

EXHIBIT K

MPCA RULES, CHAPTER 7020 DEFINITIONS

7020.0300 DEFINITIONS.

Subpart 1. **Scope.** All terms employed in this chapter for which definitions are given in Minnesota Statutes, sections 115.01 and 116.06, have the meanings given in those sections. For the purposes of this chapter, the terms specified in this part have the meanings ascribed to them.

Subp. 1a. **Aboveground manure storage area.** "Aboveground manure storage area" means a manure storage area for which all portions of the liner are located at or above the elevation of the natural ground level.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency as established in Minnesota Statutes, chapter 116.

Subp. 3. **Animal feedlot.** "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 enclosure. For purposes of these parts, 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 these parts.

Subp. 4. **Animal manure or manure.** "Animal manure" or "manure" means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

Subp. 5. **Animal unit.** "Animal unit" means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply:

A. dairy cattle:

- (1) one mature cow (whether milked or dry):
 - (a) over 1,000 pounds, 1.4 animal unit; or
 - (b) under 1,000 pounds, 1.0 animal unit;
- (2) one heifer, 0.7 animal unit; and
- (3) one calf, 0.2 animal unit;

B. beef cattle:

- (1) one slaughter steer or stock cow, 1.0 animal unit;

- (2) one feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
 - (3) one cow and calf pair, 1.2 animal unit; and
 - (4) one calf, 0.2 animal unit;
 - C. one head of swine:
 - (1) over 300 pounds, 0.4 animal unit;
 - (2) between 55 pounds and 300 pounds, 0.3 animal unit; and
 - (3) under 55 pounds, 0.05 animal unit;
 - D. one horse, 1.0 animal unit;
 - E. one sheep or lamb, 0.1 animal unit;
 - F. chickens:
 - (1) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
 - (2) one chicken if the facility has a dry manure system:
 - (a) over five pounds, 0.005 animal unit; or
 - (b) under five pounds, 0.003 animal unit;
 - G. one turkey:
 - (1) over five pounds, 0.018 animal unit; or
 - (2) under five pounds, 0.005 animal unit;
 - H. one duck, 0.01 animal unit; and
 - I. for animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.
- Subp. 5a. [Repealed, 38 SR 1535]
- Subp. 6. **Certificate of compliance.** "Certificate of compliance" means a letter sent before October 23, 2000, by the commissioner or the county feedlot pollution control officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets agency requirements.
- Subp. 6a. **Commencement of construction.** "Commencement 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 at:
- A. a new or expanded animal feedlot; or

B. a new, modified, or expanded manure storage area.

Subp. 7. [Repealed, 25 SR 834]

Subp. 7a. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency whose duties are defined in Minnesota Statutes, section 116.03.

Subp. 7b. **Composite liner.** "Composite liner" means a manure storage area liner which is designed to achieve a theoretical seepage rate of 1/560 inch per day or less and consists of a geomembrane liner, geosynthetic clay liner, or other comparable material, laid over a constructed cohesive soil liner having a thickness of two feet or greater.

Subp. 7c. **Compost.** "Compost" means a humus-like product derived from the controlled microbial degradation of organic material. Only manure that has completed the composting processes described in part 7020.2150, subpart 2, is compost.

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

Subp. 8. **Corrective or protective measure.** "Corrective or protective measure" means a practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot or manure storage area to a level in conformity with agency rules.

Subp. 8a. **Construction short-form permit.** "Construction short-form permit" means a permit issued for an animal feedlot or manure storage area according to parts 7020.0505 and 7020.0535.

Subp. 9. **County feedlot pollution control officer.** "County feedlot pollution control officer" means an employee or officer of a delegated county who is knowledgeable in agriculture and who is designated by the county board to perform the duties under part 7020.1600.

Subp. 9a. **Delegated county.** "Delegated county" means a county that has applied for and received authorization pursuant to part 7020.1600, subpart 3a, item C, to implement an animal feedlot program.

Subp. 9b. **Design engineer.** "Design engineer" means a professional engineer licensed in the state of Minnesota or a Natural Resources Conservation Service (NRCS) staff person having NRCS approval authority for the project.

Subp. 9c. **Discharge.** "Discharge" means the addition of a pollutant to waters of the state, including a release of animal manure, manure-contaminated runoff or process wastewater from an animal feedlot, a manure storage area, or an animal 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.

Subp. 10. [Repealed by amendment, L 1987 c 186 s 15]

Subp. 11. **Domestic fertilizer.** "Domestic fertilizer" means:

A. animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or

B. animal manure that is used as compost, soil conditioners, or specialized plant beds.

Subp. 11a. **Expansion or expanded.** "Expansion" or "expanded" means construction or any activity that has resulted or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in storage capacity of a manure storage area.

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

Subp. 12. **Floodplain.** "Floodplain" means the areas adjoining a watercourse which have been or hereafter may be covered by a large flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

Subp. 12a. **Flow distance.** "Flow distance" means the distance runoff travels from the source of the runoff to waters of the state.

Subp. 13. **Interim permit.** "Interim permit" means a permit issued by the commissioner or the county feedlot pollution control officer in accordance with parts 7020.0505 and 7020.0535.

Subp. 13a. **Intermittent streams.** "Intermittent streams" means all water courses identified as intermittent streams on United States Geological Survey quadrangle maps.

Subp. 13b. [Renumbered subp 13e]

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

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

Subp. 13e. **Manure-contaminated runoff.** "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.

Subp. 14. **Manure storage area.** "Manure storage area" means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to part 7020.2000, subpart 3, are not manure storage areas.

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

Subp. 14b. **Modification.** "Modification" means a change to a facility component or operational practice described, required, or authorized by a permit issued under this chapter, including an expansion. Major and minor modifications are as defined in this part. Part 7020.0405, subpart 5, and chapter 7001 govern public notice of changes to permits under this chapter. 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 design 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.

Subp. 15. **New animal feedlot.** "New animal feedlot" means an animal feedlot or manure storage area:

A. constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously; or

B. that existed previously and has been unused for five years or more.

Subp. 15a. **New technology.** "New technology" means an alternative construction or operating method to those provided in parts 7020.2000 to 7020.2225. New technology construction or operating methods must achieve equivalent environmental results to the requirements in parts 7020.2000 to 7020.2225.

Subp. 16. **National pollutant discharge elimination system permit or NPDES permit.** "National pollutant discharge elimination system permit" or "NPDES permit" means a permit issued by the agency for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations (CAFOs).

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

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

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

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

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

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

B. agricultural land:

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

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

(3) where the concentration of animals is such that a vegetative cover, whether of grass, growing plants, or crops, is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering devices.

Subp. 18a. **Permanent stockpiling site.** "Permanent stockpiling site" means a manure storage area where manure is stored or processed that does not meet the requirements of part 7020.2125, subpart 2.

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

- A. achieving compliance with discharge standards and requirements;
- B. management of animal manure; or
- C. construction or operation of animal holding areas or manure storage areas.

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

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

A. does not comply with the requirements of parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or

B. presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:

- (1) the size of the animal feedlot or manure storage area;
- (2) the amount of pollutants reaching or that may reach waters of the state;
- (3) the location of the animal feedlot or manure storage area relative to waters of the state;
- (4) the means of conveyance of animal manure or process wastewater into waters of the state; and
- (5) the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

Subp. 19b. **Process wastewaters.** "Process wastewaters" 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.

Subp. 20. [Repealed, 25 SR 834]

Subp. 20a. **Separation distance to bedrock.** "Separation distance to bedrock" means the distance between stored manure and fractured bedrock.

Subp. 21. **Shoreland.** "Shoreland" means land, as defined in Minnesota Statutes, section 103F.205, subdivision 4, located within the following distances from the ordinary high water elevation of public waters:

A. land within 1,000 feet from the normal high water mark of a lake, pond, or flowage; and

B. land within 300 feet of a river or stream or the landward side of floodplain delineated by ordinance on such a river or stream, whichever is greater.

Subp. 21a. **Short-term stockpiling site.** "Short-term stockpiling site" means a manure storage area where manure is stored or processed according to part 7020.2125, subparts 1 to 3.

Subp. 22. **Sinkhole.** "Sinkhole" means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock.

Subp. 23. **Special protection area.** "Special protection area" means land within 300 feet of all:

A. protected waters and protected wetlands as identified on Department of Natural Resources protected waters and wetlands maps; and

B. intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways.

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

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

Subp. 26. **Waters of the state.** "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, which are contained within, flow through, or border upon the state or any portions of the state.

Subp. 27. **Waters of the United States.** "Waters of the United States" has the meaning given under Code of Federal Regulations, title 40, section 122.2.

Statutory Authority: *MS s 115.03; 116.07; 122.23*

History: *L 1987 c 186 s 15; 25 SR 834; 38 SR 1535*

Published Electronically: *June 6, 2014*