

DATE : June 14, 2006

wq-f6-59

TO : MPCA Feedlot Staff and County Feedlot Officers

FROM : MPCA Feedlot Program Technical Team

SUBJECT : **Unpermitted or Noncertified Liquid Manure Storage Areas (LMSA)
Application of Minn. R. 7020.2110 to Earthen, Concrete, and All Other Types of
Liquid Manure Storage Areas.**

Policy:

Decisions regarding permissible remediation practices for unpermitted/noncertified Liquid Manure Storage Areas (Minn R. 7020.2110) shall be made according to the flow chart on the following page. All remediation practices shall be completed according to all applicable parts of Minn R. 7020.2110

Key Definitions:

Unpermitted or noncertified liquid manure storage area. "Unpermitted or noncertified liquid manure storage area" means a liquid manure storage area that is in operation and:

- A. the owner does not have an agency or delegated county permit or certificate of compliance for the manure storage area and was required to apply for and obtain a permit or certificate of compliance prior to the construction or operation of the manure storage area; or
- B. the owner has not complied with the preoperational requirements of part 7020.2100 or permit requirements, if applicable.

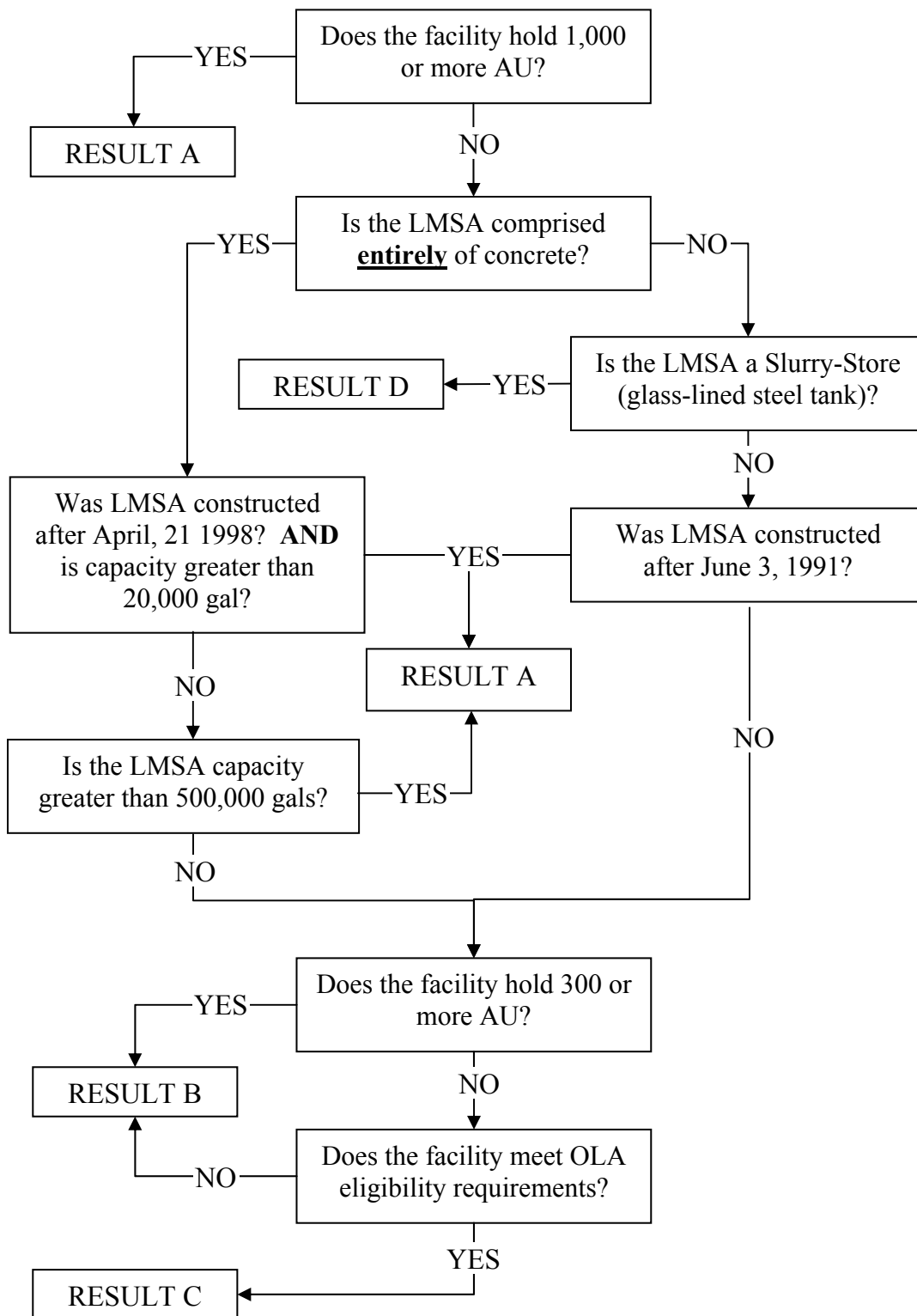
LMSA Capacity: Volume of manure that a LMSA is capable of holding including "freeboard" volume and any volume necessary to hold rainfall and/or manure contaminated runoff from the applicable design storm.

Concrete LMSA: A LMSA where the liner material is concrete that has been placed with the utilization of mechanical or earth forms and contains steel, wire mesh, or other industry standard reinforcement. This also includes those LMSA's constructed of concrete block with a concrete floor. This does **not** include LMSA's constructed of pre-cast concrete panels assembled on site, or LMSA's that utilize a combination of concrete and any other liner material.

Slurry-Store: Any glass-lined steel tank

OLA Eligibility Requirements: For purposes of this policy, a feedlot meets the OLA eligibility requirements if all the following criteria are met:

1. Feedlot capacity must be less than 300 animal units (AU);
2. The feedlot must have an open lot(s) to house livestock;
3. The runoff and/or manure from the open lot(s) is stored in a liquid manure storage area (LMSA);
4. The feedlot owner has signed an Open Lot Agreement;
5. The LMSA has never been approved for use by the Minnesota Pollution Control Agency (MPCA) or County Feedlot Officer (CFO) through the inclusion of the LMSA in a permit or Certificate of Compliance; and
6. The LMSA is to be remediated by reconstruction or closure according to Minn. R. 7020.2110, Subparts 1. A and B, respectively.



RESULT A – OPTIONS

(Minn R.7020.2110 subp.1 A-E)

1. Reconstruction
2. Closure
3. Provide plans (prepared before construction) and construction report signed by engineer (if required)
4. NRCS manager certification if original NRCS plans are not available or on file.
5. Water balance

RESULT B - OPTIONS

(Minn R.7020.2110 subp.1 A-E & subp.2 B)

1. Reconstruction
2. Closure
3. Provide plans (prepared before construction) and Construction report signed by engineer (if required)
4. NRCS manager certification if original NRCS plans are not available or on file.
5. Water balance
6. Soils investigation by professional engineer or soil scientist

RESULT C - OPTIONS

(Minn R.7020.2110 subp.3)

1. By Oct. 1 2005 must notify MPCA/CFO of intent to close or reconstruct by Oct. 1, 2010
 - Must complete closure or reconstruction by Oct. 1, 2010
2. Complete one of the items identified in **RESULT B - OPTIONS**

RESULT D - OPTIONS

1. Complete one of the items identified in **RESULT A – OPTIONS**
2. Manufacturer Certification that basin was constructed using applicable manufacturer construction standards and the LMSA is still in good working condition.