

1.1 **Pollution Control Agency**1.2 **Proposed 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 ~~3~~ 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; ~~and~~

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.** If  
2.4 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 concentrated  
2.10 animal feeding operation or aquatic animal production facility, the information required in  
2.11 Code of Federal Regulations, title 40, section 122.21~~(h)~~(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 ~~parts~~ part 7000.7000 ~~or~~  
2.21 ~~7020.1900~~, the applicant 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 ~~E~~ K 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 Category.

3.7 This publication is available ~~through the Minitex interlibrary loan system~~ on the Internet  
3.8 at <http://www.epa.gov>.

3.9 F. Code of Federal Regulations, title 40, ~~section 122.23, Concentrated Animal~~  
3.10 ~~Feeding Operations part 122, EPA Administered Permit Programs: The National Pollutant~~  
3.11 ~~Discharge Elimination System.~~ This publication is available ~~through the Minitex~~  
3.12 ~~interlibrary loan system~~ on the Internet at <http://www.epa.gov>.

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

3.14 I. ~~Minnesota Natural Resources Conservation Service Practice Standard, Waste~~  
3.15 ~~Storage Pond (Code No. 425), November 1991, or Waste Storage Facility (, Conservation~~  
3.16 ~~Practice Standard Code No. 313), January 1998, United States Department of~~  
3.17 ~~Agriculture, Natural Resources Conservation Service, October 2003, and as subsequently~~  
3.18 ~~amended.~~ This publication is available ~~through the Minitex system~~ on the Internet at  
3.19 <http://www.nrcs.usda.gov>.

3.20 J. ~~Feedlot Inventory Guidebook,~~  
~~Minnesota Board of Water and Soil Resources, June~~  
3.21 ~~1991.~~ This publication is available ~~through the Minitex interlibrary loan system.~~

3.22 ~~K.~~ J. Annual Book of American Society for Testing Materials (ASTM), part 4,  
3.23 ASTM D 2922, Test Method for Density of Soil and Soil-Aggregate in Place by Nuclear

3.24 Methods (Shallow Depth). 1996 Edition. This publication is available through the Minitex  
3.25 interlibrary loan system.

4.1 ~~L. An Evaluation System to Rate Feedlot Pollution Potential, United States~~  
4.2 ~~Department of Agriculture, Agricultural Research Service, April 1982. This publication~~  
4.3 ~~is available through the Minitex interlibrary loan system.~~

4.4 K. Published Soil Surveys for Minnesota,  
United States Department of Agriculture,  
4.5 Natural Resources Conservation Service (NRCS). The surveys are available on the Internet  
4.6 at [http://soils.usda.gov/survey/printed\\_surveys/state.asp?state=Minnesota&abbr=MN](http://soils.usda.gov/survey/printed_surveys/state.asp?state=Minnesota&abbr=MN) or  
4.7 at the local NRCS office.

4.8 **7020.0300 DEFINITIONS.**

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

4.10 Subp. 5a. [See repealer.]

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

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

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

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

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

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

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

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

5.4 Subp. 14a. **Modification.** "Modification" means a change to a facility component or  
5.5 operational practice described, required, or authorized by a permit issued under this chapter,  
5.6 including an expansion. Major and minor modifications are as defined in part 7001.0190.

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

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

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

5.11 A. areas, including winter feeding areas as part of a grazing area, where grass  
5.12 or other growing plants are used for grazing and where the concentration of animals is  
5.13 such that a vegetation allows a vegetative cover is to be maintained during the growing  
5.14 season, except in the immediate vicinity of temporary supplemental feeding or watering  
5.15 devices; that vegetative cover is not required:

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

5.17 (2) in associated corrals and chutes

where livestock are gathered for the purpose

5.18 of sorting, providing veterinary services, loading and unloading trucks and trailers, and

5.19 other necessary activities related to good animal husbandry practices; or

5.20 (3) in associated livestock access lanes used to convey livestock to and from

5.21 areas of the pasture; or

- 5.22 B. agricultural land:
- 5.23 (1) where livestock are allowed to forage during the winter;
- 5.24 (2) that is used for cropping purposes in the growing season; and
- 6.1 (3) where the concentration of  
animals is such that a vegetative cover of crops  
 6.2 is maintained during the growing season without the need for manure removal to avoid  
 6.3 exceeding nutrient application rate standards as provided in part 7020.2225, except in the  
 6.4 immediate vicinity of temporary supplemental feeding or watering devices.

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

6.6 Subp. 19. **Permit.** "Permit" means a ~~document~~ written authorization issued by  
 6.7 the agency or county animal feedlot pollution control officer, which may contain  
 6.8 requirements, conditions, or schedules for:

6.9 A. achieving compliance with the discharge standards and requirements for;

6.10 B. management of animal manure; or

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

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

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

6.15 Subp. 24. **State disposal system permit or SDS permit.** "State disposal system  
 6.16 permit" or "SDS permit" means a state permit that ~~may be~~ is processed in accordance with  
 6.17 ~~parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110~~ chapter 7001.

6.18 Subp. 25. **Unpermitted or noncertified liquid manure storage area.** "Unpermitted  
 6.19 or noncertified liquid manure storage area" means a liquid manure storage area that is  
 6.20 ~~in operation and:~~ has never been permitted or approved as meeting the standards in

6.21 part 7020.2100 and that did not obtain approval or certification pursuant to the process  
 6.22 established in Minnesota Rules 2011, part 7020.2110.

6.23 ~~A. the owner does not have an agency or delegated county permit or certificate~~  
 6.24 ~~of compliance for the manure storage area and was required to apply for and obtain a~~  
 7.1 ~~permit or certificate of compliance prior to the construction or operation of the manure~~  
 7.2 ~~storage area; or~~

7.3 ~~B. the owner has not complied with the preoperational requirements of part~~  
 7.4 ~~7020.2100 or permit requirements, if applicable.~~

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

7.6 Subp. 27. **Waters of the United States.** "Waters of the United States" has the meaning  
 7.7 given under the federal Clean Water Act.

7.8 **7020.0350 REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS AND**  
 7.9 **MANURE STORAGE AREAS.**

7.10 Subpart 1. **Registration data.** ~~After January 1, 2002,~~ The agency and all delegated  
 7.11 counties shall maintain registration data for animal feedlots and manure storage areas. The  
 7.12 registration data must include the ~~information required in a Level II feedlot inventory as~~  
 7.13 ~~described in the Feedlot Inventory Guidebook and must contain the following:~~

7.14 A. date the registration form was completed;

7.15 B. name and address of all owners of the animal feedlot, or manure storage area,  
 7.16 ~~or pasture;~~

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

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

7.19 Subp. 3. [See repealer.]

7.20 Subp. 4. **Registration requirements after January 1, 2002.** Owners of animal  
7.21 feedlots and manure storage areas who are required to register under subpart 2 shall  
7.22 comply with items A and B, as applicable.

8.1 A. Owners of facilities ~~not in operation~~  
8.2 ~~prior to January 1, 2002~~, shall register with  
8.3 the commissioner or delegated county prior to or upon commencement of operation.  
8.4 Owners shall comply with at least one of the following:

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

8.5 B. Owners shall update their registrations  
8.6 prior to the registration update deadlines,  
8.7 which shall be established by adding four-year increments to the initial registration  
8.8 deadline of January 1, 2002. Owners shall register at least once during each of the  
8.9 four-year registration update intervals by meeting ~~one of the following~~:

8.9 (1) ~~the owner shall comply with~~ requirements of item A, subitem (1) or  
8.10 (2); ~~or~~.

8.10 (2) ~~the owner shall be listed on a feedlot inventory that:~~

8.11 (a) ~~is a Level II or Level III~~  
8.12 ~~inventory as described in the Feedlot Inventory~~  
8.13 ~~Guidebook that contains the information under subpart 1, items A and E to J;~~

8.13 (b) ~~has been updated within the applicable four-year registration~~  
8.14 ~~interval;~~

8.14 (c) ~~contains the information required under subpart 1, items B to D and~~  
8.15 ~~K; and~~



8.16 ~~(d) in its updated form has~~  
8.17 ~~been submitted to the commissioner, including~~  
8.18 ~~the information in unit (c).~~

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

8.19 **7020.0405 PERMIT REQUIREMENTS.**

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

9.1 A. ~~an NPDES~~ NPDES/SDS permit for the construction ~~and, expansion,~~  
9.2 modification, or operation of an animal feedlot that meets the criteria for a CAFO as  
9.3 required by federal law;

9.4 B. ~~unless required to apply for a permit under item A, an SDS permit under the~~  
9.5 ~~following conditions:~~ for the construction, expansion, modification, or operation of an  
9.6 animal feedlot or manure storage area:

9.7 (1) ~~the construction and operation~~  
9.8 ~~of an animal feedlot or manure storage area~~  
9.9 ~~that has been demonstrated not to meet the criteria for CAFO and is capable of holding~~  
9.10 ~~1,000 or more animal units or the manure produced by 1,000 or more animal units; that~~  
9.11 ~~is capable of holding, or will be capable of holding, 1,000 or more animal units or the~~  
manure produced by 1,000 or more animal units;

9.12 (2) ~~the facility that does not comply with all applicable requirements of parts~~  
9.13 ~~7020.2000 to 7020.2225 and for which the pollution hazard cannot be, or has not been,~~  
9.14 ~~corrected 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) ~~the facility is one~~ for which conditions or requirements other than those in  
 9.19 parts 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 ~~items A and~~ item A or B, an interim  
 9.22 permit for:

9.23 (1) ~~facilities~~ a facility identified as a pollution hazard; ~~or~~

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 ~~(2)~~(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 part  
 10.7 7020.2225, subpart 3, item C;

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

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

10.11 D. unless required to obtain a permit  
 under ~~items A to~~ item A, B, or C, a construction  
 10.12 short-form permit for an animal feedlot or manure storage area proposing to construct or  
 10.13 expand to a capacity of 300 animal units or more, or the manure produced by 300 animal  
 10.14 units or more. ~~However, if a facility is determined to be a pollution hazard and the owner~~

10.15 ~~is proposing to expand to a capacity of 300 animal units or more, or the manure produced~~  
 10.16 ~~by 300 animal units or more, the owner shall apply for an interim permit under item C.~~

10.17 Subp. 2. **Expansion and stocking limitations requirements.**

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

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

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

11.1 Subp. 3. **No permit required.** ~~The An owner of an animal feedlot or manure storage~~  
 11.2 ~~area~~ is not required to apply for a permit for:

11.3 ~~A. a feedlot or manure storage area that meets the requirements of part 7020.2003,~~  
 11.4 ~~subparts 4 to 6;~~

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

11.7 ~~C. B. a livestock facility located on county fairgrounds; or~~

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

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

11.12 Subp. 4. **New name; change of ownership.** ~~Prior to the change in the ownership or~~  
11.13 ~~control of an animal feedlot or manure storage area issued~~

11.14 A. Before changing the name of a  
facility operating under a permit issued under this  
11.15 chapter, the new owner shall submit to the permitting authority, either the commissioner  
11.16 or county feedlot pollution control officer the information required in item A or B, as  
11.17 applicable. If the commissioner or county feedlot pollution control officer determines that  
11.18 the new owner meets the requirements for obtaining the permit, then the commissioner or  
11.19 the county feedlot pollution control officer shall issue the permit to the new owner. The  
11.20 new owner shall submit: who issued the permit, documentation of the new name and the  
11.21 permitting authority shall issue a permit modification reflecting the new name.

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

12.3 ~~A. a request for permit modification according to part 7001.0190 for facilities~~  
12.4 ~~covered under an SDS or NPDES permit; or~~

12.5 ~~B. a change of ownership form provided by the commissioner.~~

12.6 **Subp. 5. Modification of permit.**

12.7 A. If an owner of a facility that has coverage under an NPDES/SDS or SDS  
12.8 permit plans to make a modification, the owner must follow the procedures in chapter  
12.9 7001. Modifications that do not meet the criteria in part 7001.0190 are considered major  
12.10 modifications and must follow the procedures in parts 7001.0100 to 7001.0130.

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

12.15 **7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.**

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

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

13.1 B. Interim permit and construction short-form permit applications must be  
 13.2 submitted to the agency or delegated county in accordance with this part ~~and part~~  
 13.3 ~~7020.0535.~~

13.4 Subp. 2. **Permit application submittal schedule.** An owner of ~~an animal feedlot or a~~  
 13.5 ~~manure storage area who is~~ required to apply for a permit under part 7020.0405, subpart  
 13.6 1, shall apply ~~in accordance with the following~~ according to the schedule: provided in  
 13.7 items A to D.

13.8 A. ~~the following facilities that are in~~  
 13.9 ~~existence on or before October 23, 2000, must~~  
 13.10 ~~submit a permit application by June 1, 2001:~~

13.10 (1) ~~a CAFO; and~~

13.11 ~~(2) an animal feedlot capable of~~  
13.12 ~~holding 1,000 animal units or more or a manure~~  
13.13 ~~storage area capable of holding the manure produced by 1,000 animal units or more for~~  
13.14 ~~which the owner has demonstrated that the facility does not meet the CAFO criteria;~~

13.14 ~~B. a CAFO as determined through the case-by-case determination process under~~  
13.15 ~~Code of Federal Regulations, title 40, section 122.23(e), shall submit a permit application~~  
13.16 ~~by the submittal deadline established by the commissioner's written request. The owner~~  
13.17 ~~has at least 30 days to submit the permit application;~~

13.18 ~~C. an animal feedlot or a manure storage area that is new or expands after October~~  
13.19 ~~23, 2000, and required to apply for an SDS or NPDES permit, shall submit a permit~~  
13.20 ~~application at least 180 days prior to the planned date of commencement of construction~~  
13.21 ~~or expansion;~~

13.22 ~~D. an animal feedlot or a manure storage area that is new or expanding after~~  
13.23 ~~October 23, 2000, and is required to apply for a construction short-form permit, shall~~  
13.24 ~~submit a permit application at least 90 days prior to the planned date of commencement of~~  
13.25 ~~construction or expansion; and~~

14.1 ~~E. a facility determined to be a pollution hazard shall submit a permit application~~  
14.2 ~~by the submittal deadline established by the commissioner or the county feedlot pollution~~  
14.3 ~~control officer's written request. The owner has at least 15 days to submit the permit~~  
14.4 ~~application.~~

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

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

14.9                   (2) has been determined to be a  
14.10 medium or small CAFO as determined through  
14.11 the case-by-case determination process under Code of Federal Regulations, title 40,  
14.12 section 122.23(c), the owner must submit a permit application by the submittal deadline  
14.13 established by the commissioner's written request. The owner has at least 30 days to  
14.14 submit the permit application.

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

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

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

14.22                   (3) that is required to complete environmental review, pursuant to chapter  
14.23 4410, and the owner formally proposes, during the environmental review process, to  
14.24 implement mitigation measures that are more protective of the environment than the  
14.25 standards identified in parts 7020.2000 to 7020.2225, the owner must submit an amended  
15.1 permit application containing the additional site-specific mitigation measures, if requested  
15.2 by the commissioner. The amended permit application must be submitted to the agency or  
15.3 delegated county within 30 days of receiving written notification from the commissioner.

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

15.6                   D. For an interim permit for a facility:

15.7                   (1) that has been determined to  
15.8                   be a pollution hazard by the commissioner or a  
15.9                   county feedlot pollution control officer, the owner must submit a permit application to the  
15.10                  agency or delegated county by the submittal deadline established by the commissioner  
15.11                  or the county feedlot pollution control officer's written request. The owner has at least  
15.12                  15 days to submit the permit application;

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

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

15.22                   (a) on land where the soil phosphorus test levels exceed the levels in part  
15.23                   7020.2225, subpart 3, item C;

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

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

16.3   [For text of subp 3, see M.R.]

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

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



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

16.7 (7) the soil type or texture and depth to saturated soils at the facility as  
16.8 identified in the USDA most recent published soil survey Manual for the applicable county  
16.9 or a site-specific soils investigation. Soil surveys are incorporated by reference under part  
16.10 7020.0205. If applicable, submittal of the soils investigation information required in parts  
16.11 7020.2100 to 7020.2225 meets this requirement;

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

16.13 (10) if applying for an SDS or NPDES permit or interim permit under part  
16.14 7020.0405, subpart 1, item C, subitem (2), a manure management plan that meets the  
16.15 requirements under part 7020.2225, subpart 4; and

16.16 (11) if applicable, a description of all conditions that make the facility a  
16.17 pollution hazard and a description of the corrective and protective measures proposed  
16.18 to correct the pollution hazard; and

16.19 ~~(12) if applying for an NPDES permit, a supplemental federal application~~  
~~form.~~

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

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

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

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

17.4 (b) provide notification to the proper authorities; ~~and~~

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

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

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

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

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

17.14 A. ~~NPDES and SDS~~ NPDES/SDS permit applications and permits must be  
17.15 processed according to the procedures under this part and part 7001.0020, item F parts  
17.16 7001.0010 to 7001.0210 and 7001.1000 to 7001.1150. The term of an NPDES/SDS permit  
17.17 is five years. NPDES/SDS permits must include all applicable requirements of Code of  
17.18 Federal Regulations, title 40, part 122, and all requirements necessary to comply with  
17.19 this chapter and chapters 7001 and 7053.

17.20 B. ~~The agency and delegated county shall issue, reissue, revoke and reissue, or~~  
17.21 ~~modify a permit according to part 7001.0140 and other applicable agency rules.~~ SDS permit  
17.22 applications and permits must be processed according to the procedures under this part and  
17.23 parts 7001.0010 to 7001.0210. The term of an SDS permit is ten years. SDS permits must  
17.24 include all requirements necessary to comply with this chapter and chapters 7001 and 7053.

18.1 C. Construction short-form and interim permit applications must be processed in  
18.2 accordance with parts 7020.0505 and, 7020.0535, and chapter 7001, except that according  
18.3 to part 7001.0020, item F, parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and  
18.4 7001.0110, do not apply. County feedlot pollution control officers shall also process  
18.5 permit applications according to part 7020.1600, subpart 4a.

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

18.7 **7020.0535 CONSTRUCTION SHORT-FORM AND INTERIM PERMITS.**

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

18.10 Subp. 2. [See repealer.]

18.11 Subp. 3. ~~Delegated county~~ **Procedures for denial and revocation.**

18.12 A. ~~In the case of a denial of a permit application by the county feedlot pollution~~  
18.13 ~~control officer,~~ Denial of construction short-form and interim permit applications must be  
18.14 administered according to this item:

18.15 (1) ~~the applicant must be informed in writing by the county of the reasons for~~  
18.16 ~~denial and must be informed of appeal procedures~~ all rights of review afforded under  
18.17 ~~chapter~~ chapters 7000 and 7001. ~~The applicant shall retain all rights of fundamental~~  
18.18 ~~fairness afforded by law and the applicant may make an appeal to the agency to review~~  
18.19 ~~the county's action. The denial by a county shall be without prejudice to the applicant's~~  
18.20 ~~right to an appearance before the agency to request a public hearing or to file a further~~  
18.21 ~~application after revisions are made to meet objections specified as reasons for denial.~~

18.22 In the case of denial of a permit application by a county feedlot pollution control officer,  
18.23 the county is responsible for administering the review procedures unless the applicant  
18.24 has requested agency review; and

19.1 (2) at the time a county feedlot  
pollution control officer notifies the applicant of  
19.2 the reasons for denial, the applicant must be informed in writing of the applicant's right to  
19.3 make a request to the agency to review a denial of a permit application by a county feedlot  
19.4 pollution control officer. To be timely, the request must be filed within 30 days of receipt  
19.5 of notice of the denial by the county. The agency shall not review untimely requests. If the

19.6 agency denies the application, the applicant may request review under chapters 7000 and  
19.7 7001. The commissioner is responsible for administering the review procedures under this  
19.8 part and the commissioner or the agency shall make the final decision on the denial.

19.9 ~~B. In order for a delegated county to revoke a permit, a copy of the permit together~~  
19.10 ~~with a written justification for revocation must be submitted to the commissioner for review.~~  
19.11 ~~The commissioner shall, after receipt of the justification for revocation from the county,~~  
19.12 ~~review the matter within 60 days to determine compliance with applicable agency rules.~~  
19.13 ~~The county must receive written approval of the permit revocation from the commissioner~~  
19.14 ~~before taking action. If a revocation has been approved by the commissioner, the applicant~~  
19.15 ~~must be informed in writing by the county of the reasons for revocation and the applicant~~  
19.16 ~~shall retain all rights of appeal afforded under chapter 7001. Revocation without reissuance~~  
19.17 ~~of the permit must follow the requirements under part 7001.0180. Revocation of~~  
19.18 ~~construction short-form and interim permits must be administered according to this item:~~

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

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

20.1 (3) revocation without reissuance must be administered according to parts  
20.2 7001.0180, 7001.0190, and 7020.0505 and other applicable parts of chapter 7001.

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

20.4 **7020.1600 AUTHORITIES AND REQUIREMENTS FOR DELEGATED**  
 20.5 **COUNTIES.**

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

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

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

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

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

20.13 (3) permitting summary information from the previous year, including  
 20.14 information regarding permits for facilities with fewer than 1,000 animal units that are  
 20.15 CAFOs under Code of Federal Regulations, title 40, part 122, ~~appendix B(b)~~;

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

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

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

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

20.21 Subp. 3a. **Resolutions and delegation agreements.** To assume responsibility for  
 20.22 administering the delegated county feedlot program under this part, a Minnesota county  
 20.23 board shall complete the requirements in items A to D. ~~Counties that have received~~  
 20.24 ~~delegation authorization from the commissioner prior to October 23, 2000, may administer~~  
 21.1 ~~the delegated county feedlot program provided that the requirements of item B are~~  
 21.2 ~~completed by June 1, 2001.~~ Delegation agreements must be reviewed and revised by the  
 21.3 commissioner and the county annually to determine if the requirements of item B are  
 21.4 being fulfilled and to establish new goals.

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

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

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

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

21.11 (c) for determining compliance  
with discharge standards ~~and schedules for~~  
21.12 ~~existing open lot facilities eligible under part 7020.2003, subparts 3 to 6~~ subpart 3;

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

21.14 (5) scheduled compliance goals, coordinated with county local water plans,  
21.15 for bringing feedlot operations into compliance with the applicable standards under parts  
21.16 7020.2000 to 7020.2225, ~~including the compliance dates of part 7020.2003, subparts 5,~~  
21.17 ~~item B, and 6, item A,~~ considering the following:

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

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

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

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

21.22 Subp. 4a. **Permit application processing procedures.** The processing of permit  
21.23 applications by a delegated county shall be conducted according to the procedures in  
21.24 items A to ~~D~~ F.

22.1 A. The county feedlot pollution control officer shall process permit applications  
22.2 and issue construction short-form and interim permits according to this part and ~~part~~ parts  
22.3 7020.0505 and 7020.0535, except as directed in item B.

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

22.5 E. Upon issuance of a permit according to this part, a delegated county shall  
22.6 provide the commissioner written notice of its action. Pursuant to Minnesota Statutes,  
22.7 section 116.07, subdivision 7, the commissioner shall, after receipt of written notification  
22.8 of the issuance of a permit by a delegated county, have 15 days to review, suspend,  
22.9 modify, or reverse the issuance of the permit. If the agency takes no action, the action of  
22.10 the county is final, subject to appeal as provided in Minnesota Statutes, chapter 14. If the  
22.11 agency suspends, modifies, or reverses the issuance of the permit, the applicant must be  
22.12 informed in writing by the agency of the reasons for suspension, modification, or reversal  
22.13 and must be informed of review procedures under chapters 7000 and 7001. If no person  
22.14 requests a contested case hearing within 30 days, the agency decision with regard to the  
22.15 permit becomes final, subject to appeal as provided in Minnesota Statutes, chapter 14.

22.16 F. For a delegated county to revoke a permit, a copy of the permit together with  
22.17 a written justification for revocation must be submitted to the commissioner for review.  
22.18 The commissioner shall, after receipt of the justification for revocation from the county,  
22.19 review the matter within 60 days to determine compliance with applicable agency rules.  
22.20 The county must receive written approval of the permit revocation from the commissioner  
22.21 before taking action.

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

22.23 **7020.2000 OVERVIEW.**

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

23.1 Subp. 4. **Neighbor notification of proposed construction or expansion of 500**  
23.2 **animal units or more.**

23.3 A. An owner of an animal feedlot or  
manure storage area proposing to construct or

23.4 expand an animal feedlot capable of holding 500 or more animal units, or a manure storage  
 23.5 area capable of holding the manure produced by 500 or more animal units, shall ~~no later~~  
 23.6 ~~than ten business days after the application is submitted to the agency or delegated county~~  
 23.7 not less than 20 business days before the date on which a permit is issued, provide notice to:

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

23.10 ~~A.~~ (a) publishing in a newspaper  
 of general circulation within the affected area a  
 23.11 notification containing the following information:

23.12 (1) ~~i.~~ i. the names of the owners or the legal name of the facility;

23.13 (2) ~~ii.~~ ii. the location of the facility by county, township, section, and quarter  
 23.14 section;

23.15 (3) ~~iii.~~ iii. species of livestock and total animal units;

23.16 (4) ~~iv.~~ iv. types of confinement buildings, lots, and areas at the animal feedlot;  
 23.17 and

23.18 (5) ~~v.~~ v. the types of manure storage areas;

23.19 ~~B.~~ (b) sending a written notice to ~~them~~ each resident and owner of real property  
 23.20 containing the information in ~~item A, subitems (1) to (5),~~ unit (a) delivered by first class  
 23.21 mail or in person; or

23.22 ~~C.~~ (c) providing equal or greater notification required as part of ~~obtaining a~~  
 23.23 ~~county conditional use permit.~~ or township permitting process; and

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



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

24.7 Subp. 5. **Government notifications of proposed construction or expansion.** An  
 24.8 owner proposing to construct or expand an animal feedlot or manure storage area shall  
 24.9 notify the government authorities listed in items A and B. Notification must be on a form  
 24.10 provided by the commissioner and include the information in subpart 4, item A, ~~subitems~~  
 24.11 ~~(1) to (5):~~ subitem (1), unit (a), subunits i to v. The owner shall provide documentation to  
 24.12 the commissioner or county feedlot pollution control officer that the required notifications  
 24.13 have been completed as required under part 7020.0505, subpart 4, item C.

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

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

24.16 **7020.2003 WATER QUALITY DISCHARGE STANDARDS.**

24.17 Subpart 1. **Subsurface discharges from animal feedlots and manure storage areas.**  
 24.18 No person shall discharge animal manure, manure-contaminated runoff, or process  
 24.19 wastewater from any animal feedlot, including ~~CAFOs~~ a CAFO, or manure storage area  
 24.20 ~~is prohibited from flowing~~ into a sinkhole, fractured bedrock, well, surface tile intake,  
 24.21 mine, ~~or~~ quarry, or other direct conduits to groundwater.

24.22 Subp. 2. **CAFOs and facilities animal feedlots with 1,000 animal units or more.**

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

25.3 B. No discharge, as defined by Code  
 25.4 of Federal Regulations, title 40, section 122.2,  
 25.5 shall be allowed from a CAFO into waters of the United States, unless the animal feedlot  
 25.6 or manure storage area has an NPDES/SDS permit authorizing such discharge.

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

25.11 Subp. 3. **Other facilities.** An owner of an animal feedlot or a manure storage area shall  
 25.12 comply with the effluent limitations in part ~~7050.0215~~ 7053.0305 unless the animal feedlot  
 25.13 or the manure storage area is subject to the effluent limitation requirements in subpart 2 or  
 25.14 ~~if the owner of the animal feedlot is subject to and meets all of the requirements in subpart~~  
 25.15 ~~4~~ an effluent limitation established in a permit issued under this chapter.

25.16 Subp. 4. [See repealer.]

25.17 Subp. 5. [See repealer.]

25.18 Subp. 6. [See repealer.]

## 25.19 **7020.2005 LOCATION RESTRICTIONS AND EXPANSION LIMITATIONS.**

25.20 Subpart 1. **Location restrictions.** A new animal feedlot or a manure storage area must  
 25.21 not be constructed within a floodplain or within 300 feet of a sinkhole. A new animal  
 25.22 feedlot or a manure storage area must not be constructed within the applicable isolation  
 25.23 distance required by part 4725.4450 or 100 feet of a water supply well, whichever is  
 25.24 greater. Except as provided in items A and B, a new animal feedlot or a manure storage  
 25.25 area must not be constructed within shoreland, ~~a floodplain, 300 feet of a sinkhole, 100~~  
 26.1 ~~feet of a private well, or~~ within 1,000 feet of a community water supply well or other  
 wells serving a public school as defined under Minnesota Statutes, section 120A.05,

26.2 a private school excluding home school sites, or a licensed child care center where the  
 26.3 well is vulnerable according to part 4720.5550, subpart 2.

26.4 A. An animal feedlot or a manure storage area located in shoreland meeting the  
 26.5 requirements of part 7020.0300, subpart 15, item B<sub>2</sub>

26.6 (1) ~~that has been unused for less than ten years is a pollution hazard and~~  
 26.7 may resume operation after applying for and obtaining ~~an interim~~ a permit under part  
 26.8 7020.0405, subpart 1, ~~item C; or. The requirements of part 7020.2100, subpart 1, item~~  
 26.9 C, shall be followed for any liquid manure storage areas that have not been used for  
 26.10 three years or more.

26.11 (2) ~~that has been unused for ten years or more must not resume operation.~~

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

26.13 [For text of subs 2 and 3, see M.R.]

26.14 **7020.2015 LIVESTOCK ACCESS TO WATERS RESTRICTION.**

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

26.16 Subp. 2. **Non-CAFO animal feedlots.** Except as required in subpart 1, ~~by October~~  
 26.17 ~~1, 2001,~~ animals of a non-CAFO animal feedlot must be fenced to prohibit entry to, and  
 26.18 must not be allowed to enter, a lake classified by the Minnesota Department of Natural  
 26.19 Resources as a natural environment lake, recreational development lake, or a general  
 26.20 development lake, as defined in part 6120.3000.

26.21 **7020.2100 LIQUID MANURE STORAGE AREAS.**

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

27.1 A. This part describes site restrictions and requirements for design, construction,  
 27.2 maintenance, and operation of liquid manure storage areas. ~~An owner shall submit a~~  
 27.3 ~~permit application, as applicable, under part 7020.0405, subparts 1 and 2.~~

27.4 B. ~~Except as required in subpart 2,~~ All liquid manure storage areas must be  
27.5 designed, constructed, and operated in accordance with subparts ~~3~~ 2 to 7.

27.6 C. An owner of a liquid manure storage area that has been unused for a period  
27.7 of three years or more shall, prior to using the structure for storing manure or process  
27.8 wastewaters, have a design engineer evaluate and prepare a report on the condition of  
27.9 the liner and include this report with a permit application submitted according to part  
27.10 7020.0405.

27.11 D. A liquid manure storage area that provides temporary storage or temporary  
27.12 processing of manure, manure-contaminated runoff, or process wastewater is not subject  
27.13 to this part if the commissioner determines that the liquid manure storage area is a  
27.14 limited risk liquid manure storage area. In making this determination, the commissioner  
27.15 shall consider the:

27.16 (1) location of the proposed liquid  
manure storage area in relation to waters of  
27.17 the state;

27.18 (2) geologic sensitivity of the proposed location;

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

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

27.23 (5) type of material proposed to  
be stored and the material's expected pollutant  
27.24 concentration.

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

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

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

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

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

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

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

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

28.19 i. an aboveground manure storage area;

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

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

28.24 [For text of subitem (3), see M.R.]

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

29.2 D. Removal of bedrock in order to  
comply with the applicable separation distances

29.3 under item B is prohibited unless specifically authorized by the commissioner. In making  
29.4 the determination to allow the removal of bedrock, the commissioner shall consider:

29.5 (1) geologic sensitivity of the proposed location;

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

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

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

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

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

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

29.18 **Subp. 3. Design standards.**

29.19 A. Except as provided in item B, a new or modified liquid manure storage area at  
29.20 an animal feedlot a facility capable of holding 1,000 animal units or more or the manure  
29.21 storage area capable of holding the manure produced by 1,000 animal units or more must

29.22 be designed to provide a minimum of storage volume necessary so that the facility has  
29.23 at least nine months of storage capacity.

29.24 B. Liquid manure storage areas designed and operated to provide storage for  
29.25 only manure-contaminated runoff or process wastewater shall be designed to provide  
30.1 a minimum storage volume necessary to accommodate the volume generated from a  
30.2 25-year, 24-hour storm event and any additional volume needed to be consistent with the  
30.3 proposed manure management plan application frequency.

30.4 ~~B. C.~~ Liquid manure storage area liners must comply with the following:

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

30.6 ~~C. D.~~ Water supply systems, fuel lines, electrical conduit, or other equipment not  
30.7 solely functioning as part of the manure handling or transfer system must not be designed  
30.8 or constructed to penetrate the liner of a liquid manure storage area. Piping and equipment  
30.9 functioning as part of the manure handling or transfer system which penetrates the liner  
30.10 of a liquid manure storage area must be identified in the design plans and specifications.  
30.11 The design plans and specifications must include details on the location and purpose of  
30.12 the penetrations, dimensions of the penetrations, and the methods and materials used to  
30.13 provide a seal between each penetration and the liner.

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

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

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

31.1 D. In addition to the designed storage volume in item C, ~~allowance for the greater~~  
31.2 ~~capacity of the following for manure storage areas open to precipitation or subject to~~  
31.3 ~~discharge of runoff into the manure storage area:~~ a freeboard depth of not less than one  
31.4 foot. Liquid manure storage areas that store animal manure and that receive precipitation  
31.5 runoff must provide a freeboard depth of not less than one foot or the volume generated  
31.6 by a 25-year, 24-hour storm event, whichever is greater.

31.7 (1) ~~a volume capacity for precipitation and runoff without overflow for a~~  
31.8 ~~25-year, 24-hour or greater precipitation or rainfall event; or~~

31.9 (2) ~~a freeboard depth of not less than one foot.~~

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

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

31.12 A. The owner shall construct the  
31.13 manure storage area according to the design plans  
31.14 and specifications submitted to the commissioner or the county feedlot pollution control  
31.15 officer and as approved by the commissioner or the county feedlot pollution control officer.  
31.16 Proposed engineering changes or modifications to the design plans and specifications;  
31.17 ~~related to the liner specifications, location, depth, or separation distance to bedrock,~~ must  
31.18 be submitted to the commissioner or county feedlot pollution control officer ~~prior to~~ for  
review and approval before commencement of construction related to the proposed change.



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

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

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

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

32.1 Subp. 7. **Operation and maintenance.** The owner of a manure storage area shall  
32.2 operate and maintain the manure storage area according to ~~the operation and maintenance~~  
32.3 ~~plan submitted in accordance with subpart 4, item N.~~ plans and specifications approved by  
32.4 the commissioner or county feedlot pollution control officer.

32.5 **7020.2110 UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE**  
32.6 **AREAS.**

32.7 Subpart 1. [See repealer.]

32.8 Subp. 2. [See repealer.]

32.9 Subp. 3. [See repealer.]

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

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

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

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

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

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

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

33.6 (3) remains in good operating condition.

33.7 **7020.2120 POULTRY BARN FLOORS.**

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

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

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

33.15 **7020.2125 MANURE STOCKPILING SITES.**

33.16 Subpart 1. **General.** This part describes requirements for permitting, design,  
33.17 construction, location, operation, and maintenance of short-term and permanent

33.18 stockpiling sites. An owner of a stockpiling sites site must comply with part 7020.2005  
 33.19 and items A to D.

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

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

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

34.2 Subp. 2. **Additional requirements for short-term stockpiling.** ~~By October 1, 2001,~~  
 34.3 ~~all~~ An owner of a short-term stockpile sites site must operate and maintain the stockpile  
 34.4 such that:

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

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

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

34.10 C. it is not ~~be~~ located within:

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

34.12 D. ~~maintain~~ a minimum distance of two feet is maintained between the base of  
 34.13 the stockpile and the seasonal high water table or saturated soils, as identified in the most  
 34.14 recent ~~USDA/NRCS~~ published soil survey ~~manual~~ for the applicable county or based  
 34.15 on a site-specific soils investigation; and

34.16 E. ~~be prohibited~~ the stockpile is not placed on:

34.17 (1) ~~on~~ land with greater than six percent slope;

34.18 (2) ~~on~~ land with slopes between  
two and six percent, except where clean water  
34.19 diversions and erosion control practices are installed; and

34.20 (3) ~~on~~ soils where the soil texture  
of the entire soil profile to a depth of five feet  
34.21 is coarser than a sandy loam as identified in the most recent ~~USDA/NRCS~~ published soil  
34.22 survey ~~Manual~~ or based on a site-specific soils investigation.

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

35.1 Subp. 4. **Additional requirements for permanent stockpile sites.** ~~By October 1,~~  
35.2 ~~2001, all~~ An owner of a permanent stockpile sites site must comply with this part. The  
35.3 owner shall also install a liquid manure storage area according to part 7020.2100 to collect  
35.4 and contain manure-contaminated runoff, if necessary to comply with the requirements  
35.5 of part 7020.2003. An owner shall submit a permit application, as applicable, under  
35.6 part 7020.0405, subpart 1.

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

35.8 E. An owner shall notify the commissioner or county feedlot pollution control  
35.9 officer of intent to construct a minimum of three days prior to commencement of  
35.10 construction and within three days following completion of construction. Notification  
35.11 must be completed by letter, telephone, ~~or~~ facsimile, or electronic mail and include:

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

35.13 F. The owner shall ~~comply with subpart 2, item D.~~ ensure that the liner is installed  
35.14 and maintained above the seasonal high water table or saturated soils, as identified in  
35.15 the most recent soil survey for the applicable county or based on a site-specific soils  
35.16 investigation. Soil surveys are incorporated by reference under part 7020.0205.

35.17 **7020.2225 LAND APPLICATION OF MANURE.**35.18 [For text of subps 1 to 3, see M.R.]

35.19 Subp. 4. **Manure management plan requirements.** Item A indicates who must  
 35.20 prepare a manure management plan and when the plan must be prepared. Item B lists  
 35.21 when manure management plans must be submitted to the agency or delegated county  
 35.22 for review. Item C describes when the manure management plan must be reviewed  
 35.23 and revised. Item D lists the required elements of a manure management plan. Item E  
 35.24 describes exceptions to manure management plans when manure ownership is transferred.

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

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

36.4 (1) when an owner submits a permit application to the commissioner for an  
 36.5 NPDES, SDS, or an interim permit under part 7020.0405, subpart 1, item C, subitem  
 36.6 ~~(2)~~ (3); or

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

36.9 [For text of items C to E, see M.R.]36.10 [For text of subps 5 to 8, see M.R.]

36.11 **RENUMBERING INSTRUCTION.** The range reference "7020.0100 to 7020.1900"  
 36.12 shall be changed to "7020.0100 to 7020.1800" in Minnesota Rules, parts 6120.3300,  
 36.13 7002.0253, 7020.1500, and 7020.1800.

- 36.14 **REPEALER.** Minnesota Rules, parts 7020.0300, subpart 5a; 7020.0350, subpart 3;  
36.15 7020.0355, subparts 3 and 4; 7020.0535, subpart 2; 7020.1900; 7020.2003, subparts 4, 5,  
36.16 and 6; and 7020.2110, subparts 1, 2, and 3, are repealed.