MINNESOTA POLLUTION CONTROL AGENCY

AUTHORIZATION TO CONSTRUCT AND OPERATE

A CONCENTRATED ANIMAL FEEDING OPERATION

UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM

MNG440357

Permittee:	Gerard Rathman
Facility name:	Rathman's Inc
Address:	13871 300th Ave Comfrey, MN 56019-4093
Registration number:	015-50006
Maximum AU capacity:	1,152.000
Issuance date:	TBD
Expiration date:	January 31, 2031

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee named above seeking coverage under this general permit to construct and operate a concentrated animal feeding operation in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This coverage is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: [Type e-Signature] *for the* Minnesota Pollution Control Agency

This document has been electronically signed.

Steven Schmidt
Supervisor
East Feedlot Unit
Watershed Division

Permit application & annual reports:
Refer to the submittal process outlined on the Animal Feedlot NPDES General Permit webpage at: https://www.pca.state.mn.us/business-with-us/npdes-and-sds-feedlot-permits.

Questions on this permit?
If you have any questions, please contact the MPCA feedlot program staff person assigned to Brown County. Current MPCA staff contacts are identified on our website at: https://www.pca.state.mn.us/business-with-us/feedlots.

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1. Authorized facility components

Site description	Component description	Status	Type	Length (ft)	Width (ft)	Depth (ft)	Capacity	Units	Animal type and head
Rathman's Inc	Barn 1	Active / Existing	LMSA - Under Total Confinement Barn	200	41	8	360,000	gallons	
Rathman's Inc	Barn 2	Active / Existing	LMSA - Under Total Confinement Barn	200	41	8	360,000	gallons	
Rathman's Inc	Barn 3	Active / Existing	LMSA - Under Total Confinement Barn	200	41	8	360,000	gallons	
Rathman's Inc	Barn 4	Active / Existing	LMSA - Under Total Confinement Barn	200	41	8	360,000	gallons	
Rathman's Inc	Barn 1	Active / Existing	Total Confinement with Underfloor Liquid Storage	200	41				Swine 55-300 lbs 960
Rathman's Inc	Barn 2	Active / Existing	Total Confinement with Underfloor Liquid Storage	200	41				Swine 55-300 lbs 960
Rathman's Inc	Barn 3	Active / Existing	Total Confinement with Underfloor Liquid Storage	200	41				Swine 55-300 lbs 960
Rathman's Inc	Barn 4	Active / Existing	Total Confinement with Underfloor Liquid Storage	200	41				Swine 55-300 lbs 960

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2. Permit requirements

1.1	**Permit Coverage**. [Minn. R. 7020]
1.2	This Permit includes all state requirements for CAFOs and animal feedlots and/or manure storage areas capable of holding 1,000 animal units or more and thus satisfies the requirement to obtain coverage under a State Disposal System permit. [Minn. R. 7020.0405]
1.3	An owner of a new or expanding facility requesting coverage under this Permit must submit a permit application at least 180 days before the planned date of commencement of construction or expansion. [Minn. R. 7020.0505]
1.4	Upon the date of receiving notification of coverage under this Permit from the MPCA, the Permittee is authorized to construct and operate the facility according to the submitted and MPCA-approved permit application materials (application materials) and in compliance with the requirements of this Permit, all requirements of Minn. R. ch. 7020, and any other applicable state and federal rules and regulations. No condition of this Permit shall release the Permittee from any responsibility or requirements under other federal, state, tribal, or local statutes, rules, or regulations. The application materials are an enforceable part of this Permit. [Minn. R. 7001.0150]
1.5	If at any point the MPCA determines that the application materials are deficient, the Permittee shall submit an amendment within 45 days of being notified by the MPCA. Upon receipt of MPCA approval, the amended application materials shall become an enforceable part of this Permit. The Permittee shall comply with the most recently MPCA-approved application materials. [Minn. R. 7001.0150]
1.6	After notice and opportunity for a hearing, this Permit may be modified or revoked in accordance with Minn. R. 7001.0170 through Minn. R. 7001.0190. The Permittee shall comply with the terms and conditions of this Permit until such action is finalized. [Minn. R. 7001]
1.7	In order to maintain continuous permit coverage, the Permittee shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. If the Permittee has provided a timely application for issuance of coverage under the new general animal feedlot NPDES permit, the Permittee may continue to conduct the activities authorized by this Permit, in compliance with the requirements of this Permit, until the MPCA takes final action on the application, unless the MPCA determines that any of the following are true: a) the Permittee is not in substantial compliance with the requirements of this Permit, nor with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this Permit; b) the MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the permit expiration date; or c) the Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001.0160, Minn. R. 7020.0505]
1.8	In order to terminate coverage under this Permit, the Permittee shall submit a termination request to the MPCA at least 30 days in advance of the desired permit coverage termination date. If the MPCA determines that NPDES permit coverage is not required, coverage under this Permit will terminate upon receiving written approval from the MPCA. The Permittee shall comply with the terms and conditions of this Permit until the termination action is finalized. [Minn. R. 7001.0040]
1.9	For purposes of this Permit, the terms specified in Part 31 of this Permit have the meanings ascribed to them. [Minn. R. 7001.0150]
2.1	**Facility Modifications**. [Minn. R. 7020]
2.2	The Permittee shall submit a permit application prior to all modifications. (Guidance pertaining to modifications can be found in the MPCA factsheet "*Modification of NPDES and SDS Feedlot Permits (wq-f3-49)*".). [Minn. R. 7020.0405]
2.3	The permit application should be submitted at least 180 days before the planned starting date of the modification. [Minn. R. 7020.0505]
2.4	The modification for which the permit application was submitted shall not begin until approval is received from the MPCA. [Minn. R. 7020.0405]
2.5	Prior to a change in ownership or control of the facility, a permit application must be submitted to assign coverage under this Permit to the new owner/operator. If ownership or control changes without an assignment of coverage under this Permit, the original Permittee may still be held liable for violations and the new owner/operator may be held liable for

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	operating without a permit. If other modifications to the facility or changes to the application materials will also occur, the request for change in ownership or control can be included with the permit application for the other modifications. [Minn. R. 7020.0405]
2.6	Prior to changes in facility name, the Permittee shall submit a permit application to update the facility name. [Minn. R. 7020.0405]
3.1	**Submittals and Notifications to the MPCA**. [Minn. R. 7020]
3.2	The Permittee shall submit all notifications, reports, applications, modification requests, correspondence, and other permit related materials to the MPCA on a specified form and/or in a specified format, including instances when the MPCA requires electronic submission. Except where specifically noted, all submittals shall be to the MPCA address, telephone number, or electronic mail address indicated with the notice of coverage under this Permit. [Minn. R. 7001.0150]
3.3	All reports required by this Permit and other information requested by the MPCA shall be signed and certified by the Permittee or by a duly authorized representative. A person is a duly authorized representative only if: a) the authorization is made in writing by the Permittee or owner(s) and submitted to the MPCA; and b) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility. [Minn. R. 7001.0150]
3.4	The Permittee shall not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the MPCA by this Permit. The Permittee shall immediately upon discovery report to the MPCA an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150]
4.1	**Requirements for All Construction**. [Minn. R. 7020]
4.2	The Permittee shall construct all facility components according to the application materials, Minn. R. 7020, this Permit, and any plans and specifications approved by the MPCA. If any approved plans conflict with Minn. R. ch. 7020, 40 CFR pts. 122 and 412, or terms of this Permit, the more stringent condition shall apply. [Minn. R. 7001.0150]
4.3	The Permittee shall not operate/stock a facility component prior to completion of construction of the associated manure storage area, and its handling/transfer system, necessary to comply with the effluent limitations of this Permit or minimum storage requirements of Minn. R. 7020.2100. [Minn. R. 7001.0150]
4.4	The Permittee shall complete installation of any required monitoring equipment prior to the commencement of operation of a newly constructed source of potential emissions for which the monitoring is required unless the approved monitoring plan includes a schedule for installation of the monitoring equipment. [Minn. R. 7001.0150]
4.5	The MPCA Construction Stormwater (CSW) NPDES general permit in effect at the time of issuance, or modification, of coverage under this Permit is incorporated by reference into this Permit and is an enforceable part of this Permit. The CSW NPDES general permit is available at: http://www.pca.state.mn.us/. [Minn. R. 7090.2020]
4.6	When construction activity disturbs one or more acres of land, the Permittee must comply with the CSW NPDES general permit listed above, including development of a Stormwater Pollution Prevention Plan (SWPPP). [Minn. R. 7090.2020]
5.1	**Additional Requirements for Liquid Manure Storage Area (LMSA) Construction**. [Minn. R. 7020]
5.2	The Permittee shall complete construction of any LMSA required to comply with the storage volume requirements of Minn. R. 7020.2100, subp. 3(A) (nine months of storage) prior to increasing the manure or process wastewater generation of the facility. [Minn. R. 7001.0150]
5.3	The Permittee shall ensure that the construction inspections required by Minn. R. 7020.2100, subp. 6. are performed. [Minn. R. 7020.2100]
5.4	The Permittee may commence operation of a LMSA prior to submittal of the required construction report. However, the MPCA may require removal of any material within the LMSA if the construction report indicates the LMSA does not conform to the approved plans and specifications. [Minn. R. 7020.2100]
6.1	**Additional Requirements for Permanent Manure Stockpile Construction**. [Minn. R. 7020]
6.2	The Permittee shall construct the liner (base) of a permanent manure stockpile so that it complies with the following base characteristics: a) two feet of soil categorized by NRCS practice standard 313 as group III or IV (20 to 100 percent passing the #200 sieve

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	and a plasticity index of 11 or greater). Soils outside this range require approval from the MPCA prior to use as liner material; b) asphalt of a thickness necessary to support the vehicle traffic on the stockpile pad but no less than two inches; c) concrete of a thickness necessary to support the vehicle traffic on the stockpile pad but no less than three and one half inches; or d) other materials that meet the permeability requirements of Minn. R. 7020.2125 and have been approved by the MPCA. [Minn. R. 7020.2125]
7.1	**Additional Requirements for Feed Storage Area Pad and Runoff Control Construction**. [Minn. R. 7020]
7.2	The Permittee shall construct a feed storage area pad that complies with the following pad characteristics: a) one foot of soil categorized by NRCS practice standard 313 as group III or IV (20 to 100 percent passing the #200 sieve and a plasticity index of 11 or greater). Soils outside this range require approval from the MPCA prior to use as feed pad material. A minimum of two feet of separation shall be maintained between the top surface of the soil pad and the seasonal high water table; b) asphalt of a thickness necessary to support the vehicle traffic on the feed storage area pad but no less than two inches; c) concrete of a thickness necessary to support the vehicle traffic on the feed storage area pad but no less than three and one half inches; or d) other materials that meet the permeability requirements of Minn. R. 7020.2125 and have been approved by the MPCA. [Minn. R. 7001.0150]
7.3	When construction of a runoff collection basin is proposed for feed storage area runoff controls, the Permittee shall follow the requirements for LMSA construction. [Minn. R. 7001.0150]
7.4	When construction of a vegetative infiltration basin (VIB) is proposed for feed storage area runoff controls, the Permittee shall comply with the NRCS practice standard 635 LEVEL 2-Vegetated Infiltration Area design and operational requirements unless deviations from this standard have been approved by the MPCA. [Minn. R. 7001.0150]
7.5	The Permittee shall construct and make the feed storage area runoff control system operational before operating a new feed storage area or increasing the footprint of an existing feed storage area. [Minn. R. 7001.0150]
8.1	**Manure Nutrient Testing**. [Minn. R. 7020]
8.2	The Permittee shall sample and analyze manure for nutrient content annually. The Permittee shall also sample manure following any changes to conditions that may significantly affect the nutrient content. [40 CFR 412.4, Minn. R. 7020.2225]
8.3	The Permittee's manure sampling protocol shall be consistent with the most recent published MES recommendations. Manure samples must be taken from enough sources so that nutrient content is known for each storage area with differing types of animals, feed, watering systems, manure handling, or other variables that may affect manure nutrient content. [Minn. R. 7020.2225]
9.1	**Manure Ownership**. [Minn. R. 7020]
9.2	The Permittee is responsible for management of manure from the facility unless it is transferred to another entity for land application on fields the Permittee does not own or control crop and nutrient planning decisions. At the time the other entity (manure recipient) assumes physical control of the manure, the manure ownership is considered to be transferred. The Permittee is responsible for manure hauled by, or for, the Permittee until it is physically relinquished to the manure recipient. [Minn. R. 7001.0150]
9.3	Except for emergency manure application, the Permittee is prohibited from transferring ownership of manure to a manure recipient that will: a) perform application of the transferred liquid manure during winter conditions within the months of December, January, February, or March; b) perform application of the transferred solid manure during winter conditions within the month of March; or c) perform application of transferred solid or liquid manure to vulnerable groundwater areas during winter conditions within the months of December, January, February , or March. [Minn. R. 7001.0150]
9.4	The Permittee shall provide to the manure recipient, at the time of transfer of ownership, a "*Manure Transfer Tracking*" form as generated by the Nutrient Management Tool. This form includes a summary of requirements that manure recipients must follow, including protective measures identified in the Permittee's approved manure management plan to minimize risk of surface and groundwater contamination from manure applications. [Minn. R. 7001.0150]
10.1	**Manure Management Plan (MMP)**. [Minn. R. 7020]

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10.2	The Permittee shall use Minnesota's Nutrient Management Tool to develop and maintain the MMP (referred to as nutrient management plan in the nutrient management tool). The MMP shall contain the requirements of Parts 11-15 of this Permit as the minimum protective measures required to minimize risk of surface and groundwater contamination as a result of land application of manure generated at the facility. The Permittee, and all manure recipients, must comply with these requirements of the MMP. The Permittee must also follow all requirements of this Permit. The Nutrient Management Tool includes the necessary information to satisfy applicable manure management planning rules and Permit requirements, including the protective measures identified above. [Minn. R. 7001.0150, Minn. R. 7020.2225]
10.3	The MMP developed by the Permittee and approved by the MPCA, is an enforceable part of this Permit. If the MMP conflicts with Minn. R. ch. 7020, 40 CFR pts. 122 and 412, or terms of this Permit, the more stringent condition shall apply. The Permittee, and manure recipients, shall comply with the approved MMP. [Minn. R. 7001.0150]
10.4	If land application practices under the MPCA-approved MMP are found to cause pollution of waters, the MPCA may require revisions to the MMP to address any causative factors that led to the pollution. The Permittee shall submit a revised MMP that addresses the required revisions and shall follow the revised MMP once approved by the MPCA. [Minn. R. 7001.0170]
10.5	The Permittee shall annually review and update the approved MMP to ensure that it meets all applicable requirements. The annual review and update shall include information for each field where manure will be applied during the following growing season, except where manure ownership is transferred. Annual updates to the MMP do not require a modification of coverage under this Permit provided the updates are consistent with the methodology of the approved MMP. [Minn. R. 7001.0190, Minn. R. 7020.2225]
10.6	Any of the following changes to the MMP will require the Permittee to submit an application for a modification to the facility's coverage under this Permit: a) changes to the methodology portion of the MMP that will result in an increase to the maximum field-specific annual rates for nitrogen and phosphorus derived from all sources for each crop; b) the addition of any crop, and its corresponding rates of application for nitrogen and phosphorus, not included in the methodology portion of the MMP; c) the addition of application methods or application timing not accounted for in the methodology portion of the MMP; d) changes in procedures for handling, storage, or treatment of manure that affects rates of application; e) the addition of new fields to the MMP, including when the Permittee obtains control over land application acres that were previously controlled by a manure recipient; or f) conservation practice changes that could increase the likelihood of nitrogen and phosphorus transport from the field. The modifications identified above require a 14-day public notice period, except for the addition of new fields to the MMP where the acreage is listed on an approved MMP for any other NPDES permit holder. [40 CFR 122.42, Minn. R. 7020.0405]
10.7	Updates to the MMP related to manure ownership transfer do not require a modification of this Permit so long as they are consistent with the requirements of Minn. R. 7020.2225. [Minn. R. 7001.0190]
11.1	**Land Application of Manure - In General**. [Minn. R. 7020]
11.2	All manure generated at the facility shall be hauled in such a way as to prevent manure from leaking, spilling, or otherwise being deposited on a road surface or in the right-of-way. Any manure deposited on a roadway or in the right-of-way shall be promptly removed and properly disposed of by the hauler of the manure. [Minn. R. 7001.0150]
11.3	Equipment used for land application shall be calibrated according to MES or NRCS procedures so that actual application rates are known. Land application equipment shall be operated properly and periodically inspected for leaks to ensure that discharges do not occur. [40 CFR 412.4, Minn. R. 7001.0150]
11.4	Manure or process wastewater shall be land applied in a manner that will not: a) result in a discharge to waters of the state during the application process; or b) exceed the hydraulic loading capacity of the land application site based on soil conditions. [Minn. R. 7020.2225]
11.5	Fields receiving manure shall be sampled and tested in the upper six inches for soil phosphorus at least once every four years. Soil sampling techniques must meet the most recently published sampling standards developed by either the MES

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	or NRCS. [Minn. R. 7020.2225]
11.6	Soil erosion conservation practices identified in the MPCA-approved MMP shall be employed when manure will be applied to fields during winter conditions and all areas of fields within 300 feet of all special protection areas, surface tile intakes, sinkholes without constructed diversions, and uncultivated wetlands. [Minn. R. 7020.2225]
12.1	**Land Application of Manure - Nitrogen and Phosphorus Management**. [Minn. R. 7020]
12.2	Part 9.2 of this Permit identifies who (Permittee or manure recipient) must comply with the requirements of this part. [Minn. R. 7020]
12.3	Manure application rates shall be controlled so the estimated nitrogen available to crops from all nitrogen sources (including commercial fertilizer) does not exceed expected annual crop nitrogen needs for non-legumes and expected nitrogen removal for legumes based on the most recent recommendations of the MES and the MPCA fact sheets "*Manure Nitrogen Rates For Corn Production (wq-f8-18)*" and "*Manure Management For Corn On Irrigated Sandy Soils (wq-f8-52)*". Recommendations from another land grant college in a contiguous state may be utilized provided the field and climate conditions at the land application site are similar to those within the contiguous state. [Minn. R. 7020.2225]
12.4	Where field average soil test levels exceed 21 parts per million (ppm) using the Bray P1 test (Bray) or 16 ppm using the Olsen test (Olsen) within 300 feet of a lake, stream, intermittent stream, drainage ditch without protective berms, or a public waters wetland, one of the following shall be implemented: a) apply manure at a rate and frequency so that manure phosphorus applied during any six year period does not exceed crop phosphorus removal during that same period; or b) establish a vegetated buffer that does not receive manure application along the water provided that the buffer width is at least 100 feet along lakes and perennial streams and is at least 50 feet wide along other waters. [Minn. R. 7020.2225]
12.5	Where field average phosphorus soil test levels exceed 75 ppm Bray P1 or 60 ppm Olsen within 300 feet of an open tile intake, lake, stream, intermittent stream, drainage ditch without protective berms, or a public waters wetland, or exceed 150 ppm Bray P1 or 120 ppm Olsen on any other land, all of the following shall be implemented: a) when manure is surface applied without incorporation within 24 hours, annual phosphorus application rates must not exceed crop phosphorus removal in the subsequent crop; b) when manure is injected or incorporated (within 24 hours), re-application of manure cannot occur until phosphorus from the previous manure application is calculated to have been removed by subsequent crops; and c) the approved MMP includes runoff and soil erosion prevention practices that either achieve a "very low" or "low" rating with the Minnesota Phosphorus Index (https://extension.umn.edu/phosphorus-and-potassium/minnesota-phosphorus-index-assessing-risk-phosphorus-loss-cropland) or NRCS Technical Standard 590. [Minn. R. 7020.2225]
12.6	Crop phosphorus removal values can be found in the MPCA fact sheet: "*Land Application of Manure: Minimum State Requirements*". [Minn. R. 7020]
13.1	**Land Application of Manure - Timing**. [Minn. R. 7020]
13.2	Part 9.2 of this Permit identifies who (Permittee or manure recipient) must comply with the requirements of this part. For reference, this part utilizes the following defined terms: "Vulnerable Groundwater Area" means any area identified as a Vulnerable Groundwater Area by the Nutrient Management Planning Map available at: www.pca.state.mn.us/feedlots. The map is also incorporated into the Nutrient Management Tool. If a land application field is located partially within a vulnerable groundwater area, only the portion of the field within the vulnerable groundwater area is subject to the regulations of this Permit pertaining to vulnerable groundwater areas. "Soil Temperature" means the soils temperature as indicated by the closest soil temperature monitoring location available on the MDA soil temperature network (including those taken at a 4-inch depth) available at https://www.mda.state.mn.us/protecting/soilprotection/soiltemp. "Solid Manure" means manure that has 15 percent or more solids, can be stacked at a 3:1 vertical to horizontal ratio, and is handled as a solid product.

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	"Liquid Manure" means manure that does not meet the definition of solid manure. Process wastewater and manure-contaminated runoff are considered to be liquid manure. "Winter Conditions" means when the soils of the land application site are frozen or when the application site is snow-covered. [Minn. R. 7001, Minn. R. 7020]
13.3	Prior to Rainfall - Manure applied during non-winter conditions shall be injected or immediately incorporated into the soil surface if a high probability (over 50 percent chance predicted by National Weather Service) of rainfall of 0.5 inches, or greater, is predicted within 24 hours of the end of the application period, unless it is an emergency manure application. [Minn. R. 7001.0150]
13.4	June, July, August, or September Restrictions - Manure shall not be applied in June, July, August, or September unless at least one of the following nitrogen BMPs are implemented: a) the application is to an actively growing perennial or row crop that is reasonably expected to utilize the nitrogen application; b) the application is to an actively growing cover crop that will be allowed to continue growing until termination in the spring or via winter-kill; or c) a cover crop, or second crop, is planted/seeded as soon as possible, but no later than 14 days, following manure application. Cover crops must be planted in accordance with MES recommendations and allowed to continue growing until termination in the spring or via winter-kill. Alternatives developed by a land grant University or governmental agency can be used if approved by the MPCA and included as part of the approved MMP. [Minn. R. 7001.0150, Minn. R. 7020.2225]
13.5	October 1 to 14 Restrictions - Manure shall not be land applied in vulnerable groundwater areas October 1 to 14 unless the requirements of Part 13.4 are followed. Manure shall not be land applied outside of vulnerable groundwater areas October 1 to 14 unless at least one of the following nitrogen BMPs are implemented: a) soil temperature has reached 50 degrees or less for two consecutive days; b) a nitrapyrin-based nitrogen stabilizing agent/product is added at the recommended inclusion rates; c) the requirements of Part 13.4 are followed; or d) a split application of nitrogen is used where no more than 1/2 of the recommended nitrogen rate is applied October 1 to 14. Application of the remaining recommended nitrogen rate is prohibited during winter conditions within the months of December, January, February, and March. The Permittee shall maintain records of nitrogen BMPs implemented October 1 to 14 in the Nutrient Management Tool. Alternatives developed by a land grant University or governmental agency can be used if approved by the MPCA and included as part of the approved MMP. Nitrogen BMP implementation is not required for emergency manure application. [Minn. R. 7001.0150]
13.6	October 15 to 31 Restrictions in Vulnerable Groundwater Areas - Beginning with the calendar year 2027, manure shall not be land applied in vulnerable groundwater areas from October 15 to 31 unless at least one of the following nitrogen BMPs are implemented: a) the requirements of Part 13.4 are followed; b) the soil temperature has reached 50 degrees or less for two consecutive days and the crop rotation for the field includes a perennial crop for at least 2 years during any 5 year period; or c) the soil temperature has reached 50 degrees or less for two consecutive days and: 1) for all liquid manure, a nitrapyrin-based nitrogen stabilizing agent/product is added at the recommended inclusion rates; or 2) for all solid manure, a split application of nitrogen is used where no more than 1/2 of the recommended nitrogen rate is applied October 15 to 31.

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	For application outside of vulnerable groundwater areas these BMPs are encouraged but not required by this Permit. The Permittee shall maintain records of nitrogen BMPs implemented October 15 to 31 in vulnerable groundwater areas within in the Nutrient Management Tool. Alternatives developed by a land grant University or governmental agency can be used if approved by the MPCA and included as part of the approved MMP. Vulnerable groundwater area restrictions are not required for emergency manure application. [Minn. R. 7001.0150]
13.7	November Restrictions in Vulnerable Groundwater Areas for Liquid Manure - Beginning with the calendar year 2027, liquid manure shall not be land applied in vulnerable groundwater areas in November unless at least one of the following nitrogen BMPs are implemented: a) the requirements of Part 13.4 are followed; b) the crop rotation for the field includes a perennial crop for at least two years during any five year period; or c) a nitrapyrin-based nitrogen stabilizing agent/product is added at the recommended inclusion rates. For application outside of vulnerable groundwater areas these BMPs are encouraged but not required by this Permit. The Permittee shall maintain records of nitrogen BMPs implemented in vulnerable groundwater areas during November within the Nutrient Management Tool. Alternatives developed by a land grant University or governmental agency can be used if approved by the MPCA and included as part of the approved MMP. Vulnerable groundwater area restrictions are not required for emergency manure application. [Minn. R. 7001.0150]
13.8	December, January, February, and March prohibition for liquid manure application - Application of liquid manure is prohibited during the months of December, January, February, and March if winter conditions exist. If winter conditions do not exist during these months, land application of liquid manure is allowed so long as the manure is injected or incorporated below the soil surface within 24 hours and prior to precipitation. Emergency manure application, during winter conditions is allowed provided the application complies with all of the following: a) apply only the volume of manure that is necessary to prevent manure storage overflows; b) apply only on those fields identified in the MPCA approved MMP for emergency application; c) apply only to fields with slopes of less than or equal to four percent; d) apply a maximum of 3,500 gallons per acre per winter season, not to exceed 60 pounds of crop available P205; e) apply at least 300 feet from sensitive features; f) apply at a rate to preclude runoff or ponding of liquid manure during the application process; and g) notify the MPCA within 24 hours of the emergency application. [Minn. R. 7001.0150]
13.9	December and January restrictions for solid manure application - Application of solid manure during winter conditions within the months of December and January shall comply with all of the following: a) manure is applied on fields identified in the MPCA approved MMP for application during winter conditions; b) manure is not applied in vulnerable groundwater areas of the field; c) manure is applied more than 300 feet from sensitive features; d) water or ice do not occupy tillage furrows to the extent that additional snowmelt or precipitation cannot be contained between furrows or in other depressions within the field; e) fields used for land application meet a total phosphorus loss risk index number of two or less (low to very low relative risk) as calculated according to the Minnesota Phosphorus Index; f) air temperatures are less than 40 degrees Fahrenheit during, and for at least 24 hours from the end of, the application process when two or more inches of snow are on the field;

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	g) less than a 50% probability of rainfall of 0.25 inches, or greater, predicted by the National Weather Service within 24 hours of the end of the application period; and h) slopes are less than or equal to six percent on the entire portion of the field where manure is land applied. If winter conditions do not exist during these months, land application of solid manure is allowed so long as the manure is either incorporated within 24 hours or items c, g, and h above are implemented. [Minn. R. 7001.0150]
13.10	February Restrictions for solid manure applications - Application of solid manure during winter conditions within the month of February shall comply with all of the following: a) Manure is applied on fields identified in the MPCA approved MMP for application during winter conditions; b) Manure is not applied in vulnerable groundwater areas of the field; c) Manure is applied more than 300 feet from sensitive features; d) Water or ice do not occupy tillage furrows to the extent that additional snowmelt or precipitation cannot be contained between furrows or in other depressions within the field; e) Fields used for land application meet a total phosphorus loss risk index number of two or less (low to very low relative risk) as calculated according to the Minnesota Phosphorus Index; f) Air temperatures are less than 40 degrees Fahrenheit during, and for at least 5 days from the end of, the application process when two or more inches of snow are on the field; g) Less than a 50% probability of rainfall of 0.25 inches, or greater, predicted by the National Weather Service within 5 days of the end of the application period; and h) Slopes are less than or equal to two percent on the entire portion of the field where manure is land applied. If winter conditions do not exist during this month, land application of solid manure is allowed so long as the manure is either incorporated within 24 hours or items c, g, and h above are implemented. [Minn. R. 7001.0150]
13.11	March prohibition for solid manure application - Application of solid manure during winter conditions within the month of March is prohibited. If winter conditions do not exist during this month, land application of solid manure is allowed so long as the manure is incorporated below the soil surface within 24 hours and prior to precipitation. [Minn. R. 7001.0150]
13.12	Application of snow removed from animal holding areas, mixed with an incidental amount of manure (snow-manure mix), is not subject to the Permit requirements applicable to application during winter conditions provided the application complies with all of the following: a) snow-manure mix is applied to the field(s) approved within the manure management plan for application of the snow-manure mix; b) snow-manure mix is applied at least 300 feet from sensitive features; and c) snow-manure mix applied during the month of March is limited to the amount necessary to ensure animal welfare, such as access to feed, water, or shelter. [Minn. R. 7001.0150]
13.13	The Permittee may establish a temporary solid manure stockpile at the facility during March without the need to modify coverage under this Permit provided an approved permanent manure stockpile site is unavailable, weather or field conditions do not allow short term stockpiling of manure within land application fields, and the temporary stockpile location complies with all of the following: a) the stockpile site complies with the location requirements of Minn. R. 7020.2125 subp. 2(C); b) the slope of the stockpile site does not exceed 2%; c) the stockpile site is elevated or bermed so that surface water cannot enter or flow through the stockpile site; d) snow is removed from the stockpile site prior to establishing the stockpile; and e) manure is removed from the stockpile site as soon as practicable. The Permittee must notify the MPCA, via telephone or electronic mail, within 48 hours of establishment of the temporary stockpile. Temporary stockpiling activities under this part do not release the Permittee from compliance with the effluent limitations of this Permit. [Minn. R. 7001.0150]

14.1	**Land Application of Manure - Inspections**. [Minn. R. 7020]
14.2	Part 9.2 of this Permit identifies who (Permittee or manure recipient) must comply with the requirements of this part. [Minn. R. 7020]
14.3	All fields that receive manure application shall be visually inspected to check for evidence of manure discharge. The inspections shall take place at all downgradient field edges and any other potential discharge locations such as sensitive features, tile intakes, ditches, or other conveyances to waters. Inspections are required at all of the following intervals in the land application process: a) at least once each day manure is applied to the field; b) at the end of manure application to the field; and c) as soon as possible but at a minimum within 24 hours of rainfall of 0.5 inch, or greater, that occurs within 14 days of the end of manure application to the field, unless the manure is injected or incorporated. Any discharge observed must be responded to and reported in accordance the requirements of this Permit. [Minn. R. 7001.0150]
15.1	**Land Application of Manure - Setbacks**. [Minn. R. 7020]
15.2	Part 9.2 of this Permit identifies who (Permittee or manure recipient) must comply with the requirements of this part. [Minn. R. 7020]
15.3	Manure application shall comply with the following land application of manure setbacks for the features identified in this part that are located within or adjacent to the field used for land application. Implementing one or more of the measures identified in this part is considered equivalent to the 100 foot setback required by federal law and shall not be considered a modification of the MMP. [Minn. R. 7001.0150]
15.4	Floodplain - Manure application is prohibited within the 100-year floodplain unless the manure is injected or immediately incorporated. [Minn. R. 7001.0150]
15.5	Open Tile Intakes - Manure application is prohibited within 300 feet of an open tile intake unless one of the following protective measures is employed: a) manure is injected or incorporated prior to rainfall or within 24 hours (whichever occurs first) within 300 feet of the open tile intake; b) manure is not applied within 100 feet of the open tile intake and a one rod (16.5 feet) perennial vegetated buffer exists around the open tile intake; or c) a 35-foot perennial vegetated buffer exists around the open tile intake and manure is not applied to the buffer. [Minn. R. 7020.2225]
15.6	Drainage Ditches - Manure application is prohibited within 300 feet of a drainage ditch unless one of the following protective measures is employed: a) a protective berm prohibits runoff from directly entering the drainage ditch such that runoff must travel at least 300 feet, measured from the nearest point of manure application, before entering the drainage ditch; b) manure is not applied within 25 feet of the drainage ditch and manure is injected or incorporated prior to rainfall or within 24 hours (whichever occurs first) within 300 feet of the drainage ditch. Additionally, soil phosphorus levels must be managed so that levels do not increase beyond 21 ppm (Bray P1) or 16 ppm (Olsen) within any six year period; c) manure is not applied within 100 feet of the drainage ditch and a one rod (16.5 feet) perennial vegetated buffer exists along the drainage ditch; or d) a 50-foot perennial vegetated buffer exists along the drainage ditch and manure is not applied to the buffer. [Minn. R. 7020.2225]
15.7	Lakes, Rivers, and Perennial Streams - Manure application is prohibited within 300 feet of a lake, river, or perennial stream unless one of the following protective measures is employed: a) manure is not applied within 25 feet of the lake, river, or perennial stream and manure is injected or incorporated prior to rainfall or within 24 hours (whichever occurs first) within 300 feet of the lake, river, or perennial stream. Additionally, soil phosphorus levels must be managed so that levels do not increase beyond 21 ppm (Bray P1) or 16 ppm (Olsen) within any six year period; b) manure is not applied within 100 feet of the lake, river, or perennial stream and a one rod (16.5 feet) perennial vegetated buffer exists along the lake, river, or perennial stream; or

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	c) a 100-foot perennial vegetated buffer exists along the lake, river, or perennial stream and manure is not applied to the buffer. [Minn. R. 7020.2225]
15.8	Intermittent Streams and Public Waters Wetlands - Manure application is prohibited within 300 feet of an intermittent stream or public waters wetland unless one of the following protective measures is employed: a) manure is not applied within 25 feet of the intermittent stream or wetland and manure is injected or incorporated prior to rainfall or within 24 hours (whichever occurs first) within 300 feet of the intermittent stream or wetland. Additionally, soil phosphorus levels must be managed so that levels do not increase beyond 21 ppm (Bray P1) or 16 ppm (Olsen) within any six year period; b) manure is not applied within 100 feet of the intermittent stream or wetland and a one rod (16.5 feet) perennial vegetated buffer exists along the intermittent stream or wetland; or c) a 50-foot perennial vegetated buffer exists along the intermittent stream or wetland and manure is not applied to the buffer. [Minn. R. 7020.2225]
15.9	Wells, Mines, and Quarries - Manure application is prohibited within 100 feet of a well, mine, or quarry. [40 CFR 412.4]
15.10	Sinkholes - Manure application is prohibited within 300 feet of a sinkhole unless one of the following protective measures is employed: a) manure is not applied within 100 feet of the sinkhole and is injected or incorporated prior to rainfall or within 24 hours (whichever occurs first) within 300 feet of the sinkhole; or b) manure is not applied within 50 feet of the sinkhole and a protective berm exists that prohibits runoff from entering the sinkhole. [Minn. R. 7020.2225]
15.11	Road Ditches - Manure application is prohibited within road ditches. When manure is applied near a road ditch that is also an intermittent stream or drainage ditch, the requirements applicable to intermittent streams or drainage ditches must be followed. [Minn. R. 7020.2225]
15.12	Other Conduits to Waters - Manure application is prohibited within 100 feet of any other downgradient conduit to surface waters not identified in this Part. [40 CFR 412.4]
16.1	**Requirements for Operation and Maintenance of the Facility**. [Minn. R. 7020]
16.2	For any facility meeting the definition of New Source, the Permittee shall ensure that the production area is designed, constructed, operated, and maintained to contain all manure, manure-contaminated runoff, process wastewater, and all direct precipitation. [40 CFR 412, Minn. R. 7020.2003]
16.3	For any facility the does not meet the definition of New Source, the Permittee shall ensure that the production area is designed, constructed, operated, and maintained to contain all manure, manure-contaminated runoff, process wastewater, and the direct precipitation from a 25-year, 24-hour storm event as defined by the Precipitation - Frequency Atlas of the United States, National Oceanic and Atmospheric Administration. [40 CFR 412, Minn. R. 7020.2003]
16.4	The Permittee shall operate and maintain the facility in accordance with the application materials, all MPCA approved plans and specifications, and the requirements of this Permit. Approved plans and specifications include any proposed plans and specifications submitted with the current application for permit coverage and any plans and specifications for an existing facility component that have been previously approved by the MPCA. [Minn. R. 7001.0150]
16.5	The Permittee shall ensure animals at the facility do not enter waters of the state. [Minn. R. 7020.2015]
16.6	The Permittee shall operate and maintain any required facility monitoring equipment in accordance with the MPCA approved monitoring plan. [Minn. R. 7001.0150]
16.7	The Permittee is prohibited from discharging, depositing, or otherwise placing any substance into a manure storage area(s) except manure, process wastewater, manure-contaminated runoff, or direct precipitation unless expressly authorized in writing by the MPCA. [Minn. R. 7001.0150]
16.8	The Permittee is prohibited from discharging, depositing, or otherwise placing chemicals and other contaminants handled on-site into a storm water storage or treatment system(s) unless specifically designed to treat such chemicals and other contaminants. [40 CFR 122.42, Minn. R. 7001.0150]
16.9	The Permittee shall ensure clean water is diverted, as appropriate, from the production area and that areas around any manure storage area are graded so that surface water drains away from the structures such that pooling of rain or snow melt waters around the immediate vicinity of these structures is prevented. [Minn. R. 7001.0150]
16.10	The Permittee shall manage animal mortalities in accordance with all applicable requirements of the Board of Animal

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	Health (Minn. R. ch. 1721) and the approved emergency response plan. [Minn. R. 7001.0150]
16.11	The Permittee is prohibited from disposing of animal mortalities within any manure storage area or stormwater storage area. [40 CFR 122.42, Minn. R. 7001.0150]
16.12	When manure is used as compost medium for an animal mortality composting area, the requirements of Minn. R. 7020.2125 for manure stockpiles shall apply. [Minn. R. 7020]
16.13	The Permittee is exempt from ambient air quality standards during agitation and removal of manure from the facility if the Permittee has notified the MPCA in writing prior to commencement of the agitation and removal of manure. The written notification shall be via letter or electronic mail and must include the following: a) the names of the owners or the legal name of the facility; b) the location of the facility by county, township, section, and quarter section; c) the facility's feedlot registration number; and d) the anticipated start date and the anticipated number of days of removal of manure. The maximum cumulative exemption days claimed by the Permittee shall not exceed 21 days per calendar year. [Minn. R. 7020.2002]
16.14	For temporary closure of a facility component, the Permittee shall, within one year of ceasing operation of the component, remove all manure from the component. The Permittee shall maintain permit coverage for the facility, including the temporarily closed component. [Minn. R. 7001.0150]
16.15	The Permittee may establish a short-term manure stockpile at the facility in conjunction with manure pack removal activities from animal holding areas without the need to modify coverage under this Permit, provided the manure is stockpiled for fewer than 10 consecutive days, and no more than 6 times per calendar year. This does not release the Permittee from compliance with the effluent limitations of this Permit. [Minn. R. 7001.0150]
17.1	**Additional Requirements for Operation and Maintenance of Liquid Manure Storage Areas (LMSA)**. [Minn. R. 7020]
17.2	The Permittee shall maintain a fence around the perimeter of any at-grade or near-grade LMSA. [Minn. R. 7001.0150]
17.3	The Permittee shall operate the LMSA to maintain the freeboard of the LMSA as indicated in the approved plans and specifications or Minn. R. 7020.2100, subp. 4, item D, whichever is greater. [Minn. R. 7020.2100]
17.4	For open-air LMSAs the Permittee shall install and maintain a visual marker that clearly indicates the freeboard of the LMSA. For covered LMSAs, including those that are below a barn, the Permittee shall develop and employ a system to measure and monitor the liquid level in the LMSA such that the freeboard of the LMSA is maintained. [40 CFR 412.37]
17.5	The Permittee shall notify the MPCA, via telephone or electronic mail, within 24 hours of discovery of encroachment into the freeboard of the LMSA. The notification must include the approximate depth of storage space remaining, an estimated timeline for manure or process wastewater removal from the LMSA, and the date (known or estimated) when the freeboard encroachment began. Notification under this part does not release the Permittee from the obligation to maintain the freeboard of a LMSA. [Minn. R. 7001.0150]
17.6	For anaerobic digesters, the Permittee shall notify the MPCA via telephone or electronic mail within three business days whenever manure must circumvent the anaerobic digester and be deposited into a LMSA that does not have an impermeable cover. The notification must include the reasons for the interruption of service as well as the start and anticipated end date. This does not release the Permittee from the state ambient air quality standards for hydrogen sulfide. [Minn. R. 7001.0150]
17.7	When a LMSA undergoes temporary closure, the Permittee shall comply with the following: a) maintain, at a minimum, a two-foot depth of manure and/or water in a LMSA to provide protection from damage caused by freezing temperatures; b) maintain the LMSA in accordance with the MPCA approved plans and specifications and the requirements of this Permit, including maintenance of the required freeboard; and c) prior to using any LMSA that has been unused for three years or more, a professional engineer must evaluate and prepare a report on the condition of the liner. The MPCA must review and approve the report prior to using the LMSA. [Minn. R. 7001.0150]
18.1	**Additional Requirements for Operation and Maintenance of Permanent Solid Manure Stockpiles**. [Minn. R. 7020]
18.2	The Permittee shall repair any damage to a stockpile pad that compromises the integrity or thickness of the pad within 60

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	days of discovery. This includes any ruts made by vehicles in excess of six inches in depth within a cohesive soil pad. [Minn. R. 7020.2125]
18.3	The Permittee shall operate and maintain the runoff controls for the permanent manure stockpile such that all liquids produced, including leachate and contaminated runoff, are captured by a control structure. [Minn. R. 7020.2125]
18.4	A manure compost site is also a manure stockpile. The Permittee shall comply with all requirements applicable to manure stockpiles. [Minn. R. 7020.2150]
19.1	**Additional Requirements for Operation and Maintenance of Feed Storage Areas**. [Minn. R. 7020]
19.2	The Permittee shall not store manure on a feed storage area pad unless part of the MPCA approved design. [Minn. R. 7001.0150]
19.3	The Permittee shall repair any damage to a feed storage pad that compromises the integrity or thickness of the pad within 60 days of discovery. This includes any ruts made by vehicles in excess of six inches in depth within a cohesive soil pad. [Minn. R. 7001.0150]
19.4	The Permittee shall operate and maintain feed storage areas such that all liquids produced, including leachate and contaminated runoff, are captured by a MPCA approved control structure or LMSA. [Minn. R. 7001.0150]
19.5	When leachate and feed storage area runoff is managed with a vegetated infiltration basin, the Permittee shall perform the following operation and maintenance activities: a) clean out and repair structures that contain and convey contaminated liquids on an annual basis; b) remove accumulated solids from solids settling areas when the depth of solids exceeds one foot; c) repair channel/rill erosion; d) re-establish vegetation that has been damaged or destroyed; and e) harvest vegetation at least two times per year. The preferred method of harvesting is by mechanical means; however, grazing by animals can be utilized provided it is limited to no more than three grazing periods per year, with each grazing period lasting no more than five days. When 1,000 or more tons of sweet corn silage is stored at the facility, the Permittee is prohibited from using a vegetated infiltration basin as a leachate and contaminated runoff control structure. [Minn. R. 7001.0150]
20.1	**Required Facility Inspections**. [Minn. R. 7020]
20.2	The Permittee shall make the following inspections: a) a daily inspection of all water lines unless an equivalent method for checking water lines is employed such as water meters or pressure gauges; b) a weekly visual inspection of all facility components including animal holding areas, manure storage areas, manure transfer systems, feed storage areas, runoff control measures, and mortality handling areas to assess their conformance to this Permit; and c) inspection of manure application equipment for leaks prior to use. [40 CFR 412.37, 40 CFR 412.4]
21.1	**Additional Required Inspections for Liquid Manure Storage Areas**. [Minn. R. 7020]
21.2	The Permittee shall make the following inspections for any LMSA at the facility according to the schedule indicated and after any rainfall event exceeding the 25-year, 24-hour storm event: a) a weekly visual inspection of the LMSA and any devices channeling manure-contaminated runoff to the LMSA to assess conformance to the approved plans and this Permit; b) a weekly visual inspection of the liquid level and freeboard marker in each LMSA to ensure that adequate freeboard is maintained; c) for LMSAs with a perimeter drain tile, a monthly examination of the monitoring port or drain tile outlet for water flow and signs of discoloration or odor in any water flowing in the drain tile; and d) for anaerobic digesters, in addition to the inspections for LMSAs above, the Permittee shall conduct a weekly visual inspection of any digester system to assess its performance and to check for system malfunctions. [40 CFR 412.37]
21.3	Any repair to the liner of a LMSA must be approved by the MPCA prior to commencement of the repair and the Permittee shall submit plans and specifications prepared by a design engineer if requested by the MPCA. [Minn. R. 7001.0150]
22.1	**Correction of Deficiencies Discovered During Required Inspections**. [Minn. R. 7020]

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22.2	The Permittee shall correct any deficiencies found as a result of the inspections required by this Permit within 30 days, or within a shorter timeframe when required elsewhere in this Permit, unless one of the following apply: a) construction is required that cannot be effectively performed during the winter season; b) the activity to correct the deficiency requires a permit modification or permit issuance; c) a piece of equipment/part required to correct the deficiency cannot be manufactured and installed within 30 days; or d) other reasons beyond the control of the Permittee. [40 CFR 412.37, Minn. R. 7001.0150]
22.3	The Permittee shall notify the MPCA within 20 days of discovery of any deficiency that cannot be corrected within 30 days. The notice shall include an explanation for the delay and indicate the expected period of time needed to correct the deficiency. This notification does not preclude the MPCA from taking any administrative or legal actions to compel compliance. [Minn. R. 7001.1050]
23.1	**Permanent Closure**. [Minn. R. 7020]
23.2	Within one year after permanently ceasing operation of a facility component, the Permittee shall remove, from the closed component, all manure and any soils visibly contaminated by manure. [Minn. R. 7020.2025]
23.3	The Permittee shall notify the MPCA via telephone or electronic mail within 3 business days of completion of manure and contaminated soils removal and prior to filling/covering the area previously occupied by the closed component. [Minn. R. 7020.2025]
23.4	The Permittee shall, after removing manure and manure-contaminated soils from the closed component, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five years unless: a) the component is, or is within, a building that will not be demolished; b) the liner/floor/base of the component was concrete or asphalt that will not be removed; c) a structure or other impervious surface will be constructed over the area occupied by the component within 60 days; or d) the component was a LMSA. The alfalfa, grasses, or other perennial forage must be established as soon as practicable within the current growing season or at the start of the following growing season when manure removal happens after September 30th. [Minn. R. 7001.0150]
23.5	Within 60 days after completing the requirements for permanent closure of an animal holding area or manure storage area, the Permittee shall provide written notification to the MPCA that the closure requirements have been completed. When closure requires growing alfalfa, grasses, or other perennial forage for at least five years, this notification shall be provided within 60 days of initial establishment of the vegetation. [Minn. R. 7020.2025]
24.1	**Recordkeeping Requirements**. [Minn. R. 7020]
24.2	Except where specifically noted, the Permittee shall retain all records/reports/submittals required by this Permit for a minimum of six years. This retention period shall be automatically extended during the course of any legal or administrative proceedings or when so requested by the MPCA. Documents shall be maintained at the facility or at the Permittee's business address. The Permittee shall make all documents available for examination and copying upon request of the MPCA or county feedlot officer (CFO) and shall, upon request, submit any documents to the MPCA or CFO within 30 days. [Minn. R. 7001.0150]
24.3	The Permittee shall maintain the following facility maintenance records: a) a description of any modifications, or damage and repair, to the manure collection, containment, and storage components; b) any significant activities that alter the nature of the facility or that would increase the likelihood of discharge from the facility or potential for groundwater pollution; and c) any other factors affecting compliance with the requirements of this Permit. [Minn. R. 7001.0150]
24.4	The Permittee shall either maintain records of the dates and amounts for all precipitation events when manure is exposed to precipitation, including 24 hours prior to and following land application events, or direct the MPCA to data maintained by governmental agencies or educational institutions. [40 CFR 412.37]
24.5	The Permittee shall maintain records of the results of any inspections required by this Permit, including any deficiencies found and documentation of any actions taken to correct deficiencies, including the discovery date and the date when

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	corrective measures were completed. For any deficiencies not corrected within the specified timeframe, the documentation must include an explanation as to why the corrections were not made within the timeframe. [Minn. R. 7001.0150]
24.6	The Permittee shall maintain records of the written requests for exemption from the ambient air quality standards during manure removal. [Minn. R. 7001.0150]
24.7	The Permittee shall maintain records of manure application activities, including when manure ownership is transferred, within the Nutrient Management Tool. [Minn. R. 7020.2225]
24.8	The Permittee shall maintain records pertaining to any required facility monitoring as identified in the MPCA-approved monitoring plan until the Permittee receives written approval from the MPCA to cease the monitoring activities. [Minn. R. 7001.0150]
24.9	The Permittee shall maintain records of any design plans, material testing results, and final certification/reports for any manure storage areas until such time that the structure is permanently closed. [Minn. R. 7001.0150]
25.1	**Annual Reporting**. [Minn. R. 7020]
25.2	The Permittee shall submit annual report: Due annually, by the 1st of March. The Permittee shall submit the annual report to the MPCA regarding facility activities which occurred during the crop year that ended in the previous calendar year. The Permittee must use the Feedlot Annual Report online service to submit the annual report. In the event of a delay in the availability of the Feedlot Annual Report online service, the Permittee is authorized to submit the paper form "*Animal Feedlot Or Manure Storage Area Annual Report (wq-f3-22b)*". [40 CFR 122.42]
25.3	The standardized form identifies the information required for the annual report, which at a minimum includes the requirements of 40 CFR 122.42 (e)(4) and land application records. [40 CFR 122.42]
26.1	**Effluent Limitations**. [Minn. R. 7020]
26.2	The Permittee shall not discharge manure, manure-contaminated runoff, or process wastewater from a land application area into surface waters of the State, except where the discharge is an agricultural stormwater discharge as defined by this Permit. [40 CFR 122.23]
26.3	For any facility meeting the definition of New Source, the Permittee shall not discharge manure, manure-contaminated runoff, or process wastewater into surface waters of the State from the production area. [40 CFR 412.46]
26.4	For any facility that does not meet the definition of New Source, the Permittee shall not discharge manure, manure-contaminated runoff, or process wastewater into surface waters of the State from the production area unless the discharge is an overflow of manure or process wastewater that is caused by a precipitation event and the facility is in compliance with the requirements of this part and the operational, design, and recordkeeping requirements of this Permit. [40 CFR 412.31]
27.1	**Discharges, Spills, and Overflows**. [Minn. R. 7020]
27.2	The Permittee shall immediately report by telephone to the State Duty Officer (800-422-0798) any discharge, spill, or overflow of manure, process wastewater, or manure-contaminated runoff, including those authorized by this Permit. The report to the State Duty Officer must include the location of any known fish kill directly related and the location and name, if available, of any drinking water supply management area (DWSMA) or surface water source DWSMA that could be impacted. [Minn. Stat. 115.061]
27.3	When a discharge, spill, or overflow occurs, whether authorized by this Permit or not, the Permittee shall take all actions necessary to minimize that discharge, spill, or overflow, to recover the material released, and to mitigate impacts to waters of the state. [Minn. Stat. 115.061]
27.4	Within five days of any discharge, spill, or overflow, the Permittee shall submit a written statement to the MPCA that includes the following information: a) cause of discharge, spill, or overflow, such as precipitation (inches of rain or snow per day) or other cause (e.g., structural failure, equipment breakdown); b) a description and approximate volume of any discharge, spill, or overflow; c) location and name, if available, of the drinking water supply management area (DWSMA), surface water source DWSMA, waterway, dry ditch, gully, creek, stream, pond, lake, river, or other waters of the state receiving the discharge, spill, or overflow; d) corrective steps being taken to reduce or eliminate and prevent a recurrence of a non-permitted discharge, spill, or overflow;

	e) the period of time the discharge, spill, or overflow occurred including exact dates and times or, if still occurring, the anticipated time the discharge, spill, or overflow will continue; and f) name of person reporting the discharge, spill, or overflow. [Minn. R. 7001.0150]
28.1	**Additional Requirements for Discharges to Waters of the State**. [Minn. R. 7020]
28.2	Discharge, defined in Part 31.18 of this Permit, means the addition of a pollutant to waters of the state which includes spills and overflows that enter waters of the state. A spill or overflow that does not reach waters of the state is not a discharge and is not subject to the requirements of this Part. [Minn. R. 7001.0150]
28.3	The Permittee shall ensure that all discharges associated with the facility, including those authorized by the Permit, do not cause or contribute to non-attainment of applicable state water quality standards. The Permittee must monitor discharges in accordance with all of the following: a) collect a minimum of one representative grab sample of the discharge as close as possible to the point of entry into waters of the state; b) sample the discharge within 6 hours of the discovery unless the discharge has stopped as a result of compliance with Part 27.3 or 30.17 of this Permit. If the discharge occurs multiple days, at least one sample shall be taken daily; c) samples shall be collected in accordance with Minn. R. 7053.0155; and d) samples shall be analyzed by a certified lab for the following parameters, pH, total nitrogen, ammonia nitrogen, total phosphorus, E. coli, five-day biochemical oxygen demand (BOD5), and total suspended solids. If conditions are not safe for sampling or do not allow for a representative sample to be obtained (such as flooding, severe weather, etc.), the Permittee may delay sampling until such conditions have passed. [40 CFR 122.44, Minn. R. 7001.0150]
28.4	Reporting - The Permittee shall submit a written report of the analytical results to the MPCA within 7 days of receipt. The report must also include, as applicable, reasons why sampling was delayed. If a sample was not taken, the Permittee shall, in lieu of this report, include the reasons a sample was not taken within the statement required by Part 27.4 of this Permit. [Minn. R. 7001.0150]
29.1	**Permit Eligibility**. [Minn. R. 7020]
29.2	An owner of a facility is not eligible for coverage under this Permit when any of the following apply: a) a schedule of compliance is required to address a pollution hazard; b) special conditions are required as the result of environmental review; c) a new technology for construction or operation which is not addressed by this Permit is proposed; d) removal of bedrock is proposed to comply with site restrictions under Minn. R. 7020.2100; e) feed for animals will be brokered or sold at the facility; f) the facility, including the feed storage area, does not meet the design standards of Minn. R. ch. 7020 and this Permit; g) the MPCA determines that the facility operations would be more appropriately controlled by an individual permit; h) the owner is proposing to land apply manure in a manner that is not consistent with the requirements of this Permit; i) the owner is proposing to use a vegetative infiltration basin (VIB) to control runoff from an open lot or manure storage area; j) the MPCA determines that discharges from a facility or the land application areas under the Permittee's control have the potential to cause or contribute to non-attainment of applicable water quality standards; k) an anaerobic digester at the facility processes a mixture of organic materials (including manure) that is less than 90% (by volume) manure, process wastewater, or manure contaminated runoff regulated by Minn. Rule Ch. 7020; or l) the facility is located within Indian Country, as defined by federal law. [Minn. R. 7001.0210]
30.1	**General Conditions**. [Minn. R. 7020]
30.2	Compliance with other laws - The agency's issuance of a permit does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. This includes any restitution/damages for fish kills or other wildlife loss imposed by the Minnesota Department of Natural Resources under Minn. Stat. 97A.341. [Minn. R. 7001.0150]
30.3	Future rules and standards - The agency's issuance of a permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. [Minn. R. 7001.0150]

30.4	Property right - The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150]
30.5	Agency obligation - The agency's issuance of a permit does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes. [Minn. R. 7001.0150]
30.6	Permitted actions - 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. [Minn. R. 7001.0150]
30.7	System reliability - The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible. [Minn. R. 7001.0150]
30.8	False information - The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the agency or to the commissioner by the permit. The Permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150]
30.9	Submittals - The Permittee shall, when requested by the commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. [Minn. R. 7001.0150]
30.10	Right of Entry - When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. [Minn. R. 7001.0150]
30.11	Steps to minimize non-compliance impacts - If the Permittee discovers, through any means, including notification by the agency, that noncompliance with a condition of the permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. [Minn. R. 7001.0150]
30.12	Non-compliance notification - If the Permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the commissioner. Within five days of the discovery of the noncompliance, the Permittee shall submit to the commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [Minn. R. 7001.0150]
30.13	Non-compliance report - The Permittee shall report noncompliance with the permit not reported as a part of the next report which the Permittee is required to submit under this Permit. If no reports are required within 30 days of the discovery of the noncompliance, the Permittee shall submit the report within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150]
30.14	Advance notice of potential non-compliance - The Permittee shall give advance notice to the commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit. [Minn. R. 7001.0150]
30.15	Permit transfer - The permit is not transferable to any person without the express written approval of the agency after compliance with the requirements of Part 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. [Minn. R. 7001.0150]
30.16	Liability - The permit authorizes the Permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and agency may be liable for the activities of its

	employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736. [Minn. R. 7001.0150]
30.17	Duty to Prevent and Mitigate - The Permittee shall 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. [Minn. Stat. 115.061]
30.18	Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41]
30.19	Civil and Criminal Liability - Nothing in this Permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance with the terms and conditions provided herein. [Minn. R. 7001]
30.20	Severability - The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby. [Minn. R. 7001]
30.21	Discharge Monitoring Reports - This Permit requires the submittal of annual reports in lieu of discharge monitoring reports as the Permittee is not authorized to discharge to surface waters except as provided in Minn. R. 7020.2003, subp. 2, which references 40 CFR pt. 412. [40 CFR 412]
30.22	Availability of Reports - Except for data determined to be confidential under Minn. Stat. 116.075, subd. 2, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the MPCA. Procedures for submitting such confidential material shall be pursuant to Minn. R. 7000. Monitoring data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Minn. Stat. 115.071, subd. 2. [Minn. R. 7000.1200]
30.23	Website links/references - When a link to a website referenced in this Permit becomes non-functional, the agency may direct Permittees to an equivalent data source without a modification to this Permit. The agency will post the equivalent data source link on the "feedlot permits" portion of its website: www.pca.state.mn.us/feedlots. [Minn. R. 7001]
30.24	Standard conditions - This permit requires compliance with the standard conditions of 40 CFR 122.41. [40 CFR 122.41]
31.1	**Definitions**. [Minn. R. 7020]
31.2	"Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. 116.02. [Minn. R. 7020.0300]
31.3	"Agricultural Stormwater" means a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in 40 CFR 122.42(e)(1)(vi)-(ix). [40 CFR 122.23]
31.4	"Anaerobic Digester" means a liquid manure storage area that is constructed with the intent to capture and re-purpose gas emissions resulting from the digestion of waste by microbes in anaerobic conditions. An anaerobic digester is a LMSA and is required to comply with all requirements applicable to LMSAs. Requirements specific to anaerobic digesters will be noted when applicable. [Minn. R. 7020]
31.5	"Animal Feeding Operation" ("AFO") means a lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. [40 CFR 122.23]
31.6	"Animal Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosures. For the purposes of this Permit, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this Permit. [Minn. R. 7020.0300]
31.7	"Animal Manure" or "Manure" means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials. [Minn. R. 7020.0300]
31.8	"Application Materials or Permit Application" means all information submitted by the applicant for coverage under this Permit and relied upon by the MPCA to make a decision on the request for permit coverage. This includes but is not

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	limited to the application form, manure management plan, plans and specifications for facility components, emergency response plan, and required monitoring plans as approved by the MPCA. The standardized permit application is equivalent to the notice of intent (NOI) required by federal law and includes all content required by 40 CFR 122.28 (b)(2)(ii). [Minn. R. 7001]
31.9	"Approved Plans or MPCA Approved" means any previously approved plans/documents or new/revised plans/documents required by this Permit that receive approval from the MPCA. [Minn. R. 7001]
31.10	"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [Minn. R. 7001]
31.11	"Closure" refers to the cessation of use of all or any part of the facility, including: a) the removal of livestock or poultry from all or any of the animal holding areas located within the production area; and b) the discontinuation of a structure or area located within the production area to handle, store, or treat manure. [Minn. R. 7020]
31.12	"Coarse-textured Soils" means fields that have at least 33 percent of the surface soil and/or subsoil (within three (3) feet of the surface) with one of the following soil texture types: sand, loamy sand, loamy coarse sand, fine sand, loamy fine sand, coarse sand, or very fine sand. [Minn. R. 7001]
31.13	"Commissioner" means the Commissioner, or other MPCA staff authorized by the Commissioner, of the MPCA, as described in Minn. Stat. 116.03, as amended. [Minn. R. 7020.0300]
31.14	"Completion of Construction" means to complete the placement, assembly, or installation of facilities for the components of the facility authorized by this Permit. [Minn. R. 7001]
31.15	"Concentrated Animal Feeding Operation" ("CAFO") means an AFO that is defined as a Large CAFO or as a Medium CAFO by the terms of 40 CFR 122.23(b)(2), or that is designated as a CAFO in accordance with 40 CFR 122.23(c). [Minn. R. 7020.0300]
31.16	"Corrective or Protective Measure" means a practice, structure, condition, or combination thereof that prevents or reduces the discharge of pollutants from an animal feedlot or manure storage area to a level in conformity with MPCA rules. [Minn. R. 7020.0300]
31.17	"Design Engineer or Professional Engineer" means an engineer licensed in the state of Minnesota or a NRCS staff person having NRCS approval authority for the project. [Minn. R. 7020.0300]
31.18	"Discharge" means the addition of a pollutant to waters of the state, including a release of animal manure or process wastewater from an animal holding area, manure storage area, or a manure land application site by leaking, pumping, pouring, emitting, emptying, dumping, escaping, seeping, leaching, or any other means. Discharge includes both point source and nonpoint source discharges. [Minn. R. 7020.0300]
31.19	"DWSMA" means drinking water supply management areas as identified by the Minnesota Department of Health. [Minn. R. 7001]
31.20	"Emergency Manure Application" Emergency manure application means instances of land application of manure that are the direct result of situations beyond the control of the Permittee, such as unusual weather conditions, unavoidable equipment failure, or other circumstances that could not have been avoided with proper planning and management and there is no opportunity to provide temporary storage within another approved manure storage area at the facility. In these situations, only the application of the volume of manure that is necessary to prevent manure storage overflow is considered to be emergency manure application. [Minn. R. 7001]
31.21	"Facility" means an animal feedlot, a manure storage area, or an animal feedlot with a manure storage area that is subject to this Permit. [Minn. R. 7020.0300]
31.22	"Feedlot Annual Report" means the online service developed by the MPCA that the Permittee must use to submit the annual report required by this Permit. [Minn. R. 7001]
31.23	"Feed Storage Area" means a designated area at the production facility, paved or unpaved, covered or uncovered, that is utilized for storage of any materials used to create the rations for livestock. Also included are those areas used to store spoiled, spilled, or other unused rations for livestock. For purposes of this Permit, "feed storage area" does not include buildings or roofed structures that contain dry commodities, provided that precipitation does not come into contact with the commodities stored inside the structure. "Feed storage area" does not include areas used for the storage of hay bales

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	and other absorbent materials which do not create contaminated leachate and do not create a pollution hazard. [Minn. R. 7001]
31.24	"Feed Storage Area Runoff" means liquid that leaves the feed storage area that is the result of precipitation on the feedstocks or on the surrounding feed storage area where residual feed is present. This does not include water that flows off of the tarp/roof of a feed storage, unless that liquid is allowed to come into contact with feedstocks, residual feed, or other liquid that has come into contact with feedstocks or residual feed. This liquid is not stormwater and should not be allowed to directly enter waters of the state, tile intakes, or stormwater collection/mitigation area (stormwater ponds, etc.). [Minn. R. 7001]
31.25	"Fish Kill" means an incident resulting in the death of 25 or more fish within one linear mile of a flowing water or 25 or more fish within a square mile of a nonflowing water, excluding fish lawfully taken under the game and fish laws. [Minn. R. 7001]
31.26	"Incorporate or Incorporation" means applying manure using injection, disking into the soil, tilling the soil after application, or using other practices that result in a majority of the manure being placed below the ground surface within 24 hours of application and prior to rainfall. [Minn. R. 7001]
31.27	"Intermittent Stream" means all watercourses identified as intermittent streams on United States Geological Survey quadrangle maps. [Minn. R. 7020.0300]
31.28	"Land Application Area" means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied. [Minn. R. 7001]
31.29	"Liquid Manure" means manure that does not meet the definition of solid manure. Process wastewater and manure-contaminated runoff are considered to be liquid manure. [Minn. R. 7020.0300]
31.30	"Liquid Manure Storage Area" ("LMSA") means an area where liquid animal manure and process wastewaters are stored or processed. [Minn. R. 7020.0300]
31.31	"Manure-contaminated Runoff" means a liquid that has come into contact with animal manure and drains over land from any animal feedlot, manure storage area, or animal manure land application site. [Minn. R. 7020.0300]
31.32	"Manure Storage Area" means an area where animal manure or process generated wastewater are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding are not manure storage areas provided they are managed in accordance with Minn. R. 7020.2000, subp. 3. [Minn. R. 7020.0300]
31.33	"MPCA" means the Minnesota Pollution Control Agency or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency. [Minn. R. 7001]
31.34	"Modification" means a change to a facility component or operational practice described, required, or authorized by this Permit, including an expansion. Major and minor modifications are described by Minn. R. 7020.0300, Minn. R. 7020.0405, subp. 5, and Minn. R. 7001.0190. A change to a facility component or operational practice that is not described, required, or authorized by a permit is not a modification, including changes to: a) the type of crop or manure application rate if consistent with the methodology portion of the manure management plan and reflected in required records; b) routine maintenance; c) feeding or milking schedules; d) animal diets; e) bedding materials so long as consistent with approved plans and specifications; f) equipment used to clean the facility so long as consistent with approved design plans and specifications; g) lands used as pasture; or h) facility components not involved directly in animal or manure management such as an office or machine shed. [Minn. R. 7020.0300]
31.35	"MES" means the University of Minnesota Extension System. [Minn. R. 7001]
31.36	"Methodology" means the portion of the manure management plan (MMP) that describes the methods used to determine field specific manure application rates in accordance with University of Minnesota recommendations, the requirements of this Permit, and other applicable rules. A MMP developed using the Nutrient Management Tool includes the required Methodology and satisfies the requirements related to the narrative approach identified in 40 CFR 122.42. [Minn. R. 7001]

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31.37	"National Pollutant Discharge Elimination System Permit" or "NPDES" means a permit issued by the MPCA as required by federal law for the purpose of regulating the discharge of pollutants from point sources into waters of the United States from concentrated animal feeding operations (CAFOs) as defined by federal law. [Minn. R. 7020.0300]
31.38	"New Source" means a swine, poultry, or veal calf facility that began construction after December 4, 2008, and is subject to a new source performance standard in 40 CFR pt. 412 prohibiting discharges from the production area. [40 CFR 122.2]
31.39	"NRCS" means the Natural Resources Conservation Service. [Minn. R. 7001]
31.40	"Nutrient Management Tool" means the online tool developed by the MPCA that the Permittee must use for development of a manure management plan for submittal with the permit application. The Nutrient Management Tool includes the necessary information to satisfy applicable manure management planning and record keeping rules and Permit requirements. [Minn. R. 7001]
31.41	"Overflow" means the release of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point where manure, process wastewater, or stormwater can be contained by the structure. [Minn. R. 7001]
31.42	"Owner" or "Owners" shall mean all persons having possession, control, or title to an animal feedlot or manure storage area as defined by Minn. R. 7020.0300, subp. 17. [Minn. R. 7020.0300]
31.43	"Permanent Closure" means ceasing operation of all or any part of the facility with the intent that the animal holding area(s) and/or manure storage area(s) will no longer be used for that purpose. [Minn. R. 7020]
31.44	"Permanent Manure Stockpile" means a solid manure storage area where manure is stored or processed that does not meet the requirements of Minn. R. 7020.2125, subp. 2, for short-term stockpiles. [Minn. R. 7020.0300]
31.45	"Permittee" means the owner or owners or any person or group of persons including, but not limited to, a single individual, manager, partnership, limited partnership, cooperative, or any form of corporate entity that has possession or control or title to the feedlot granted coverage under this Permit in accordance with the MPCA-approved application materials . [Minn. R. 7001]
31.46	"Probability of Rainfall" means National Weather Service statistical predictions (may be found at the website: http://www.weather.gov). [Minn. R. 7001]
31.47	"Process Wastewater" means waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products such as milk or eggs as defined by Minn. R. 7020.0300, subp. 19(b). [Minn. R. 7020.0300]
31.48	"Production Area" means that part of the animal feeding operation that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, calf huts/hutches, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under-house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, feed silos, silage bunkers, and bedding materials. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated stormwater. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities. [40 CFR 412.2]
31.49	"Sensitive feature(s)" means all Special Protection Areas, open tile intakes, sinkholes, mines, quarries, and wells (active or inactive). [Minn. R. 7001]
31.50	"Short-term Manure Stockpile" means a manure storage area where manure is stored or processed according to Minn. R. 7020.2125, subp. 1-3. [Minn. R. 7020.0300]
31.51	"Sinkhole" means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock as defined by Minn. R. 7020.0300, subp. 22. [Minn. R. 7020.0300]
31.52	"Soil Temperature" means the soils temperature as indicated by the closest soil temperature monitoring location available on the MDA soil temperature network (including those taken at a 4-inch depth) available at https://www.mda.state.mn.us/protecting/soilprotection/soiltemp. [Minn. R. 7001]
31.53	"Solid Manure" means manure that has 15 percent or more solids, can be stacked at a 3:1 vertical to horizontal ratio, and is handled as a solid product. [Minn. R. 7020]

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31.54	"Spill" means the release of manure, manure contaminated runoff, or process wastewater from the confines of an animal feedlot, manure storage area, manure transfer system, or other component used to collect, transfer, or store manure, manure-contaminated runoff, or process wastewater that if not recovered would pollute waters of the state. Spill includes releases from activities associated with land application that do not comply with this Permit. [Minn. R. 7001]
31.55	"Special Protection Area" means land that is within 300 feet of all protected waters (lakes and streams) and protected wetlands, identified on Department of Natural Resources (DNR) protected waters and wetlands maps and intermittent streams and ditches identified on United States Geological Survey (USGS) quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways. [Minn. R. 7020.0300]
31.56	"Start of Construction" means to begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work, including clearing excavation or removal of existing buildings, structures, or facilities, necessary for the placement, assembly, or installation of facilities; or equipment for any new, modified, or expanded component of the facility authorized by this Permit. [Minn. R. 7020.0300]
31.57	"Temporary Closure" means ceasing operation of all or part of a facility with the intent of reusing the facility or portion of the facility at a future date. [Minn. R. 7020]
31.58	"Vulnerable Groundwater Area" means any area identified as a Vulnerable Groundwater Area on the Nutrient Management Planning map available at: www.pca.state.mn.us/feedlots. The map is also incorporated into the Nutrient Management Tool. If a land application field is located partially within a vulnerable groundwater area, only the portion of the field within the vulnerable groundwater area is subject to the regulations of this Permit pertaining to vulnerable groundwater areas. [Minn. R. 7001]
31.59	"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portions of the state as defined by Minn. R. 7020.0300, subp. 26. [Minn. R. 7020.0300]
31.60	"Waters of the United States" has the meaning given under 40 CFR 122.2. [Minn. R. 7020.0300]
31.61	"Winter Conditions" means when the soils of the land application site are frozen or when the application site is snow-covered. [Minn. R. 7001]

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