

Rule and Statute Citations for Common Feedlot Violations

June 2009 (Updated September 2016)

Purpose

This is meant to assist county feedlot officers in the preparation of Letters of Warning, Notices of Violation or similar enforcement documents. The document provides rule and statute citations for common feedlot violations. The document does not contain a complete set of violations, rules or statutes, nor does it provide every applicable rule or statute for the violations provided. Additionally, the document does not provide guidance for compliance determination.

Guidance

Remember to add citations for applicable County Ordinances.

Take care in citing the rule or statute to be sure the portion of the rule or statute clearly addresses a violation. Don't include more of the rule or statute than is needed. However, don't shorten the citation if what is left out could leave the impression something is hidden.

Consult MPCA staff when uncertain about appropriate rule or statute citations.

Tip

View the document with the Microsoft Word feature *Document Map* turned on. This allows easy navigation from one citation to another. To turn the *Document Map* on, under the menu item *View*, click on *Document Map*.

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Interim Permit

Failure to Submit Interim Permit Application before deadline

Minn. R. 7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.

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

D. For an interim permit for a facility:

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

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

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

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

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

(c) in a drinking water supply management area where the aquifer is designated vulnerable under chapter 4720. a facility determined to be a pollution hazard shall submit a permit application by the submittal deadline established by the commissioner or the county feedlot pollution control officer's written request. The owner has at least 15 days to submit the permit application.

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Noncompliance with Interim Permit

e.g MPCA-INT 3097 – GORDON A. JOHNSON AND TODD G. JOHNSON



Part 2. 3. Plans and Schedules. By June 1, 2004, the Permittee shall install a 35 foot vegetated buffer around the surface tile intake.

- * Authority provided in Minn. Stat. § 115.071 and within the permit;
TERMS AND CONDITIONS OF PERMITS (7001.0150, subp. 3 General conditions)
 - E. The permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the agency and in compliance with the conditions of the permit.

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Change of Ownership with No Permit

Failure to Register

Minn. R. 7020.0350, REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS AND MANURE STORAGE AREAS

Subp. 2. Owners required to register.

A. Owners of the following facilities are required to register with the commissioner or delegated county, except as provided in item B:

- (1) an animal feedlot capable of holding 50 or more animal units, or a manure storage area capable of holding the manure produced by 50 or more animal units; and
- (2) an animal feedlot capable of holding ten or more and fewer than 50 animal units, or a manure storage area capable of holding the manure produced by ten or more and fewer than 50 animal units, that is located within shoreland.

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< 300 Animal Unit - Construction and Expansion
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Failure to Submit “Notice of Construction or Expansion Form”

Minn. R. 7020.2000 STANDARDS FOR DISCHARGE, DESIGN, CONSTRUCTION, OPERATION, AND CLOSURE OVERVIEW.

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

- A. The commissioner, or in a delegated county the county feedlot pollution control officer, at least 30 days prior to commencement of construction of a new animal feedlot or manure storage area or an expansion of an existing animal feedlot capable of holding fewer than 300 animal units or a manure storage area capable of holding the manure produced by fewer than 300 animal units after construction. Notification under this item is complete if the owner is proposing construction or modification of a liquid manure storage area and has submitted plans and specifications in accordance with part 7020.2100, subpart 4.
- B. All local zoning authorities, including county, town, and city zoning authorities, of the proposed construction or expansion at least 30 days prior to commencement of construction of a new feedlot or manure storage area or an expansion of an existing animal feedlot or manure storage area.

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Construction and Expansion within a Restricted Area

Location of Feedlot or MSA in a Restricted Area

Minn. R. 7020.2005 LOCATION RESTRICTIONS AND EXPANSION LIMITATIONS.

Subpart 1. **Location restrictions.** A new animal feedlot or a manure storage area must not be constructed within a floodplain or within 300 feet of a sinkhole. A new animal feedlot or a manure storage area must not be constructed within the applicable isolation distance required by part 4725.4450 or 100 feet of a water supply well, whichever is greater. Except as provided in items A and B, a new animal feedlot or a manure storage area must not be constructed within shoreland 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, a private school excluding home school sites, or a licensed child care center where the well is vulnerable according to part 4720.5550, subpart 2.

A. An animal feedlot or a manure storage area located in shoreland meeting the requirements of part 7020.0300, subpart 15, item B, may resume operation after applying for and obtaining a permit under part 7020.0405, subpart 1. The requirements of part 7020.2100, subpart 1, item C, shall be followed for any liquid manure storage areas that have not been used for three years or more.

B. A new animal feedlot or manure storage area may be constructed within 1,000 feet of a community water supply well or other well serving a public school as defined under Minnesota Statutes, section 120A.05, a private school excluding home school sites, or a licensed child care center if the following three conditions are met:

- (1) the Minnesota Department of Health has approved a drinking water supply management area for the well under part 4720.5360;
- (2) the animal feedlot or manure storage area is not within the drinking water supply management area; and
- (3) the animal feedlot or manure storage area is not within 200 feet of the well.

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Construction and Expansion without a Permit

Failure to Register

Minn. R. 7020.0350, REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS AND MANURE STORAGE AREAS

Subp. 2. Owners required to register.

A. Owners of the following facilities are required to register with the commissioner or delegated county, except as provided in item B:

(1) an animal feedlot capable of holding 50 or more animal units, or a manure storage area capable of holding the manure produced by 50 or more animal units; and

(2) an animal feedlot capable of holding ten or more and fewer than 50 animal units, or a manure storage area capable of holding the manure produced by ten or more and fewer than 50 animal units, that is located within shoreland.

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Failure to Apply for a CSF Permit

Minn. R. 7020.0405 PERMIT REQUIREMENTS.

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

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

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Failure to Apply for a Permit (General)

Minn. R. 7001.0030 PERMIT REQUIRED.

Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.

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Failure to Obtain a CSF Permit

Minn. R. 7020.0405 PERMIT REQUIREMENTS.

Subp. 2. Expansion and stocking requirements.

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

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Failure to Obtain a Permit (General)

Minn. Stat. § 115.07 VIOLATIONS AND PROHIBITIONS.

Subd. 1. **Obtain permit.** (a) Except as provided in paragraph (b), it is unlawful for any person to construct, install, or operate a disposal system, or any part thereof, until plans and specifications for the disposal system have been submitted to the agency, unless the agency waives submission of the plans and specifications and a written permit for the disposal system is granted by the agency.

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Failure to Submit “Notice of Construction or Expansion Form”

Minn. R. 7020.2000 STANDARDS FOR DISCHARGE, DESIGN, CONSTRUCTION, OPERATION, AND CLOSURE OVERVIEW.

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

B. All local zoning authorities, including county, town, and city zoning authorities, of the proposed construction or expansion at least 30 days prior to commencement of construction of a new feedlot or manure storage area or an expansion of an existing animal feedlot or manure storage area.

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Failure to Submit Design Plans and Specs for a LMSA

Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS



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

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Failure to Construct LMSA According to Design Plans and Specs

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.

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

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Failure to Notify 3 Days Prior to the Commencement of Construction of an LMSA

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.

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

- (1) the permit number, if applicable;
- (2) the owner's name, and the name of the facility if different than the owner;
- (3) the site location by county, township, section, and quarter section;
- (4) the design engineer's name; and
- (5) the name of the contractor responsible for installing the liner.

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Failure to Notify 3 Days Following the Completion of Construction of an LMSA

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.



C. An owner shall notify the commissioner or county feedlot pollution control officer within three business days following completion of construction of the manure storage area liner. Notification for vertical concrete-lined walls under this item must be completed before backfilling the walls. Notification information must meet the requirements in item B.

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Failure to Submit a Construction Report for an LMSA

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.

D. The owner shall submit a construction report to the commissioner or county feedlot pollution control officer within 60 days of the completion of any new or modified manure storage area. The report must be prepared and signed by the design engineer and must contain an assessment of whether the completed manure storage area conforms to the design plans and specifications submitted to the commissioner or county feedlot pollution control officer. The commissioner may require manure removal from the manure storage area and corrective actions if the construction report indicates that the completed manure storage area does not conform to the design plans and specifications.

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Failure to Complete LMSA Construction Inspections

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 6. **Inspections of liquid manure storage areas.** An owner constructing a liquid manure storage area, except for a concrete-lined manure storage area with a capacity of 20,000 gallons or less, shall have inspections completed during the construction process which comply with items A to D.

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Failure to Obtain Contractor Certification

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 6. **Inspections of liquid manure storage areas.** An owner constructing a liquid manure storage area, except for a concrete-lined manure storage area with a capacity of 20,000 gallons or less, shall have inspections completed during the construction process which comply with items A to D.

C. The contractor responsible for installation of the liner shall certify on a form provided by the commissioner that the manure storage area was constructed in conformance with the design plans and specifications and construction standards for all applicable stages of construction in item B.

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Failure to Submit Inspector Information for Final Construction Report

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 6. Inspections of liquid manure storage areas. An owner constructing a liquid manure storage area, except for a concrete-lined manure storage area with a capacity of 20,000 gallons or less, shall have inspections completed during the construction process which comply with items A to D.

D. The owner shall ensure that the following information is submitted to the design engineer for incorporation into the construction report required in subpart 5, item D:

- (1) the name and qualifications of the inspector;
- (2) the inspection form required in item B; and
- (3) the liner contractor's certification form required in item C.

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Liquid Manure Storage Areas

Feedlot or Manure Storage Area Closure

Minn. R. 7020.2025 ANIMAL FEEDLOT OR MANURE STORAGE AREA CLOSURE.

The owner of an animal feedlot or a manure storage area is responsible for closure and shall:

- A. within one year of ceasing operation, remove and land apply manure and manure-contaminated soils from manure storage areas and animal holding areas in accordance with part 7020.2225;
- B. as soon as practicable after completing the requirements of item A, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five years; and
- C. within 60 days after final closure, submit a certified letter to the commissioner or county feedlot pollution control officer stating that the animal feedlot or the manure storage area has been closed according to the requirements in this part. The letter must identify the location of the animal feedlot or the manure storage area by county, township, section, and quarter section.

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New Construction

(Damaged Structure, Honeycombing, Exposed Rebar, Cracks, Pit Walls Compromised)

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.

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

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Old Construction with Plans and Specs

(undercut pads, varmints, brush, trees, honeycombing, exposed rebar, cracks, pit walls compromised)

Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS



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

Minn. R. 7020.0300 DEFINITIONS

Subp. 19a. **Pollution hazard.** "Pollution hazard" means an animal feedlot or manure storage area that:

- A. does not comply with the requirements of parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or
- B. presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:
 - (1) the size of the animal feedlot or manure storage area;
 - (2) the amount of pollutants reaching or that may reach waters of the state;
 - (3) the location of the animal feedlot or manure storage area relative to waters of the state;
 - (4) the means of conveyance of animal manure or process wastewater into waters of the state; and
 - (5) the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

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Old Construction without Plans and Specs

(undercut pads, varmints , brush, trees, honeycombing, exposed rebar, cracks, pit walls compromised)

Minn. R. 7020.0300 DEFINITIONS

Subp. 19a. **Pollution hazard.** "Pollution hazard" means an animal feedlot or manure storage area that:

- A. does not comply with the requirements of parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or
- B. presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:
 - (1) the size of the animal feedlot or manure storage area;
 - (2) the amount of pollutants reaching or that may reach waters of the state;
 - (3) the location of the animal feedlot or manure storage area relative to waters of the state;
 - (4) the means of conveyance of animal manure or process wastewater into waters of the state; and



(5) the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

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Failure to Notify 3 Days Prior to the Commencement of Construction of an LMSA

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.

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

- (1) the permit number, if applicable;
- (2) the owner's name, and the name of the facility if different than the owner;
- (3) the site location by county, township, section, and quarter section;
- (4) the design engineer's name; and
- (5) the name of the contractor responsible for installing the liner.

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Failure to Notify 3 Days Following the Completion of Construction of an LMSA

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.

C. An owner shall notify the commissioner or county feedlot pollution control officer within three business days following completion of construction of the manure storage area liner. Notification for vertical concrete-lined walls under this item must be completed before backfilling the walls. Notification information must meet the requirements in item B.

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Failure to Notify 3 Days Prior to Backfilling Vertical Concrete Lined Walls

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS

Subp. 5. Construction and notification requirements.

C. An owner shall notify the commissioner or county feedlot pollution control officer within three business days following completion of construction of the manure storage area liner. Notification for vertical concrete-lined walls under this item must be completed before backfilling the walls. Notification information must meet the requirements in item B.

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Failure to Submit a Construction Report

Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS



Subp. 5. Construction and notification requirements.

D. The owner shall submit a construction report to the commissioner or county feedlot pollution control officer within 60 days of the completion of any new or modified manure storage area. The report must be prepared and signed by the design engineer and must contain an assessment of whether the completed manure storage area conforms to the design plans and specifications submitted to the commissioner or county feedlot pollution control officer. The commissioner may require manure removal from the manure storage area and corrective actions if the construction report indicates that the completed manure storage area does not conform to the design plans and specifications.

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Unpermitted LMSA Less than 1,000 AU

Minn. R. 7020.2110 UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE AREAS.

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

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

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

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

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

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

(3) remains in good operating condition.

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Manure Stockpiles

Stockpiling Liquid Manure

Minn. R 7020.2125 MANURE STOCKPILING SITES.

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

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

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Setbacks

Minn. R. 7020.2125 MANURE STOCKPILING SITES.

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

C. it is not located within:

- (1) 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intakes, and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages;
- (2) 300 feet of flow distance to any road ditch that flows to the features identified in subitem (1) or 50 feet of any road ditch where subitem (1) does not apply;
- (3) 100 feet of any private water supply or unused and unsealed well and 200 feet from any private well with less than 50 feet of watertight casing and that is not cased through a confining layer at least ten feet thick; and
- (4) 100 feet from field drain tile that is three feet or less from the soil surface;

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Greater than Six % Slopes

Minn. R. 7020.2125 MANURE STOCKPILING SITES.

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



- E. the stockpile is not placed on:
 - (1) land with greater than six percent slope

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Two to Six % Slopes

Minn. R. 7020.2125 MANURE STOCKPILING SITES.

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

- E. the stockpile is not placed on:
 - (2) land with slopes between two and six percent, except where clean water diversions and erosion control practices are installed.

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Coarse Textured Soils

Minn. R. 7020.2125 MANURE STOCKPILING SITES.

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

- E. the stockpile is not placed on:
 - (3) soils where the soil texture of the entire soil profile to a depth of five feet is coarser than a sandy loam as identified in the most recent published soil survey or based on a site-specific soils investigation.

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Record Keeping

Minn. R. 7020.2125 MANURE STOCKPILING SITES.

Subp. 3. **Record keeping for short-term stockpile sites.** The owner of the short-term stockpile site shall maintain records for each stockpile site containing the information in items A to E. Records must be kept on file for at least three years for all short-term stockpiling by the owner of the animal feedlot at which the manure was produced and be made available to the commissioner or county feedlot pollution control officer upon request. The records must include:

- A. the location of the stockpile;
- B. the date on which each stockpile was established;
- C. the volume of manure stockpiled;
- D. the nutrient analysis of the manure; and
- E. when the stockpiled manure was land applied.

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Manure Application

Application in Road Ditch

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subpart 1. In general.

B. Manure and process wastewater application into road ditches is prohibited.

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Manure Testing

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 2. **Manure nutrient testing requirements.** Manure from all manure storage areas storing manure produced from more than 100 animal units must be tested by the owner of the animal feedlot for nitrogen and phosphorus content in accordance with items A to E, except that item A is not required for manure storage areas storing manure produced by fewer than 300 animal units.

A. For manure storage areas storing manure from 300 or more animal units, the manure must initially be tested once per year for at least three years.

B. Manure must be retested following changes in conditions affecting manure nutrient content including unusual climatic conditions, or changes in manure storage and handling, livestock types, or livestock feed.

C. Ongoing testing must continue at least once every four years unless more frequent testing is required under item B or in a permit.

D. The nutrient analysis must be conducted using a laboratory certified by the Minnesota Department of Agriculture or commissioner-approved on-farm sampling and analysis.

E. Sampling must be conducted so that a representative sample is obtained in accordance with University of Minnesota Extension Service recommendations.

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Application Exceeds Crop Nitrogen Needs or Removal

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 3. **Nutrient application rate standards.** Items A and B apply to all manure and process wastewater application sites. Item C applies only to animal feedlots with a capacity of 300 or more animal units and manure storage areas capable of holding the manure produced by 300 or more animal units.



A. Manure and process wastewater application rates must be limited as described in subitems (1) to (3) so that the estimated plant available nitrogen from all nitrogen sources does not exceed expected crop nitrogen needs for nonlegume crops and expected nitrogen removal for legumes.

(1) Expected crop nitrogen needs, crop nitrogen removal rates, and estimated plant available nitrogen from manure and legumes must be based on the most recent published recommendations of the University of Minnesota Extension Service or of another land grant college in a contiguous state.

(2) Estimated plant available nitrogen from organic nitrogen sources, including manure, may deviate up to 20 percent from University of Minnesota Extension Service, or of another land grant college in a contiguous state, estimates where site nutrient management history, soil conditions, or cool weather warrant additional nitrogen application. When crop nitrogen deficiencies are visible or measured, remedial nitrogen applications above the 20 percent deviation can be made.

(3) Nitrogen sources include commercial fertilizer nitrogen, soil organic matter, irrigation water, legumes grown during previous years, biosolids, process wastewater, and manure applied for the current year and previous years.

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Phosphorus Soil Testing

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 3. **Nutrient application rate standards.** Items A and B apply to all manure and process wastewater application sites. Item C applies only to animal feedlots with a capacity of 300 or more animal units and manure storage areas capable of holding the manure produced by 300 or more animal units.

C. For land receiving manure or process wastewater from animal feedlots capable of holding 300 or more animal units or manure storage areas capable of holding the manure produced by 300 or more animal units, soil samples from the upper six inches must be collected at a minimum frequency of once every four years and analyzed for phosphorus using the Bray P1 or Olsen test. If soil phosphorus levels exceed the levels in subitems (1) and (2), then the owner must complete a manure management plan in accordance with subpart 4, item D, and submit it with a permit application to the agency or delegated county for review in accordance with subpart 4, item B, subitem (1).

No MMP

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

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

A. An owner or operator of an animal feedlot shall prepare and retain on file a manure management plan that complies with item D according to the following schedule:

(1) upon application for an NPDES, SDS, interim, or construction short-form permit for a facility capable of holding 100 or more animal units;

(2) an owner of an animal feedlot capable of holding 300 or more animal units that is not required to obtain an NPDES, SDS, interim, or construction short-form permit shall prepare or update a manure management plan prior to January 1, 2005, when a manure management plan does not meet the requirements of this part or reflect current operations and the manure is applied by someone other than a commercial animal waste technician or a certified private manure applicator; and

(3) once a manure management plan is required for a facility, a plan that meets the requirements under this subpart must be retained on file at the animal feedlot or manure storage area.

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Fields for Winter Application not Included in MMP

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

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



- D. Except as provided in item E, the manure management plan must contain:
- (10) for application onto frozen or snow-covered soil, the following information about the fields that may receive the manure or process wastewater:
 - (a) field location;
 - (b) land slopes;
 - (c) proximity of fields to surface waters;
 - (d) expected months of application for each field; and
 - (e) tillage and other conservation measures used to minimize risk of manure-contaminated runoff

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Land Application Records

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 5. **Record keeping.** Item A establishes the length of time that records must be kept. Items B and C indicate the information needed in records depending on the size and location of the facility.

A. Any person applying or receiving manure or process wastewater from a facility capable of holding 100 or more animal units shall maintain records of the amount of manure or process wastewater application on file:

- (1) for the most recent six years for manure or process wastewater application within special protection areas; and
- (2) for the most recent three years on land not covered under subitem (1).

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Application on Frozen Soils in Special Protection Areas

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 6. **Manure and process wastewater application requirements in special protection areas.**

A. Manure or process wastewater must not be applied to frozen or snow-covered soils in special protection areas.

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Application on Unfrozen Soils in Special Protection Areas without Incorporation

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 6. **Manure and process wastewater application requirements in special protection areas.**

B. Manure or process wastewater applied to unfrozen soils in special protection areas must comply with subitem (1), (2), or (3).

- (2) The following practices must be complied with:
 - (b) inject or incorporate within 24 hours and prior to rainfall

Application within 300' of Open Tile Intakes

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 7. **Manure and process wastewater application for land within 300 feet of open tile intakes.** Manure and process wastewater applied within 300 feet of open tile intakes, and where manure-contaminated runoff may flow into the open tile intake, must be injected or incorporated within 24 hours of application according to the schedule in items A and B unless other agency-approved water quality protection management practices are implemented in accordance with item C.

A. All liquid manure and process wastewater applied within 300 feet of open tile intakes must be injected or incorporated within 24 hours of application beginning October 23, 2000.

B. All manure and process wastewater applied within 300 feet of open tile intakes must be injected or incorporated within 24 hours of application when applied after October 1, 2005.

C. Other agency-approved practices must be implemented that have been demonstrated through research by a land grant college to provide an equal degree of water quality protection as injection or incorporation within 24 hours.

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Application within 50' of Sinkholes, Mines, Quarries, and Wells

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 8. **Manure and process wastewater application near sinkholes, mines, quarries, and wells.**

A. Manure and process wastewater must not be applied to land within 50 feet of an active or inactive water supply well, sinkhole, mine, or quarry.

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Discharge to Waters of the State

Land Application of Manure

Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subpart 1. In general.

A. Manure and process wastewater must not be applied to land in a manner that will:

- (1) result in a discharge to waters of the state during the application process, except that manure and process wastewater application is allowed onto seasonally saturated soils that are seeded to annual farm crops or crop rotations of perennial grasses or legumes; or
- (2) cause pollution of waters of the state due to manure-contaminated runoff.

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Manure Stockpile Sites

Minn. R. 7020.2125 MANURE STOCKPILING SITES.

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

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

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Animal Feedlot or MSA to Groundwater Conduit

Minn. R. 7020.2003 WATER QUALITY DISCHARGE STANDARDS.

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

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Manure, Manure Contaminated Runoff, Leachate, Process Wastewater, Milk house Waste to Waters of the State/Ground Water

Minn. R. 7050.0210 GENERAL STANDARDS FOR WATERS OF THE STATE.

Subp. 2. **Nuisance conditions prohibited.** No sewage, industrial waste, or other wastes shall be discharged from either point or nonpoint sources into any waters of the state so as to cause any nuisance conditions, such as the presence of significant amounts of floating solids, scum, visible oil film, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, aquatic habitat degradation, excessive growths of aquatic plants, or other offensive or harmful effects.

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Minn. R. 7050.0210 GENERAL STANDARDS FOR WATERS OF THE STATE.

Subp. 13. **Pollution prohibited.** No sewage, industrial waste, or other wastes shall be discharged from either a point or a nonpoint source into the waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution as defined by law. In any case where the waters of the state into which sewage, industrial waste, or other waste effluents discharge are assigned different standards than the waters of the state into which the receiving waters flow, the standards applicable to the waters into which the sewage, industrial waste, or other wastes discharged shall be supplemented by the following:

The quality of any waters of the state receiving sewage, industrial waste, or other waste effluents shall be such that no violation of the standards of any waters of the state in any other class shall occur by reason of the discharge of the sewage, industrial waste, or other waste effluents.

Minn. R. 7060.0600 STANDARDS.

Subp. 2. **Prohibition against discharge into unsaturated zone.** No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner, or quantity that the effluent or residue therefrom, upon reaching the water table, may actually or potentially preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters. All such possible sources of pollutants shall be monitored at the discharger's expense as directed by the agency.

Minn. Stat. §115.061 DUTY TO NOTIFY AND AVOID WATER POLLUTION.

(a) Except as provided in paragraph (b), it is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible



such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby.

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REQUEST FOR INFORMATION

Failure to Respond to Requests for Information

Minn. Stat. §115.04 DISPOSAL SYSTEMS AND POINT SOURCES.

Subdivision 1. **Information.** Any person operating or installing a disposal system or other point source, or portion thereof, when requested by the agency, or any member, employee or agent thereof, when authorized by it, shall furnish to it any information which that person may have or which is relevant to the subject of this chapter, chapter 114C, and, with respect to the pollution of waters of the state, of chapter 116.