencement of construction related to the
30.26 proposed change.

31.1 B. An owner shall notify the commissioner or county feedlot pollution control
31.2 officer and the design engineer of intent to construct a minimum of three business days
31.3 prior to commencement of construction. Notification must be completed by letter,
31.4 telephone, facsimile, or electronic mail and include:

31.5 [For text of subitems (1) to (5), see M.R.]

31.6 [For text of items C and D, see M.R.]

31.7 [For text of subp 6, see M.R.]

31.8 Subp. 7. **Operation and maintenance.** The owner of a manure storage area shall
31.9 operate and maintain the manure storage area according to plans and specifications
31.10 approved by the commissioner or county feedlot pollution control officer.

31.11 **7020.2110 UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE**
31.12 **AREAS.**

31.13 Subpart 1. [See repealer.]

31.14 Subp. 2. [See repealer.]

31.15 Subp. 3. [See repealer.]

31.16 Subp. 4. **Operation prohibition.** No person shall operate an unpermitted or
31.17 noncertified liquid manure storage area except as provided in subpart 5.

31.18 Subp. 5. **Approval to operate.** An owner of an unpermitted or noncertified liquid
31.19 manure storage area that was installed and operated prior to October 23, 2000, and that
31.20 serves a facility that has the capacity for less than 1,000 animal units must obtain approval
31.21 from the commissioner or a county feedlot pollution control officer to continue to operate
31.22 the liquid manure storage area. To be approved, the owner must submit the information
31.23 in item A or B within the time frame requested by the commissioner or a county feedlot
31.24 pollution control officer. This option is not available if the commissioner or a county

32.1 feedlot pollution control officer has determined that the liquid manure storage area is
32.2 a pollution hazard:

32.3 A. a report prepared by an engineer licensed in Minnesota that demonstrates
32.4 that the liquid manure storage area was constructed according to standard engineering
32.5 principles and practices at the time of construction and remains in good operating
32.6 condition at the time the report is submitted. The commissioner or county feedlot pollution
32.7 control officer must approve the report; or

32.8 B. evidence that the liquid manure storage area has a capacity of 20,000 gallons
32.9 or less and meets the following criteria:

32.10 (1) was constructed of man-made and noncorrosive materials;

32.11 (2) was designed and constructed with standard engineering principles and
32.12 practices at the time of construction; and

32.13 (3) remains in good operating condition.

32.14 **7020.2120 POULTRY BARN FLOORS.**

32.15 [For text of subps 1 to 5, see M.R.]

32.16 Subp. 6. **Notifications of construction.** An owner shall notify the commissioner or
32.17 county feedlot pollution control officer of intent to construct a minimum of three business
32.18 days prior to commencement of construction and within three business days following
32.19 completion of construction. Notification must be completed by letter, telephone, facsimile,
32.20 or electronic mail and include:

32.21 [For text of items A to D, see M.R.]

33.1 **7020.2125 MANURE STOCKPILING SITES.**

33.2 Subpart 1. **General.** This part describes requirements for permitting, design,
33.3 construction, location, operation, and maintenance of short-term and permanent stockpiling
33.4 sites. An owner of a stockpiling site must comply with part 7020.2005 and items A to D.

33.5 A. Manure stockpiling sites must be located and constructed such that
33.6 manure-contaminated runoff from the site does not discharge to waters of the state.

33.7 B. Manure must not be placed on a stockpiling site unless a three-to-one
33.8 horizontal-to-vertical ratio can be maintained and the manure has, at least, a 15 percent
33.9 solids content.

33.10 [For text of items C and D, see M.R.]

33.11 Subp. 2. **Additional requirements for short-term stockpiling.** An owner of a
33.12 short-term stockpile site must operate and maintain the stockpile such that:

33.13 A. the manure is removed from the site and land applied in accordance with part
33.14 7020.2225, within one year of the date when the stockpile was initially established;

33.15 B. a vegetative cover is established on the site for at least one full growing
33.16 season prior to reuse as a short-term stockpiling site except for the following:

33.17 [For text of subitems (1) and (2), see M.R.]

33.18 C. it is not located within:

33.19 [For text of subitems (1) to (4), see M.R.]

33.20 D. a minimum distance of two feet is maintained between the base of the
33.21 stockpile and the seasonal high water table or saturated soils, as identified in the most
33.22 recent published soil survey for the applicable county or based on a site-specific soils
33.23 investigation; and

33.24 E. the stockpile is not placed on:

- 34.1 (1) land with greater than six percent slope;
- 34.2 (2) land with slopes between two and six percent, except where clean water
- 34.3 diversions and erosion control practices are installed; and
- 34.4 (3) soils where the soil texture of the entire soil profile to a depth of five
- 34.5 feet is coarser than a sandy loam as identified in the most recent published soil survey or
- 34.6 based on a site-specific soils investigation.

34.7 [For text of subp 3, see M.R.]

34.8 Subp. 4. **Additional requirements for permanent stockpile sites.** An owner of

34.9 a permanent stockpile site must comply with this part. The owner shall also install

34.10 a liquid manure storage area according to part 7020.2100 to collect and contain

34.11 manure-contaminated runoff, if necessary to comply with the requirements of part

34.12 7020.2003. An owner shall submit a permit application, as applicable, under part

34.13 7020.0405, subpart 1.

34.14 [For text of items A to D, see M.R.]

34.15 E. An owner shall notify the commissioner or county feedlot pollution control

34.16 officer of intent to construct a minimum of three days prior to commencement of

34.17 construction and within three days following completion of construction. Notification

34.18 must be completed by letter, telephone, facsimile, or electronic mail and include:

34.19 [For text of subitems (1) to (4), see M.R.]

34.20 F. The owner shall ensure that the liner is installed and maintained above the

34.21 seasonal high water table or saturated soils, as identified in the most recent soil survey

34.22 for the applicable county or based on a site-specific soils investigation. Soil surveys are

34.23 incorporated by reference under part 7020.0205.

34.24 **7020.2225 LAND APPLICATION OF MANURE.**

34.25 [For text of subps 1 to 3, see M.R.]

35.1 Subp. 4. **Manure management plan requirements.** Item A indicates who must
35.2 prepare a manure management plan and when the plan must be prepared. Item B lists
35.3 when manure management plans must be submitted to the agency or delegated county
35.4 for review. Item C describes when the manure management plan must be reviewed
35.5 and revised. Item D lists the required elements of a manure management plan. Item E
35.6 describes exceptions to manure management plans when manure ownership is transferred.

35.7 [For text of item A, see M.R.]

35.8 B. A manure management plan that complies with the requirements of item D
35.9 must be submitted to the commissioner or delegated county when any one of the following
35.10 conditions applies:

35.11 (1) when an owner submits a permit application to the commissioner for an
35.12 NPDES, SDS, or interim permit under part 7020.0405, subpart 1, item C, subitem (3); or

35.13 (2) the manure management plan is requested by the commissioner or
35.14 county feedlot pollution control officer.

35.15 [For text of items C to E, see M.R.]

35.16 [For text of subps 5 to 8, see M.R.]

35.17 **RENUMBERING INSTRUCTION.** The range reference "7020.0100 to 7020.1900 "
35.18 shall be changed to "7020.0100 to 7020.1800 " in Minnesota Rules, parts 6120.3300,
35.19 7002.0253, 7020.1500, and 7020.1800.

35.20 **REPEALER.** Minnesota Rules, parts 7020.0300, subpart 5a; 7020.0350, subpart 3;
35.21 7020.0355, subparts 3 and 4; 7020.0535, subpart 2; 7020.1900; 7020.2003, subparts 4, 5,
35.22 and 6; and 7020.2110, subparts 1, 2, and 3, are repealed.